

Title 23. Public Utilities and Regulated Industries
Chapter XVI. Arkansas Public Service Commission
Subchapter A. Generally
Part 455. General Service Rules

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"GENERAL SERVICE RULES ADMINISTRATIVE HISTORY

Order

Docket	Date	No.	Subject Matter of Docket/Order
107	11-24-36		Adoption of Rules & Regulations Governing Utility Service, and Special Rules Gas, Water, Electricity and Telephone.
107	06-30-38		Odorization of natural gas.
U1104	03-08-56		General revision of the Rules.
U1104	11-18-68		Amended Rule 12.
U2395	01-22-73		Special Rules Telephone Companies amended and separated from the Rules.
U2888	11-08-78		Amended Rules 6, 7, 8, 9 and 10.
F001	04-21-81	14	Amended Rules 6 & 8. (See also Orders No. 5, 6, 10, 11, 13 of this Docket.)
F004 1	1-14-80	2	Amended Rule 6.
F005	06-04-80	7	Amended Rule 10D.
81221U	12-15-81	4	Amended Rule 10B.
82290R	06-15-83	3	General rule revision. Rules renamed General Service Rules. Special Rules Gas, Water and Electricity separated from these Rules. Adopted revisions proposed by Order No. 1, with

			modifications.
82290R	01-31-84	8	General rule revision. Reaffirmed revisions adopted by Order No. 3, with modifications.
82290R	05-01-84	9	Revised Rule 10E. Republished by Order No. 10.
84212R	02-21-85	4	Revised Rules 9, 12. Republished by Order No. 5.
85054R	07-22-85	4	Revised Rules 5, 6, 8, 10, 12. Republished by Order No. 6.
92-248-R	06-16-94	7	General rule revision.
94-201R	01-25-96	6	Eliminates Class K Carrier definition and amends Rule 1.01.
97-040-R	07-24-97	8	Establishes separate Telecommunications Providers Rules.
01-156-R	10-08-01	6	Revised Definitions and Rules 2.05. and 7.06. to include rules for utility call centers.
05-121-R	11-21-05	3	Revised Rule 6.15. to provide new Requirements for residential utility customer cold weather disconnection.
11-174-R	03-26-12	3	Substituted appropriate language to refer to individuals with disabilities in compliance with
15-041-R	12-08-15	4	Revised Definitions, Rule 6.01., and Rule 6.02. to comply with Act 336 of 2015.

"Last Revised: December 08, 2015

Order No. 4

Docket No. 15-041-R

Effective: 02/19/2016"

Subpart 1. Applicability and Scope

23 CAR § 455-101. Applicability.

This part shall apply to all whose activities bring them under the jurisdiction of the Arkansas Public Service Commission except for telecommunications providers.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-102. Purpose and scope.

(a)(1) This part sets forth standards for service by each utility.

(2) This part is intended to:

- (A) Ensure adequate service;
- (B) Prevent discrimination and unfair practices; and
- (C) Protect both the consumers and utilities from unreasonable demands.

(b)(1) Any general utility service regulation, policy, procedure, rule, or service application, except those approved in special contracts by the Arkansas Public Service Commission, that conflicts with this part is void and unlawful, unless the:

- (A) Utility files a formal application for an exemption; and
- (B) Arkansas Public Service Commission approves it.

(2) This part is not intended to, and does not, affect or replace any Arkansas Public Service Commission-approved general service regulation, policy, procedure, rule, or service application of any utility that addresses items other than those covered in this part.

(c) Unless the context otherwise requires, wherever the masculine gender is used in this part, it shall include the feminine gender.

(d) Unless the context otherwise requires, wherever the:

(1) Singular form of a word is used in this part, it shall include the plural form;
and

(2) Plural form is used, it shall include the singular.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-103. Definitions.

