

**TITLE 83: PUBLIC UTILITIES**  
**CHAPTER I: ILLINOIS COMMERCE COMMISSION**  
**SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF**  
**UTILITY**  
**PART 280 PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER**  
**UTILITIES GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS, PAYMENT**  
**PRACTICES AND DISCONTINUANCE OF SERVICE**

The General Assembly's Illinois Administrative Code database includes only those rulemakings that have been permanently adopted. This menu will point out the Sections on which an emergency rule (valid for a maximum of 150 days, usually until replaced by a permanent rulemaking) exists. The emergency rulemaking is linked through the notation that follows the Section heading in the menu.

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- Section 280.APPENDIX A Notice of Utility Shut Off

Section 280.APPENDIX B Requirements to Avoid Shut Off of Service in the Event of Illness  
Section 280.APPENDIX C Public Notice  
Section 280.APPENDIX D Insert to be Included with Each Notice of Disconnection Sent to Residential Gas and Electric Customers

**AUTHORITY:** Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].

**SOURCE:** Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; emergency amendment at 7 Ill. Reg. 14543, effective October 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992; amended at 17 Ill. Reg. 805, effective January 15, 1993; amended at 18 Ill. Reg. 6160, effective May 1, 1994; amended at 18 Ill. Reg. 17974, effective December 15, 1994; emergency amendment at 25 Ill. Reg. 16545, effective December 13, 2001 for a maximum of 150 days; amended at 26 Ill. Reg. 7032, effective May 1, 2002; amended at 27 Ill. Reg. 4527, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 15156, effective September 15, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 2684, effective February 10, 2004.

### **Section 280.10 Policy**

The purpose of this Part is to establish fair and equitable procedures within the scope of this Part, taking into account the duty of the utility, customer, applicant and user to demonstrate good faith and fair dealing.

### **Section 280.20 Scope and Application**

This Part shall apply to electric, gas, sanitary sewer and water utilities for the purposes of:

- a) establishing procedures governing eligibility for service, deposits, and payment practices; and
- b) establishing conditions under which service may be discontinued by utilities.

### **Section 280.30 Saving Clause**

The adoption of this Part shall in no way preclude the Commission from altering or amending it, in whole or in part, or from requiring or authorizing rules containing other provisions whenever it shall be deemed in the public interest to do so. The rules specified herein shall not preclude the filing of an application by a utility for good cause shown seeking approval of rules which may be in contradiction of this Part. Furthermore, the rules specified herein shall not supersede nor void any rules heretofore filed by any utility until the Commission determines that the utility's present rule is in contradiction of this Part and that allowing the contradictory rule to remain in effect is not in the public interest.

### **Section 280.40 Definitions**

"Applicant" – a person who applies for residential or non-residential utility service.

"Credit scoring system" has the same meaning set forth in 12 CFR 202.2 as of January 1, 2002, and no later amendments or editions are incorporated.

"Customer" – a person who has agreed with a utility to pay for gas, electric, water or sanitary sewer utility service.

"Master-metered apartment building" – a building of three or more rental dwelling units where any utility service is registered by a single meter for all the units.

"Nonresidential Service" – gas, electric, water or sanitary sewer utility service rendered which is not residential service.

"Person" – a natural person, corporation, real estate trust, partnership, association or other legal entity.

"Residential Service" – gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling of two units or less which is billed under a residential rate; or gas, electric, water or sanitary sewer utility service for household purposes furnished to a dwelling unit or units which is billed under a residential rate and which is registered by a separate meter for each dwelling unit.

*"Small business" – any Illinois based business which has 50 or less full-time employees in the State. [220 ILCS 35/2].*

"User" – a person who receives gas, electric, water or sanitary sewer utility service.

"Utility Service" – gas, electric, water or sanitary sewer utility service provided to a customer at a specific location.

(Source: Amended at 27 Ill. Reg. 4527, effective April 1, 2003)

### **Section 280.50 Applicants for Service**

- a) If, after a review of its own past service records, a utility finds that an applicant for residential service has failed to pay for past due utility service for the same class of service furnished to him/her at the same or at another address, or if the credit score of the applicant for residential service does not meet or exceed the predetermined minimum credit score selected by the utility using a credit scoring system (see Section 280.40), a utility may refuse to provide service, unless the applicant, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to Section 280.70 and/or enters into a deferred payment agreement pursuant to Section 280.110. A utility that elects to use a credit scoring system shall file a tariff describing its practice of using a credit scoring system. For purposes of this subsection, a utility may refuse to provide service if the applicant is liable for a past due bill for utility service pursuant to Section 15 of the Rights of Married Persons Act [750 ILCS 65/15], unless the applicant, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to Section 280.70 and/or enters into a deferred payment agreement pursuant to Section 280.110.
- b) If, after a review of its own past service records, a utility finds that an applicant for non-residential service has failed to pay for past due utility service for the same class of service furnished to him/her at the same or at another address, or if the applicant for non-residential service is unable to establish satisfactory credit references, a utility may refuse to provide service, unless the applicant, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to Section 280.70 and/or enters into a deferred payment agreement pursuant to Section 280.110.

- c) A bill for one class of service (residential or non-residential) shall not be transferred to a bill for the other class of service, nor shall the bill for one form of utility service (such as gas) be transferred to a bill for another form of utility service (such as electric). Service shall not be denied for nonpayment of bills for merchandise or nonutility services.
- d) If a utility takes applications for service by telephone from third parties or users who will not be the customers of the service, and if the utility does not verify the third party or user application with the customer, the utility shall not be entitled to collect from the customer of the service if the customer disclaims any responsibility for requesting the service; provided, however, that users will be responsible for paying for their use.
- e) A utility shall not require a deposit based on a credit scoring system if the applicant for residential service is eligible for the Low Income Home Energy Assistance Program (LIHEAP) or provides proof of identity fraud.
- f) A utility that elects to utilize a credit scoring program for applicants for residential service shall collect the following data and maintain such data for a period of five years following its collection:
  - 1) the number of credit scores requested for applicants;
  - 2) the number of applicants who received passing credit scores;
  - 3) the number of applicants who received failing scores;
  - 4) the number and total amount of deposits obtained from applicants subject to the credit scoring program;
  - 5) the number of times a security deposit was waived for low-income applicants and for other applicants, with stated reasons for the waiver;
  - 6) the number of disconnections of service for applicants who failed to pay the required deposit; and
  - 7) the number of formal or informal complaints alleged by applicants regarding the use of credit scoring or the requirement to pay a deposit based on the credit scoring program.

(Source: Amended at 27 Ill. Reg. 4527, effective April 1, 2003)

### **Section 280.60 Present Customers**

- a) A utility may request a deposit pursuant to Section 280.70 herein from a present residential or present non-residential customer during the first twenty-four

months that the customer receives utility service from the utility if the customer, during any twelve month period, pays late four times if billed monthly, two consecutive times or three times if billed bi-monthly or two times if billed quarterly or semi-annually, or if the customer's wires, pipes, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering.

- b) A utility may request a deposit pursuant to Section 280.70 herein from a present residential customer after the first 24 months that the customer has received utility service if the customer's wires, pipes, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering.
- c) A utility may request a deposit pursuant to Section 280.70 herein from a present non-residential customer after the first twenty-four months that the customer has received utility service if the customer, during any twelve-month period ending after the first twenty-four months of service, pays late six times if billed monthly, three times if billed bi-monthly or two times if billed quarterly or semi-annually, or if the customer's wires, pipes, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering.
- d) A utility requesting a deposit for any of the reasons stated in this Section shall make such request within forty-five days after the event giving rise to the request takes place. In the event the customer's wires, pipes, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering the request for deposit must be made within forty-five days after the discovery of the tampering.
- e) A present customer whose service is discontinued becomes an applicant for service subject to the provisions of Section 280.50 herein for purposes of reconnection of his/her service.
- f) Present residential customers who are indebted to a utility for past due utility service shall have the opportunity to negotiate a deferred payment agreement pursuant to Section 280.110 herein to retire the debt. Present non-residential customers who are indebted to a utility for past due utility service may have the opportunity to negotiate a deferred payment agreement pursuant to Section 280.110 herein to retire the debt.

### **Section 280.70 Deposits**

- a) Applicants for Service – Conditions under which a utility may request a deposit from applicants for service are set out in Section 280.50.
- b) Present Customers – Conditions under which a utility may request a deposit from present customers are set out in Section 280.60.

c) Amount

- 1) Deposits required of applicants for residential service, residential customers, applicants for non-residential service that are not "small businesses" (see Section 280.40), and non-residential customers that are not small businesses, shall be governed by the following:
  - A) In the case of gas utilities and electric utilities, no utility shall request a deposit from an applicant for residential service or from a residential customer *in excess of  $\frac{1}{6}$  of the estimated annual charges for service for the applicant or customer computed at the net rate for that class of service.* [220 ILCS 35/3] In the case of gas utilities and electric utilities, no utility shall request a deposit from an applicant for non-residential service or from a non-residential customer in excess of  $\frac{1}{3}$  of the amount of the estimated annual charges for service for the applicant or customer computed at the net rate for that class of service. In the case of water utilities and sanitary sewer utilities, no utility shall request a deposit from an applicant or customer in excess of  $\frac{1}{3}$  of the estimated annual charges for service computed at the net rate for that class of service.
  - B) *A utility may request that a minimum of  $\frac{1}{3}$  of the amount of a requested deposit be paid within twelve days after the issue date of the request for deposit. At least two billing periods shall be allowed by gas utilities and electric utilities in which to pay the balance of the deposit. A period of 30 days shall be allowed by water utilities and sanitary sewer utilities in which to pay the balance of the deposit.*
- 2) Deposits required of small business applicants and customers shall be governed by the following:
  - A) No utility subject to this Part shall request a deposit from a small business *in excess of  $\frac{1}{6}$  of the estimated annual charge for service for that small business computed at the net rate for that class of service.*
  - B) *A utility may request a minimum amount equal to  $\frac{1}{3}$  of a requested deposit to be paid within 12 days after the issue date of a notice requesting such deposit. A utility may require the full payment of the remaining balance of the deposit to be paid by the applicant no sooner than 2 billing periods typically or routinely used by the utility.*

3) For all deposits, *the date by which the entire deposit must be paid must be plainly indicated on the deposit request. The amount of the deposit may be adjusted at the request of the customer, applicant or utility at any time when the character or degree of use of the service materially changes or when it is clearly established that the character or degree of use of the service will materially change in the immediate future.*

d) Refund of Deposits

1) Deposits plus interest shall be automatically refunded after being held for twelve months as follows:

A) if the twelve months during which the deposit was held are within the first 24 months that a customer has received utility service, the deposit plus interest shall be refunded only so long as the service has not been interrupted for nonpayment or so long as the customer has not paid late four times if billed monthly, two consecutive times or three times if billed bi-monthly or two times if billed quarterly or semi-annually or so long as the customer's wires, pipes, meters or other service equipment have not been tampered with during the time the deposit was held which resulted in the customer enjoying the benefit of the tampering;

B) if the twelve months during which the deposit was held were subsequent to the first 24 months that a customer has received utility service, the deposit plus interest shall be refunded only so long as the service has not been interrupted for nonpayment or so long as the customer has not paid late six times during the past twelve months if billed monthly, or three times if billed bi-monthly or two times if billed quarterly or semi-annually or so long as the customer's wires, pipes, meters or other service equipment have not been tampered with during the time the deposit was held which resulted in the customer enjoying the benefit of the tampering.

C) deposits plus interest need not be refunded until the customer pays any past due bills for utility service.

2) Deposits plus interest shall be refunded upon the discontinuance of service for more than 30 days less the amount of unpaid bills, if any, for the service. A transfer of service from one premise to another within the area served by the utility need not be deemed a discontinuance of service by the utility if the character of service remains the same. When a deposit plus interest is applied to the liquidation of unpaid bills, the utility shall provide the customer with a statement (Cancellation Notice) showing the amount of the deposit, the amount of any accrued interest, the amount of



the unpaid bills liquidated by the deposit plus interest and the balance remaining due either to the customer or to the utility.

- 3) All deposit refunds shall be by separate check and not by credit to the customer's account except where discontinuance of service is affected.
- 4) At the option of the utility, a deposit plus interest may be refunded, in whole or in part, at any time earlier than the times prescribed in this subsection (d).

e) Interest on Deposits

- 1) Interest shall be paid on all deposits held by the utility. The rate of interest will be the same as the rate existing for the average one-year yield on U.S. Treasury securities for the last full week in November. The interest rate will be rounded to the nearest .5%. In December of each year the Commission shall announce the rate of interest that shall be paid on all deposits held during all or part of the subsequent year.
- 2) At the end of every year of service, if the deposit plus interest is not refunded to the customer, the utility shall automatically refund the accrued interest on the deposit to the customer by crediting the customer's account and so stating this credit clearly on the customer's next regular bill.

f) Records of Deposits

- 1) A utility shall maintain records of deposits together with interest, which collectively will show all transactions pertaining to each deposit. A utility shall provide the applicant or customer with a Certificate of Deposit for any deposit received. The Certificate shall show the customer's name, service address, serial number, type of service, amount of deposit, rate of interest on deposit, date received, utility's name and a statement of the conditions under which the deposit will be refunded to the applicant or customer. Nothing is implied herein to require a utility to accept deposits from third parties on behalf of an applicant or customer.
- 2) When a deposit is refunded, the utility shall issue a Cancellation Notice carrying the same serial number as the Certificate of Deposit. When refunds are not deliverable, records shall be maintained to show a utility's efforts toward locating the applicant or customer and delivering such deposit.

AGENCY NOTE: As required by 1 Ill. Adm. Code 100.380, statutory language in this Section appears in distinguishing type. However, the Small Business Utility Deposit Relief Act, which is the statute quoted, applies only to deposits requested from "small businesses" as defined in Section 280.40. Therefore, the statutory language in this

Section is statutorily mandated as to small businesses only, and not as to other customers or applicants.