The following definitions shall apply throughout this part except as otherwise required by the context and any references to this part shall include these definitions:

(1) "Answered" means that an employee or automated system is:

(A) Ready to provide assistance and accept the information necessary to process the call; and

(B) Not simply an acknowledgement of the customer;

(2) "Applicant" means any person or entity requesting utility service, except as excluded by the exception in 23 CAR § 455-301(b);

(3) "Automated system" means a menu-driven, automated, interactive answering system that includes the option of transferring to an employee;

(4) "Business office" means a utility office where an individual may:

(A) Arrange for service connection;

(B) Make or arrange to make payments on his or her bill; and

(C) Ask questions regarding service or the status of his or her account;

(5) "Busy-out rate" means the number of calls to a call center that received a busy signal divided by the number of calls that were attempted;

(6) "Call center" means a centralized operation staffed and dedicated to responding to telephone calls from retail customers regarding:

(A) Service;

(B) Billing;

(C) Outages; and

(D) Other issues concerning regulated utility service;

(7) "Calls attempted" means calls received plus the total number of busy calls;

(8) "Calls busy" means calls attempted by customers to the utility's call center that receive a busy signal;

(9) "Calls received" means calls that have entered the customer premise equipment or telephone system of a utility call center;

(10) "Character of service" means the distinguishing features that identify the type of service provided to the customer, for example, three-phase service or call-waiting service;

(11)(A) "Class of service" means a customer group that has similar characteristics such as volume of use, time of use, extent of use, and nature and purpose of use as classified by the utility and approved by the Arkansas Public Service Commission for ratemaking purposes.

(B) For example, the commercial or residential class of service;

(12) "Closed account" or "finaled account" means a permanent shut off of service by a utility to a customer account;

(13) "Commission" means the Arkansas Public Service Commission;

(14)(A) "Complaint" means any objection from an applicant or customer concerning a charge, facility, rule, service, or other Arkansas Public Service Commission-regulated activity that requires:

(i) An investigation or an account review; and

(ii) Corrective action by a utility.

(B) **Exceptions.** Trouble reports, as defined in the Arkansas Public Service Commission's Special Rules, shall not be considered complaints under this definition;

(15) "Corresponding water utility" means an individual or entity that owns or operates equipment or facilities for diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation as defined in Arkansas Code § 14-234-702(1);

(16) "Customer" means any person or entity that has applied for and agreed to pay for utility service;

(17) "Deposit" means an amount paid to a utility by an applicant or customer to guarantee payment for utility service;

(18) "Display" means to have an item conspicuously available for public inspection in the public reception area of each utility business office;

(19) "Elderly person" means a residential customer who is at least sixty-five (65) years old;

(20)(A) "Estimated bill" means any bill that does not reflect an actual meter reading for gas, water, or electric service.

(B) Any actual meter reading for electric, gas, or water service that is changed by a utility before billing shall also be considered an estimated bill;

(21) "Extended due date" means regular monthly extension or change of a bill's due date by a utility;

(22) "Failure to pay" includes payment by check, other negotiable instrument, or automatic draft that is dishonored by a bank for reasons other than bank error;

(23)(A) "Individual with disabilities" means any residential customer who is certified to the utility as having a severe physical or mental impairment that substantially limits his or her ability to pay for utility service.

(B) Certification shall be provided by:

(i) A physician;

(ii) A licensed psychologist;

(iii) The United States Veterans' Administration;

(iv) The Social Security Administration;

(v) The Department of Human Services;

(vi) The Arkansas State Hospital; or

(vii) A licensed mental health center;

(24) "Insufficient funds check" means any negotiable instrument such as a check or automatic bank draft dishonored by a bank for reasons other than bank error;

(25) "Interest" means an interest rate set annually by the Arkansas Public Service Commission for customer deposits as required by Arkansas Code § 23-4-206(b);

(26) "Interruption of service" means temporarily stopping service for:

- (A) Maintenance;
- (B) Testing;
- (C) Repair; or
- (D) Safety;

(27) "Kind of service" means either electric, natural gas, water, or sewer service;

(28) "Landlord" means the owner, agent, manager, or lessor of premises who receives lease, rent, or other payments that include amounts for utility service;

(29) "Outage" means an unplanned temporary loss of utility service caused by a malfunction of or damage to utility facilities;

(30) "Payment agent" means a business located in the community that acts as an agent for the utility by accepting utility payments from customers;

(31) "Payment date" means the date the utility or its authorized agent receives payment on an account;

(32) "Physician" means any person licensed to practice medicine by:

- (A) The Arkansas State Medical Board; or
- (B) A comparable licensing authority of another state;

(33) "Public utility" or "utility" means a jurisdictional utility as defined by Arkansas Code § 23-1-101;

(34) "Rider" means a tariff that includes an addition or amendment applicable to one (1) or more rate schedules;

(35) "Rules" or "commission rules" means this part;

(36)(A) "Serious medical condition" means an illness or injury that results in a physician's determination that the loss of utility service would give rise to a substantial risk of death or gravely impair health.