(Source: Amended at 26 Ill. Reg. 7032, effective May 1, 2002)

### **Section 280.75 Refunds**

- a) In the event that *a customer pays a bill as submitted by a public utility and the billing is later found to be incorrect due to an error either in charging more than the published rate, in measuring the quantity or volume of service provided, or in charging for the incorrect class of service, the utility shall refund the overcharge with interest from the date of overpayment* by the customer.
- b) The rate of interest shall be the rate as established by the Commission to be paid on deposits in Section 280.70(e)(1) of this Part.
- c) The refund shall be accomplished either by a credit on a subsequent bill for service or by check if the account is final or if so requested by the customer.

(Source: Amended at 8 Ill. Reg. 3664, effective March 15, 1984)

### **Section 280.76 Refunds of Additional Charges**

In the event that the Commission orders a public utility to refund incorrectly calculated additional charges made pursuant to Section 9-221 or Section 9-222 of the Public Utilities Act, the public utility shall pay interest on such refund at the rate established by the Commission to be paid on deposits in 83 Ill. Adm. Code 280.70(e)(1).

(Source: Added at 18 Ill. Reg. 6160, effective May 1, 1994)

### **Section 280.80 Estimated Bills**

- a) All utilities shall make an actual meter reading at least every second billing period, and no utility may consecutively estimate a customer's service usage unless:
  - 1) the procedure used by the utility to calculate estimated bills has been approved by the Commission; and
  - 2) the word "estimate" appears prominently on the face of the bill, in a manner previously approved by the Commission.
- b) Notwithstanding the provisions of subsection (a) of this Section, the utility may render an estimated bill for any billing period in which:

- 1) the utility has taken appropriate and reasonable measures to read the meter, including but not limited to, making an appointment with the customer, scheduling readings for times other than normal business hours, and/or providing postal cards on which the customer may record the reading and mail it to the utility; or
- 2) the customer has knowingly and willfully denied reasonable access to the utility's representative for the purpose of taking an actual reading of the meter; or
- 3) the customer has otherwise made an actual reading of the meter unnecessarily difficult; or
- 4) circumstances beyond the control of the utility make an actual reading of the meter extremely difficult.

### **Section 280.90 Past Due Bills and Late Payment Charges**

- a) A utility shall not consider a customer's bill, when paid in person, past due unless the payment is made after the due date printed on the bill. When a customer mails any payment in the net amount of a bill for service, and such payment is received at the utility's office not more than two full business days after the due date printed on the bill, the customer shall be deemed to have made timely payment. In determining whether a bill is past due, a utility may rely on the postmark of the payment, in which case, the payment shall be considered past due if the payment is postmarked after the due date printed on the bill.
- b) Each utility shall choose one of the above methods for determining when a bill is past due and shall apply this method to all customers. For utilities which choose the postmark method, in instances where the postmark is illegible or absent, the customer's payment shall be deemed timely made if the payment is received at the utility's office not more than two full business days after the due date printed on the bill.
- c) For residential service, the due date printed on the bill may not be less than twenty-one days after the date of the postmark on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means. For non-residential service, the due date printed on the bill may not be less than fourteen days after the date of the postmark on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means.
- d) If a utility elects to assess a late payment charge and files a tariff in accordance with the rules set forth herein, such charge shall be set at an amount equal to 1 ½% per month on any amount, including amounts previously past due, for utility service which is considered past due under this Section.

- e) A utility shall waive the assessment of a late payment charge for residential customers one time per twelve month period if it bills on a monthly or bi-monthly basis, and for residential customers one time per twenty-four month period if it bills on a quarterly or semi-annual basis. The utility may assess a charge if the amount on which the late payment charge was waived remains unpaid 30 days following the due date. At its discretion, a utility may waive more than one late payment charge for residential customers. However, a utility is not obliged to waive any late payment charges for units of government.
- f) A utility may not continue to assess a late payment charge on any final bill which has been outstanding for more than 12 months.
- g) No utility shall assess a late payment charge bill for a budget or levelized payment plan or for any amount billed which is not for utility service.
- h) No late payment charges shall be assessed on the amounts owing on units of Federal, State, County, and local government (including, but not limited to, townships, municipalities and school districts) until 45 days from the date of the issuance of the bill for utility service, except that the provisions of "An Act to require prompt payments by the State of Illinois for goods or services" (Ill. Rev. Stat. 1981, ch. 127, par. 132.401 et seq.), as amended, control in the situations to which that Act applies.
- i) Nothing in this Section shall deny a utility the ability to disconnect service for nonpayment of a bill for utility service in accordance with the provisions of the utility's tariffs and this Part.
- j) Preferred Payment Date – When an eligible residential customer who is billed on a monthly basis for utility service shows the company that he receives funds which comprise the primary source of his income during the 10 day period following the due date of one utility bill and the date of issuance of his next utility bill, the company will, upon the customer's request allow that customer to:
  - 1) Enter into a levelized payment plan or budget billing arrangement with a preferred date agreed upon by both the company and the customer which shall not be more than 10 days subsequent to the customer's regular due date, or
  - 2) Establish a preferred payment date on which to make payment for utility service, which shall not be more than 10 days subsequent to the customer's regular due date.
- k) The company shall inform the customer that he may accept either option, based upon his own assessment of his personal finances and living situation.

- l) Only those residential customers who fall into the following categories are eligible for a preferred payment date:
  - 1) Persons receiving Aid to Families with Dependent Children (AFDC) or Aid to the Aged, Blind and Disabled (AABD) benefits from the Illinois Department of Public Aid.
  - 2) Persons receiving benefits from General Assistance or Supplemental Security Income.
  - 3) Persons receiving their primary source of income from Social Security benefits or Veterans Administrative benefits.
  - 4) Persons receiving unemployment compensation.
- m) If the customer fails to pay by the preferred payment date more than four times in a twelve month period, the original due date may be re-established and the company may decline to offer a preferred payment date to the customer for a period of twelve months.

(Source: Amended at 7 Ill. Reg. 13221, effective November 1, 1983)

### **Section 280.100 Unbilled Service**

- a) A utility may render a bill for services or commodities provided to:
  - 1) A residential customer only if such bill is presented within one year from the date the services or commodities were supplied, or
  - 2) A non-residential customer only if such bill is presented within two years from the date the services or commodities were supplied.
- b) No customer shall be liable for unbilled or misbilled service after expiration of the applicable period except in those instances to which 83 Ill. Adm. Code 500.240(a), 83 Ill. Adm. Code 410.260(c), or the following subsections of this Section apply.
- c) Tampering
  - 1) When there has been tampering with wires, pipes, meters or other service equipment and the customer has enjoyed the benefit of such tampering, the utility is not restricted to the above time limitations on unbilled service. When a utility applies this provision to bill for service which occurred outside the applicable time limitations, a customer may dispute the bill under the provisions of Sections 280.160 and 280.170 of this Part. The customer shall be responsible for all service usage, and the utility may bill

the customer for all service usage during the period the tampering occurred. Customers may be billed for diverted service not used by that customer if that customer had knowledge of or consented to the diversion.

- 2) If a utility alleges that tampering has occurred, the utility shall have the burden of proving, by a preponderance of the evidence, that the customer's meter has been tampered with, that the customer has benefitted from the tampering and that the utility's rebilling is reasonable.
- d) When past due bills occur following the issuance of a "make-up" bill for previously unbilled utility service resulting from two or more consecutive estimated bills, utility billing error, meter failure, or undetected leakage or undetected loss of service, except in situations where tampering is involved, and where the "make-up" bill exceeds the otherwise normal bill for such billing period by 50%, a utility shall review the bill with the customer, and shall offer to accept payments toward the liquidation of the amount over a normal bill over a period mutually agreed to by the utility and the customer. This period of time shall be at least as long as the period over which the excess amount accrued. Where the excess billing resulted from undetected leakage or loss of service, the period shall be extended so that the bill rendered will not be greater than a normal bill, plus 50%.
- e) When a utility computer rejects a bill because it is abnormally high or low, and the utility chooses to delay billing by more than five days, the utility must nevertheless send the customer a statement at the regular billing period which shows that billing has been delayed and that an investigation is being conducted by the utility.

(Source: Amended at 16 Ill. Reg. 11023, effective July 1, 1992)

### **Section 280.105 Treatment of Illegal Taps**

- a) Where within 30 days of receipt of a utility's bill a customer alleges that the level of consumption reflected in his utility bill is unreasonably high, it shall be the responsibility of the public utility furnishing natural or artificial gas, electricity, or water to that customer to investigate the allegation. If, as a result of such investigation, the public utility determines that a tap has been constructed on the pipes and/or wires of the customer, the utility shall attempt to notify the landlord or his agent and instruct that the tap should be removed immediately. However, this provision shall in no way prohibit a utility from disconnecting service if the utility determines that an unsafe condition exists. The utility shall also attempt to determine the identity of the party benefiting from such tapped service.
- b) If the utility determines that the third party benefiting from the tapped service is not the landlord or his agent as described in Section 54(b) of the Public Utilities Act, the following procedures shall apply once the tap has been removed. The

customer whose pipes and/or wires had been tapped by a third party shall be billed by the utility according to a domestic use and/or degree day analysis, whichever is appropriate.

- c) If the utility identifies the third party and finds that he is currently a customer of the utility on another account, the utility is authorized to bill that third party's account for the excess usage which is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility. If the utility identifies the third party and finds that he is not a customer of the utility, the utility is authorized to bill that third party for the excess usage which is not attributable to the customer plus all related expenses incurred by the utility using the procedures established for the billing of unauthorized use of utility service. In cases where the utility cannot determine the identity of the party benefiting from the tap, the utility may assign the dollar amount representing the excess usage and expenses to its bad debt account.
- d) In cases where the diversion of gas or electricity is the result of a construction error in the pipes and/or wires which are not the responsibility of the public utility, the accounts of the customers involved may be adjusted according to a domestic use and/or degree day analysis, whichever is appropriate.
- e) In instances where the customer of record benefited from, cooperated in or acquiesced to the tap, the utility may collect from the customer of record for the service associated with the tap.

### **Section 280.110 Deferred Payment Agreements**

- a) Residential customers who are indebted to a utility for past due utility service shall have the opportunity to make arrangements with the utility to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement unless this customer has failed to make payment under such a plan during the past twelve months. All applicants for service and non-residential customers who are indebted to a utility for past due utility service may have the opportunity, at the discretion of the utility (with the exception of those former customers eligible for reconnection under Section 280.130 herein), to make arrangements with the utility to retire the debt by periodic payments referred to hereinafter as a deferred payment agreement.
- b) The terms and conditions of a reasonable deferred payment agreement and the utility's decision whether or not to offer an applicant for service a deferred payment agreement shall be determined by the utility after consideration of the following factors, based upon information available from current utility records or provided by the customer or applicant:
  - 1) size of the past due account; and

- 2) customer or applicant's ability to pay; and
  - 3) customer or applicant's payment history; and
  - 4) reason for the outstanding indebtedness; and
  - 5) any other relevant factors relating to the circumstances of the customer or applicant's service.
- c) An applicant for residential service or a residential customer shall pay a maximum of  $\frac{1}{4}$  of the amount past due and owing at the time of entering into the deferred payment agreement, and an applicant for non-residential service or a non-residential customer shall pay  $\frac{1}{3}$  of the amount past due and owing at the time of entering into the deferred payment agreement. The utility shall allow a minimum of two months (or, in the case of a gas or electric utility, four months) from the date of said agreement and a maximum of twelve months for payment to be made under a deferred payment agreement. A gas or electric customer may be permitted to enter into a deferred payment agreement which extends over less than four months, if he so chooses. Late payments charges may be assessed against the amount owing which is the subject of a deferred payment agreement.
- d) A deferred payment agreement shall be in writing, with a copy provided to the applicant or customer, and shall conform to the following requirements:
- 1) the applicant or customer shall be required to pay all future bills for utility service by the due date; and
  - 2) the applicant or customer shall retire his/her debt according to the terms of the deferred payment agreement.
- e) A gas or electric utility shall explain the rules concerning a deferred payment agreement as set forth in this Section by means of an insert which shall be enclosed with each notice of disconnection sent to a residential gas or electric customer. Such insert shall be in the form set forth in Appendix D of this Part or, if approved by this Commission, a variation thereof. This information shall also be provided to gas or electric customers or applicants who visit the company's business office in order to negotiate a deferred payment agreement.
- f) **Renegotiation**  
If the gas or electric customer's economic or financial circumstances change during the effective period of a deferred payment agreement, and not more than 14 days has elapsed since the customer defaulted on the deferred payment agreement, the company shall be obliged, if the customer so requests, to renegotiate the terms and conditions of the deferred payment agreement, taking into consideration the changed economic and financial circumstances substantiated by the customer. The reinstatement of a previously defaulted



deferred payment agreement pursuant to the provisions of this Section set forth below shall not prevent the renegotiation of a deferred payment agreement. However, the utility shall be obliged to renegotiate any deferred payment agreement more than one time or to extend the payment period beyond the maximum of twelve months available at the time the company and the customer entered into the original deferred payment agreement.

g) Reinstatement

- 1) If a gas or electric customer defaults on a deferred payment agreement but has not yet had service discontinued by the gas or electric utility, the utility shall permit such customer to be reinstated on the deferred payment agreement if the customer pays in full the amounts which should have been paid up to that date pursuant to the original payment agreement (including any amounts for current usage which have become past due). A utility shall be obliged to permit such reinstatement only once during the course of a deferred payment agreement.
- 2) If an applicant or customer shall default upon any payment due under the deferred payment agreement, the utility shall have the right to discontinue service pursuant to Section 280.130 herein, subject to the renegotiation and reinstatement provisions contained in this Section.

(Source: Amended at 6 Ill. Reg. 13723, effective November 8, 1982)

### **Section 280.120 Budget Payment Plan**

When the character of an applicant's or customer's consumption of service causes or is likely to cause a substantial fluctuation among his/her bills over an annual period, the utility shall offer to the applicant or customer a budget payment plan which equalizes his/her payments into monthly installments. An applicant's or customer's budget payment plan may be terminated by a utility if the applicant or customer fails to meet the payment requirements under the plan.