(B) A serious medical condition shall exist in the case of elderly persons or infant children under the age of twelve (12) months if a physician certifies that the loss of utility service will gravely impair health, regardless of the current existence of illness or injury;

(37) "Special Rules" or "Commission's Special Rules" means the Special Rules — Electric, 23 CAR pt. 463, Special Rules — Water, 23 CAR pt. 465, or Special Rules — Gas, 23 CAR pt. 464;

(38) "Suspension of service" means a temporary shut off of service by a utility without a customer request, not an outage or an interruption of service;

(39) "Tariff" means a rate schedule, service rule, or other document required to be:

(A) Filed as a tariff by the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462; and

(B) Approved by the Arkansas Public Service Commission or by operation of law; and

(40) "Utility service" means service:

(A) Provided by a public utility; and

(B) Subject to regulation by the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

23 CAR § 455-104. Exemption from rules.

Amendments or exemptions to the Arkansas Public Service Commission's rules may be granted by the Arkansas Public Service Commission:

(1) In conformity with the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462; or

(2) As otherwise provided within this part.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-105. Duties under the law.

This part shall in no way relieve any person or entity of any duty under the laws of the State of Arkansas or the United States of America.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-106. Discrimination prohibited.

A utility shall not unlawfully discriminate against an applicant for service or an existing customer in the provision of utility service based on:

- (1) Race;
- (2) Color;
- (3) Creed;
- (4) Religion;
- (5) National origin;
- (6) Sex;
- (7) Marital status; or
- (8) Receipt of public assistance.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-107. Retaliation prohibited.

A utility shall not retaliate against any applicant or customer for:

- (1) Exercising a right or enforcing an obligation created by any Arkansas Public Service Commission rule; or
- (2) Acting within the law.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-108. Availability of rules.

(a) Utilities.

(1) To employees.

(A) Utility employees who are responsible for the application and explanation of any of this part shall have ready access to those sections that apply to their respective job responsibilities.

(B) Ready access to the sections means that they are easily accessible to a utility employee in his or her work area at the utility's offices.

(2) To members of the public.

(A) Notice to public.

(i) Each utility business office shall post an eight and one-half inches by eleven inches (8 1/2" x 11") notice stating that this part is available for public use.

(ii) The notice shall be in the following form and will be provided through the Arkansas Public Service Commission's Consumer Services Office.

NOTICE TO CUSTOMERS

The Arkansas Public Service Commission governs many areas of customer service for this utility. The Commission's Rules contain important information about rights and responsibilities for applicants and customers. Copies of the Commission's Rules and Commission-approved company tariffs and service regulations are on display in this office and are available for public inspection. A copy of any pertinent

part of these Rules, tariffs, or service regulations is available to applicants and customers upon request.

(B) Availability of rules.

(i) This part and any approved additions, revisions, or exemptions to this part shall be on display in each utility business office and be available for inspection.

(ii) Each utility shall provide a copy of any pertinent part of this part to an applicant or customer upon request.

(b) Arkansas Public Service Commission.

(1) This part shall be on display and available for inspection in the office of the secretary of the Arkansas Public Service Commission.

(2) A copy of this part will be provided to any member of the public upon request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 1.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 2. Customer Relations

23 CAR § 455-201. Information on utility service.

(a) Printing requirements.

(1) Each utility shall provide the information required in subsection (b) of this section in the form of one (1) or more brochures.

(2)(A) The information required in subsection (b) of this section shall be in plain language and printed in a format that is easy to read and understand.

(B) The information shall also state in bold print that the Arkansas Public Service Commission requires utilities to provide this information.