### **Section 280.130 Discontinuance of Service**

a) Discontinuance

- 1) A utility may discontinue service when any customer fails to do any of the following:
  - A) make a deposit or increase a deposit pursuant to Section 280.70 herein;
  - B) pay a past due bill owed to the utility for the same class of service furnished at the same or at another location. For purposes of this subsection, a utility may discontinue service if the current

customer is liable for a past due bill for utility service pursuant to Section 15 of the Rights of Married Persons Act [750 ILCS 65/15], unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to Section 280.70 and/or enters into a deferred payment agreement pursuant to Section 280.110;

- C) comply with an order of the Commission;
  - D) make payment in accordance with the terms of a deferred payment agreement;
  - E) comply with any rules of the utility on file with the Commission for which the utility is authorized by tariff to discontinue service for noncompliance on the part of the customer or user; or
  - F) provide utility representatives with access to the meter after receiving consecutively estimated bills for four billing periods if billed monthly or bi-monthly or two billing periods if billed quarterly or semi-annually and the utility thereafter makes a written request for access.
- 2) The utility can discontinue service only after it has mailed or delivered by other means a written notice of discontinuance substantially in the form of Appendix A. Any notice required to be delivered or mailed to a customer prior to discontinuance of service shall be delivered or mailed separately from any bill. Service shall not be discontinued until at least five days after delivery or eight days after the mailing of this notice.
- b) In addition, a copy of said notice shall be mailed to a third party designated by the customer, should the customer make a written request to the utility for such third party notice.
  - c) Said notice shall remain effective for two consecutive twenty day periods, provided that during each such period a call is made at the customer's premises or billing address or telephone contact with the customer is made. If the utility does not discontinue service within the two consecutive twenty day periods, the utility shall not discontinue service until at least five days after delivery or eight days after mailing of a new notice of its intention to discontinue service to the customer.
  - d) A utility shall attempt to advise the customer that service is being discontinued by directing its employee making the disconnection to contact the customer at the time service is being discontinued. When the utility is unable to discontinue service during a call made at the customer's premise, the utility shall attempt to leave a notice at the premise or billing address informing the customer that an

attempt to discontinue service has been made and that his/her service continues to be subject to discontinuance.

- e) The utility shall not make a practice of delivering more than two consecutive notices of discontinuance for past due bills without engaging in collection activity with the customer.
- f) A utility shall not discontinue service at the meter subsequent to 2:00 P.M. unless the utility shall be prepared to reconnect the same day at the standard reconnection charge, if any. No utility shall discontinue service on a holiday or weekend day unless prepared to reconnect on that holiday or weekend day.
- g) Utility service shall not be discontinued and shall be restored if discontinued where a customer has established, renegotiates, or is reinstated onto a deferred payment agreement pursuant to Section 280.110 and has not defaulted on such agreement.
- h) Utility service shall not be discontinued and shall be restored if discontinued for the reason which is the subject of a dispute or complaint during the pendency of procedures under Section 280.160 and/or Section 280.170 where the customer has complied with such Sections.
- i) Termination of gas and electric utility service to all residential users, including all tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence is prohibited:
  - 1) on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or
  - 2) on any day preceding a holiday or a weekend when such a forecast indicated that the temperature will be 32 degrees Fahrenheit or below during the holiday or weekend.
- j) Notwithstanding any of the foregoing provisions, discontinuance of service to residential customers is prohibited for up to sixty days when discontinuance of service will aggravate an existing serious illness of any person who is a permanent resident of the premise where service is rendered if the customer complies with the following requirements regarding such illness:
  - 1) The illness must be certified to the utility by a registered physician or local board of health. The certification shall be in writing and shall include the name of the ill person, a statement that he/she is a resident of the premises in question, the name, business address, and telephone

number of the certifying party, the nature of the illness, and the period of time during which termination will aggravate the illness;

- 2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility within five days;
  - 3) Initial certification shall prohibit discontinuance of service for thirty days. Certification may be renewed by the customer for an additional thirty days by providing another certificate to the utility. Failure to so renew the certificate shall entitle the utility to initiate discontinuance procedures;
  - 4) The customer must enter into an agreement for the retirement of the unpaid balance of the account within the first thirty days and keep the current account paid during the period that the unpaid balance is to be retired. Notice of discontinuance of service sent to residential customers must include a notice substantially in the form of Appendix B herein; and
  - 5) In the event service is terminated within fourteen days prior to certification of illness by or for a qualifying resident, service shall be restored to that residence if a proper certification is thereafter made in accordance with the foregoing provisions.
- k) Nothing in this Section or this Part shall be construed to prevent discontinuance of service for reasons of safety, health, or cooperation with civil authorities.

(Source: Amended at 18 Ill. Reg. 17974, effective December 15, 1994)

### **Section 280.135 Discontinuance of Service During the Period of Time from December 1 Through and Including March 31**

- a) Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer or master-metered apartment building for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premise during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year, unless:
  - 1) The utility:
    - A) has offered the customer a deferred payment arrangement allowing for payment of past due amounts over a period of not less than four months not to extend beyond the following November and the option to enter into a levelized payment plan for the payment of future bills. The maximum down payment requirements shall not

exceed 10 percent of the amount past due and owing at the time of entering into the agreement.

- B) names, addresses and telephone numbers of governmental and private agencies which may provide assistance to customers of public utilities in paying their utility bills; the utility must obtain the approval of an agency before placing the name of that agency on any list which will be used to provide such information to customers;
  - 2) The customer has refused or failed to enter into a deferred payment arrangement as described in subsection (a)(1)(A) above; and
  - 3) All notice requirements as provided by law and this Part have been met.
- b) Prior to termination of service for any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year, all electric and gas public utilities shall, in addition to all other notices:
- 1) Notify the customer or an adult (as defined in the Probate Act of 1975, Ill. Rev. Stat. 1981, ch. 110½, par. 11-1) residing at the customer's premise either by telephone, a personal visit to the customer's premise or by First Class mail, informing the customer that:
    - A) the customer's account is in arrears and the customer's service is subject to termination for nonpayment of a bill;
    - B) the customer can avoid disconnection of service by entering into a deferred payment agreement to pay past due amounts over a period not to extend beyond the following November and the customer has the option to enter into a levelized payment plan for the payment of future bills;
    - C) the customer may apply for any available assistance to aid in the payment of utility bills from any governmental or private agencies from the list of such agencies provided to the customer by the utility,

provided, however, that a public utility shall be required to make only one such contact with the customer during any such period from December 1 through and including March 31 of the immediately succeeding calendar year.

- 2) Each public utility shall maintain records which shall include, but not necessarily be limited to, the manner by which the customer was notified

and the time, date and manner by which any prior but unsuccessful attempts to contact were made. These records shall also describe the terms of the deferred payment arrangements offered to the customer and those entered into by the utility and customers. These records shall indicate the total amount past due, the down payment, the amount remaining to be paid and the number of months allowed to pay the outstanding balance. No public utility shall be required to retain records pertaining to unsuccessful attempts to contact or deferred payment arrangements rejected by the customer after such customer has entered into a deferred payment arrangement with such utility.

- c) No public utility shall disconnect service for nonpayment of a bill until the lapse of six business days after making the notification required by subsection (b)(1) of this Section so as to allow the customer an opportunity to:
  - 1) Enter into a deferred payment arrangement and the option to enter into a leveled payment plan for the payment of future bills.
  - 2) Contact a governmental or private agency that may provide assistance to customers for the payment of public utility bills.
- d) Any residential customer who enters into a deferred payment arrangement pursuant to this Section, and subsequently, during that period of time set forth in subsection (a) of this Section, becomes subject to termination, shall be given notice as required by law and this Part prior to termination of service.
- e) During that time period set forth in subsection (a) of this Section, a utility shall not require a down payment for a deposit from a residential customer, pursuant to Section 280.60 of this Part, in excess of twenty percent of the total deposit requested. An additional four months shall be allowed to pay the remainder of the deposit. This provision shall not apply to master-metered apartment buildings or other non-residential customers.
- f) During that period of time set forth in subsection (a) of this Section, the provisions of Section 280.110 of this Part which allow a utility to refuse to offer a deferred payment agreement to a residential customer who has defaulted on such an agreement within the past twelve months are suspended. However, no utility shall be required to enter into more than one deferred payment arrangement under this Part with any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year.
- g) In order to enable customers to take advantage of energy assistance programs, customers who can demonstrate that their applications for a local, state or federal energy assistance program have been approved may request that the amount they will be entitled to receive as a regular energy assistance payment be deducted and

set aside from the amount past due on which they make deferred payment arrangements. Payment on the set-aside amount will be credited when the energy assistance voucher or check is received, according to the utility's common business practice.

- h) In no event shall any utility send a Final Notice to any customer who has entered into a current Deferred Payment Agreement and has not defaulted on that Deferred Payment Agreement, unless the Final Notice pertains to a deposit request.
- i) Each utility will include with each disconnection notice sent during the period from December 1 through and including March 31 of the immediately succeeding calendar year to a residential customer an insert explaining the above provisions and providing a telephone number of the utility company which the customer may call to receive further information.
- j)
  - 1) Each utility shall file with the Commission prior to December 1 of each year a plan detailing the implementation of this rule. This plan shall contain, but not be limited to:
    - A) a description of the methods to be used to notify residential customers as defined in this Part, including the forms of written and oral notices which shall be required to include all the information contained in subsection (b) of this Section;
    - B) a listing of the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to residential customers in paying their utility bills;
    - C) the program of employee education and information which shall be used by the company in the implementation of this Section;
    - D) a description of methods to be utilized to inform residential customers of those governmental and private agencies and current and planned methods of cooperation with those agencies to identify the customers who qualify for assistance in paying their utility bills.
  - 2) A utility which has a plan on file with the Commission need not resubmit a new plan each year. However, any alteration of the plan on file must be submitted and approved prior to December 1 of any year.
  - 3) All plans are subject to review and approval by the Commission which may direct a utility to alter its plan to comply with this Part.

(Source: Amended at 6 Ill. Reg. 13723, effective November 8, 1982)

### **Section 280.136 Energy Act of 1989 Participants Discontinuance Prohibition**

*Notwithstanding any other provision of this Part, no electric or gas public utility shall disconnect service to any residential customer who is a participant under Section 6 of the Energy Assistance Act of 1989 [305 ILCS 20/6] for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating or is used to control or operate the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year. [220 ILCS 5/8-206(k)]*

(Source: Added at 28 Ill. Reg. 2684, effective February 10, 2004)

### **Section 280.138 Reconnection of Former Residential Utility Customers for the Heating Season**

- a) *Any former residential customer whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose service is disconnected for non-payment of a bill or a deposit from December 1 of the prior winter's heating season through April 1 of the current heating season shall be eligible for reconnection and a deferred payment arrangement under the provisions of this Section, subject to the following limitations:*
- b) *A utility shall not be required to reconnect service to and enter into a deferred payment arrangement with a former customer under the provisions of this Section:*
  - 1) *except between November 1 and April 1 of the current heating season for former customers who do not have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1991, ch. 111 $\frac{2}{3}$ , par. 1406), and except between October 1 and April 1 of the current heating season for all former customers who do have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989 and who provide proof of application to the utility.*
  - 2) *in two consecutive years;*
  - 3) *unless that former customer has paid at least 33 $\frac{1}{3}$  percent of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year; or*
  - 4) *in any instance where the utility can show there has been tampering with the utility's wires, pipes, meters (including locking devices), or other service equipment and further shows that the former customer enjoyed the benefit of utility service obtained in the aforesaid manner.*



- c) *The terms and conditions of any deferred payment arrangements established by the utility and a former customer shall take into consideration the following factors, based upon information available from current utility records or provided by the former customer:*
- 1) *the amount past due; and*
  - 2) *the former customer's ability to pay; and*
  - 3) *the former customer's payment history; and*
  - 4) *the reasons for the accumulation of the past due amounts; and*
  - 5) *any other relevant factors relating to the former customer's circumstances.*
- d) *After the former customer's eligibility has been established in accordance with the first paragraph of this Section, and, upon the establishment of a deferred payment agreement, the former customer shall pay  $\frac{1}{3}$  of the amount past due (including reconnecting charge, if any) and  $\frac{1}{3}$  of any deposit required by the utility.*
- e) Reconnection
- 1) *Upon the payment of  $\frac{1}{3}$  of the amount past due and  $\frac{1}{3}$  of any deposit required by the utility, the former customer's service shall be reconnected as soon as possible. The company and the former customer shall agree to a payment schedule for the remaining balances which will reasonably allow the former customer to make the payments on the remainder of the deposit and the past due balance while paying current bills during the winter heating season.*
  - 2) Notwithstanding the foregoing, *a former customer who demonstrates to the utility, or to the Commission through a formal or informal complaint under Sections 280.160 or 280.170, a financial inability to meet the requirement of  $\frac{1}{3}$  of the amount past due and  $\frac{1}{3}$  of any deposit requested by the utility, shall be reconnected upon paying a reasonable amount and upon entering into a deferred payment agreement (Section 8-207 of the Public Utilities Act ("Act") (Ill. Rev. Stat. 1991, ch. 111 $\frac{2}{3}$ , par. 8-207).*
    - A) In determining financial inability under this subsection, the following factors, among others, shall be considered:
      - i) the combined income and financial resources of all persons residing in the former customer's household,