(b) **Information requirements.** Each utility shall provide the following information based on the class of service:

- (1) A list and description of all rates for:
 - (A) Basic service;
 - (B) Riders;
 - (C) Discounts;
 - (D) Options; and
 - (E) Other information that would affect the choice of service within the service class;
- (2) A list and description of all approved fees and charges;
- (3) All billing plans and options available to the customer, such as:
 - (A) Levelized billing;
 - (B) Extended due date policy; and
 - (C) Sales tax exemptions;
- (4) A summary of rules and procedures for the payment, refund, and guarantee of deposits;
- (5) A summary of billing and estimated billing rules and procedures;
- (6) An itemized bill description, if not shown on the bill;
- (7) Procedures for verifying the accuracy of a bill;
- (8) A description of any automatic adjustment charge;
- (9) When service is billed by meter, instructions on how to read meters;
- (10) A summary of the rules and procedures for paying bills to include payments made to authorized payment agents;
- (11) A summary of the delayed payment agreement rules and procedures — information on delayed payment agreements shall say that a customer who is having difficulty paying a utility bill may, if qualified, make payments in installments;
- (12) A summary of the rules and procedures for suspension, reconnection, and termination of service;
- (13) The options available to customers to avoid shut off of service when a customer is away for an extended period;

(14) A summary of the rules and procedures for giving someone else notice before shutting off a customer's service (third-party notification procedures);

(15) A summary of the rules and procedures for helping households avoid shut off when there is:

(A) A serious medical condition;

(B) An elderly customer; or

(C) A customer who is an individual with disabilities;

(16) A summary of the shut-off rules and procedures for landlords and tenants;

(17) The utility's local and/or toll-free telephone numbers, the address of the utility business offices for that area, and a statement that the customer may contact the utility for a list of authorized payment agents in the customer's area;

(18) Procedures for making a complaint to the utility and the Arkansas Public Service Commission;

(19) Toll-free and local telephone numbers of the Arkansas Public Service Commission and the mailing and street address of the Arkansas Public Service Commission; and

(20) A statement that this part is on display and available through each utility business office.

(c) Distribution requirements.

(1) **To applicants.** Each utility shall give all information required by this section to each applicant.

(2) **Business office displays.** Each utility shall prominently display all information required under this section in all business offices open to the public.

(3) **On request.** Each utility shall provide the information required under this section to anyone upon request.

(4) **To Arkansas Public Service Commission.** A current copy of all information required by this section and any revisions to that information shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

(d) Utility tariffs.

(1) Each utility business office shall keep on file and, upon request, provide access to its current Arkansas Public Service Commission-approved tariffs.

(2) Suitable and conspicuous signs shall be posted at each location informing the public that copies of the utility's Arkansas Public Service Commission-approved rates and service regulations are available for inspection.

(3) See 23 CAR § 455-108(a)(2) (Arkansas Code § 23-4-106).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-202. Directory listing for utility billing and services.

(a) Each utility shall list, in the directory of each telecommunications provider which provides basic local service in any area it serves, the telephone numbers that customers may call toll-free to report problems or ask about bills or services.

(b) A collect call from a customer accepted by the utility is considered to be a toll-free call.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-203. Customer notice of rule and service changes.

(a)(1) The General Staff of the Arkansas Public Service Commission will provide each utility with an annual summary of Arkansas Public Service Commission-approved changes to this part.

(2) Each utility shall advise its customers at least annually of the changes to this part.

(3) The General Staff's summary will not be legally binding.

(b) If a utility intends to change the character or type of service in a way that would substantially affect the provision of the service or the operation of any device, appliance, or equipment, it shall notify all affected customers by mail, bill insert, or other reasonable medium at least thirty (30) days before the change.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-204. Service, usage, and billing history information.

Customers or former customers shall be able to obtain the following information through their local utilities' business offices upon request:

(1)(A) A statement of the customer's account record as recorded under 23 CAR § 455-702.

(B) The customer shall be informed at the time of the request of any Arkansas Public Service Commission-approved charge for the statement;

(2)(A) For electric and gas utilities, a clear and concise statement of actual energy consumption by the customer for each billing period during the prior thirteen (13) months.

(B) Where applicable, actual consumption shall be characterized as on-peak and off-peak consumption.