- ii) the combined living expense of the former customer's household,
    - iii) *the former customer's payment history, and*
    - iv) *the reasons for the accumulation of the past due amounts.*
  - B) For purposes of this subsection, a "reasonable amount" shall be deemed to be 20 percent of the amount past due and 20 percent of any deposit required by the utility.
- 3) *However, the utility is not obliged to make payment arrangements extending beyond the following November. The utility shall allow the former customer a minimum of four months in which to retire the past due balance and three months in which to pay the remainder of the deposit. The former customer shall also be informed that payment on the amounts past due and the deposit, if any, plus the current bills must be paid by the due date or the customer may face termination of service pursuant to Sections 280.130, 280.135 and 280.138 of this Part.*
- f) *Any payment agreement made shall be in writing, with a copy provided to the former customer. The renegotiation and reinstatement provisions contained in Section 280.110 and the Budget Payment Plan provision of Section 280.120 shall also apply to payment agreements made pursuant to this Section.*
  - g) *Not later than September 15 of each year, every gas and electric utility shall conduct a survey of all former residential customers whose gas and/or electric service was used to provide or control the primary source of space heating in the dwelling and whose gas and/or electric service was terminated for nonpayment of a bill or deposit from December 1 of the previous year to September 15 of that year and where service at that premises has not been restored. Not later than October 1 of each year the utility shall notify each of these former customers that the gas and/or electric service will be restored by the company for the coming heating season if the former customer contacts the utility and makes arrangements to pay the past due balance and any deposit to the utility under the conditions set forth in this Section. A utility shall notify the former customer or an adult member of the household by personal visit, telephone contact or mailing of a letter by First Class mail to the last known address of that former customer. The utility shall keep records which would indicate the date, form and the results of such contact.*
  - h) Not later than February 20 and May 20 of each year, *each gas and electric utility which has former customers affected by this Section shall file a report with the Commission providing statistical data concerning numbers of disconnections and reconnections involving utility service and deposits, and data concerning the dollar amounts involved in such transactions. The Commission shall notify each*

*gas and electric utility prior to August 1 of each year concerning the information which is to be included in the report for the following heating season (Section 8-207 of the Act).*

- i) *In no event shall any actions taken by a utility in compliance with this Section be deemed to abrogate or in any way interfere with the utility's rights to pursue the normal collection processes otherwise available to it.*

(Source: Amended at 17 Ill. Reg. 805, effective January 15, 1993)

### **Section 280.140 Discontinuance of Service to Accounts Affecting Master Metered Apartment Buildings**

"An Act providing remedies for lessees in relation to the failure of lessors to pay for utility services" (Ill. Rev. Stat. 1981, ch. 80, pars. 62 et seq.) governs procedures for discontinuance of service to accounts affecting master-metered apartment buildings. These procedures include measures to inform tenants of the pending discontinuance of their utility service and set out their remedies including their right to petition a court for appointment of a receiver to collect rents and remit a portion thereof to the utility for payment of utility bills.

### **Section 280.150 Service Reconnection Charge**

When service has been discontinued pursuant to Section 280.130 herein, the utility may charge and collect the reconnection charge, if any, set forth in its rules, regulations or terms and conditions of service which are on file with the Commission. Such rules, as filed, shall provide for the automatic waiver of one service reconnection charge for each customer for each year. For gas utilities and electric utilities, such automatic waiver shall apply only to reconnection at the meter. For water utilities and sanitary sewer utilities, such automatic waiver shall apply to reconnection at the meter or curb valve (buffalo box). Customers may be liable for the additional costs incurred in disconnecting and reconnecting service other than at the meter, or for water utilities and sanitary sewer utilities, other than at the curb valve.

### **Section 280.160 Dispute Procedures**

- a) A utility shall assign to one or more of its personnel in each of its offices where it transacts business with the public, the duty of hearing, in person, any dispute by an applicant, customer or user. Such personnel shall consider the complainant's allegations and shall explain the complainant's account and utility's contentions in connection therewith. Such personnel shall be authorized to act on behalf of the utility in resolving the complaint and shall be available during all business hours for the duty hereinbefore described.
- b) Where any dispute between a utility and an applicant, customer or user cannot be resolved between the parties, each utility shall direct its personnel engaged in personal contact with the applicant, customer or user seeking such dispute resolution under the provisions of this Part, to inform him/her, if he/she expresses

nonacceptance of the decision of such personnel, of his/her right to have the problem considered and acted upon by supervisory personnel of the utility. Each utility shall further direct such supervisory personnel to inform such an applicant, customer, or user who expresses nonacceptance of the decision of such supervisory personnel, of his/her right to have the problem reviewed by the Commission, and shall furnish him/her with the telephone number and address of the Consumer Assistance Section of the Illinois Commerce Commission.

- c) When a customer disputes a particular bill, a utility shall not discontinue service for nonpayment so long as the customer
  - 1) pays the undisputed portion of the bill or an amount equal to last year's bill at the location for the same period normalized for weather, whichever is greater; and
  - 2) pays all future periodic bills by the due date; and
  - 3) enters into bona fide discussions with the utility to settle the dispute with dispatch.
- d) Only net rates shall be charged on any disputed bill paid within fourteen days of resolution of the dispute if the complaint was filed before the bill became past due.

#### **Section 280.170 Commission Complaint Procedures**

- a) Before the Commission may allow the filing of a formal complaint by an applicant, customer, user or utility, an informal complaint shall be filed with the Commission's Consumer Assistance Section.
- b) The informal complaint
  - 1) should be in writing but may be initiated by telephone or in person at the offices of the Commission; and
  - 2) shall provide the following information to the Commission:
    - A) the name, address and telephone number of the applicant, customer, or user,
    - B) the name of the utility involved,
    - C) the nature of the complaint in a clear and concise manner,
    - D) the specific relief requested.

- c) Upon receipt of the informal complaint, the Consumer Assistance Section shall:
  - 1) advise the party complained of that a complaint has been filed against it; the party complained of must in turn respond to the Consumer Assistance Section within fourteen days; and
  - 2) review and investigate the complaint; and
  - 3) advise the parties of the results of the investigation within a reasonable time not to exceed fourteen days following receipt of the response from the party complained of concerning the complaint.
- d) If the Consumer Assistance Section is unable to resolve the complaint to the satisfaction of the parties or if the party complained of fails to respond to the Consumer Assistance Section within fourteen days, any party may file a formal complaint in accordance with the Commission's Rules of Practice. By agreement of the parties and the Consumer Assistance Section, these time limits may be extended.
- e) Utility service shall not be discontinued for the reason which is the subject of the complaint during the pendency of any proceeding before the Commission pursuant to the provisions of this Section so long as the customer has complied with the provisions of Section 280.160.

#### **Section 280.180 Public Notice of Commission Rules**

All utilities shall post in two public and conspicuous places in each of their offices where they transact business with the public a notice not less than seven inches by ten inches in size, printed in black on a white background, substantially in the form shown on Appendix C herein.

#### **Section 280.190 Second Language Notices**

Where there is a demonstrated need for second language notices in the service area of any utility, notices as set out in Appendices A and B herein sent to customers located within the area should contain the following warning in the appropriate second language: Important – This notice affects your rights and obligations and should be translated immediately.

#### **Section 280.200 Customer Information Booklet**

A customer information booklet which contains a utility's credit and collection practices shall be provided by each utility to all applicants for service and shall be available to customers at all business offices.

**Section 280.APPENDIX A Notice of Utility Shut Off**

IMPORTANT! READ THIS IMMEDIATELY!

UTILITY NAME \_\_\_\_\_ CUSTOMER \_\_\_\_\_  
ADDRESS \_\_\_\_\_ ADDRESS \_\_\_\_\_  
CITY, STATE, ZIP \_\_\_\_\_  
PHONE # \_\_\_\_\_ ACCOUNT # \_\_\_\_\_

YOUR \_\_\_\_\_ (Utility) \_\_\_\_\_ SERVICE WILL BE SHUT OFF ON OR AFTER  
\_\_\_\_\_ (Date) . BECAUSE:

\_\_\_\_\_ YOU OWE \$ \_\_\_\_\_ IN PAST DUE BILLS  
\_\_\_\_\_ YOU OWE \$ \_\_\_\_\_ FOR A DEPOSIT FOR  
TELEPHONE SERVICE  
\_\_\_\_\_ OTHER \_\_\_\_\_ (Specify)

IF YOU DO NOT WANT YOUR \_\_\_\_\_ (Utility) \_\_\_\_\_ SERVICE SHUT OFF, YOU MUST  
PAY \$ \_\_\_\_\_ BEFORE \_\_\_\_\_ (Date) .

\*\*\* If you cannot pay the whole amount now, you may be able to get a payment plan with  
\_\_\_\_\_ (Utility Name) . Call us at \_\_\_\_\_ (Phone #) for more information.

\*\*\* (Utility name) \_\_\_\_\_ has employees on duty from \_\_\_\_\_ A.M. to \_\_\_\_\_ P.M.  
to answer your questions or listen to your complaints. If you do not understand why you  
owe this money, or if you think there has been a mistake, call \_\_\_\_\_ (Utility Name)  
at \_\_\_\_\_ Phone # \_\_\_\_\_ , as soon as possible. If the person you talk to cannot help  
you, ask to talk to a supervisor. If the supervisor cannot help you, call the Consumer  
Affairs Division of the Illinois Commerce Commission at 312-793-2887 (Chicago) or 217-  
782-2024 (Springfield). Call before you are Discontinued!

\*\*\* IMPORTANT: If you are Shut Off, you will have to pay \$ \_\_\_\_\_  
before your service will be turned on again.

(Printed on Red Paper)

Reverse Side (Printed on Red Paper)



**Section 280.APPENDIX C Public Notice**

**RULES PERTAINING TO ELIGIBILITY FOR SERVICE,  
CUSTOMER DEPOSITS, PAYMENT PRACTICES  
AND DISCONTINUANCE OF SERVICE**

**ILLINOIS COMMERCE COMMISSION  
83 Ill. Adm. Code 280**

Part 280, the rules and regulations of the Illinois Commerce Commission prescribing procedures governing eligibility for service, deposits, payment practices and discontinuance of service, is on file in this office and open to public inspection.

Copies of Part 280 in the Spanish language are also available for inspection.

Any employee will direct you to the place where you may inspect a copy of Part 280 and will direct you to personnel assigned the duty of providing information about Part 280.

Copies of Part 280 may also be reviewed and/or obtained at the Commission's offices at 160 North LaSalle Street, Chicago, Illinois or 527 East Capitol Avenue, Springfield, Illinois.



**Section 280.APPENDIX D Insert to be Included with Each Notice of Disconnection Sent to Residential Gas and Electric Customers**

IF YOU CANNOT PAY YOUR ENTIRE BILL NOW

READ THIS NOTICE ABOUT MAKING  
ARRANGEMENTS TO PAY OVER TIME

What can I do if I cannot pay my entire bill now?

If you are a residential customer of a public utility and owe for past due service, you may have the opportunity to make an agreement with the company to pay over time and avoid disconnection of your utility service.

These agreements to pay over time are called "deferred payment agreements." A deferred payment agreement will allow you to make a down payment on the amount which you owe and make monthly payments to the utility over a period of time to pay off the past due balance.

How do the company and I decide how much I should pay each month on my Deferred Payment Agreement?

The terms and conditions of a deferred payment agreement shall be determined by the utility after considering the following factors, based upon information which the company has or which you provide to the company:

- (1) size of the past due account,
- (2) your ability to pay,
- (3) your payment history with the utility,
- (4) your reasons for having the past due bills, and
- (5) any other relevant factors concerning your utility service.

Agreements made from April 1 through November 30

- (1) The residential customer must pay 25% of the amount past due in order to enter into a deferred payment agreement.
- (2) The utility must allow you a minimum of 4 months and a maximum of 12 months to pay the rest of your past due amount.

- (3) At the same time you are making your monthly payments on the past due amount, you must pay all your regular bills for utility service on or before the due date.
- (4) You may also enter a budget plan to even out your regular bills.
- (5) You are entitled to enter a deferred payment agreement as long as you have not broken such an agreement in the past 12 months.

#### Agreements made from December 1 through March 31 (Special Winter Rules)

- (1) The residential customer must pay 10% of the amount past due in order to enter into a deferred payment agreement.
- (2) The utility must allow you a minimum of 4 months to pay the rest of your past due amount, but the agreement should not last past the following November.
- (3) At the same time you are making your monthly payments on the past due amount, you must pay all your regular bills for utility service on or before the due date.
- (4) You may also enter a budget plan to even out your regular bills.
- (5) You are entitled to enter one deferred payment arrangement each winter even if you have broken another deferred payment arrangement in the last 12 months.

#### How do I make a deferred payment arrangement?

A deferred payment arrangement may be made by visiting the company's business office or contacting the utility by telephone. If you visit the company's business office, the company may ask you to sign the deferred payment agreement. They must provide you with a copy of the agreement which you signed. If you make the deferred payment agreement by telephone, the company must send you a confirmation copy of the agreement.

#### What can I do if I can't keep my deferred payment arrangement?

##### Renegotiation.

If your economic or financial circumstances change substantially during the time of the deferred payment agreement, the company will be obliged to renegotiate the deferred payment agreement with you, taking into account the changed economic and financial circumstances proved by you.

- (1) To qualify for renegotiation, you should contact the utility before the due date of the bill which you are unable to pay.

- (2) The company is not obligated to renegotiate your deferred payment agreement with you if you contact them more than 14 days after the due date of the bill which you did not pay.
- (3) The utility need only renegotiate a deferred payment arrangement once during the term of the agreement, and does not have to extend the payment period beyond one year from the date of the original agreement.

What can I do if I miss a payment?

Reinstatement.

If you do not make a payment on a current bill or an amount indicated in your deferred payment agreement, the company may discontinue your utility service after sending you a final notice prior to disconnection.

- (1) However, if you pay the utility all the amounts owed to it up to that time under the deferred payment agreement, including current bills, the utility must reinstate you on your original deferred payment agreement.
- (2) The utility is only obligated to reinstate you once during the time of your deferred payment agreement.

Call your utility company immediately.

You should call the utility immediately to attempt to work out a payment agreement on your account. You should call the utility to see if something can be arranged even if you have broken an agreement.

Once your utility service has been disconnected, the utility is not obligated to give you a deferred payment arrangement unless you qualify for the Special Winter reconnection rules.

(Source: Added at 6 Ill. Reg. 13723, effective November 8, 1982)