(C) Load data or information kept or recorded by the utility shall be provided to the customer upon request.

(D) The customer shall be informed at the time of the request of any Arkansas Public Service Commission-approved charge for the statement or the load data; and

(3) Such information and assistance as is reasonable in order that the customer may secure:

- (A) Safe and efficient service; and
- (B) Appliances properly adjusted to the service furnished.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-205. Customer service.

(a) Service requirements.

(1) Utility personnel who serve the public shall be familiar with the content of all Arkansas Public Service Commission rules that apply to their respective job responsibilities.

(2) Utility personnel shall serve the public promptly and courteously.

(b) Customer access to business office personnel.

(1) Each utility shall have personnel available at all times during business hours with the authority to:

- (A) Make delayed payment agreements; and
- (B) Handle customer questions and complaints.

(2)(A) All customers shall have toll-free telephone access to the appropriate business office.

(B) A collect call from a customer accepted by the utility is considered to be a toll-free call.

(c) Payment arrangements — Customer information and referral. When a customer informs a utility that he or she will have difficulty paying a bill, the utility shall offer to:

(1) Inform the customer of his or her rights and obligations under 23 CAR § 455-613 covering delayed payment agreements; and

(2) Refer the customer to personnel with the authority to make payment arrangements for the utility as required under 23 CAR § 455-613.

(d) Call center operations — Utility response requirements.

(1) This part shall apply to each call center that handles calls from Arkansas customers.

(2)(A) All utility call center response requirements as set out in this part shall be measured monthly on the basis of a twelve-month rolling average ending with the most recent month.

(B) The twelve-month rolling average shall be calculated using actual performance data rather than as an average of each month's performance.

(C) During normal call center business hours, eighty percent (80%) of all calls received shall be answered within thirty (30) seconds.

(D) During normal call center business hours, the average speed to answer time for all received calls that are answered shall not exceed thirty (30) seconds.

(E)(i) During normal call center business hours, a customer using an automated system shall at any time have the option to speak to an employee.

(ii) Eighty percent (80%) of all such calls shall be answered by an employee within thirty (30) seconds of the customer's election.

(F) During normal call center business hours, the busy-out rate shall not exceed five percent (5%).

(3)(A) Within twenty-five (25) seconds of each call being received, automated systems shall allow customers to indicate that they are reporting a condition that is a clear threat to public safety.

(B) Each utility shall determine monthly whether it is meeting this standard.

(4)(A) Each call determined by the utility to be a clear threat to public safety shall be:

(i) Given the highest priority; and

(ii) Answered by the next available employee.

(B) Each utility shall determine monthly whether it is meeting this standard.

(5) In determining compliance with this section, reasonable considerations shall be given to any extraordinary circumstances that may have existed during the measurement period.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-206. Complaints to the utility.

(a) A utility shall fully and promptly investigate all complaints.

(b) Utilities shall ensure that personnel follow these procedures and meet these standards:

(1) **Personnel.**

(A) Utility employees responsible for dealing with the public shall promptly handle complaints or refer them to someone who can handle the complaint.

(B) When practical, employees whose primary duties involve collections shall not investigate billing complaints;

(2) **Complaint records.** Utilities shall record all complaints and keep the record as required by 23 CAR § 455-704;

(3) **Form of complaint.**

(A) A customer shall not be required to visit the business office to make a complaint.

(B) A customer may make a complaint either orally or in written form;

(4) **Effect of complaint on suspension.**

(A)(i) When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Arkansas Public Service Commission processes the complaint.

(ii) If the utility's reason for shutting off service is 23 CAR § 455-601(1), (4) – (6), (8), (15), or (17), the customer may be required to post a deposit

with the utility equal to the disputed amount while the utility or the Arkansas Public Service Commission processes a complaint.

(iii) The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service.

(iv) If the utility is in error, the deposit will be promptly refunded with interest.

(B) The utility may waive the deposit allowed by this section.

(C) Nothing contained in subdivision (b)(4)(A) of this section shall prevent a customer who fails to post a deposit under this section from complaining to the Arkansas Public Service Commission, but such action shall not affect the utility's right to suspend service.

(D) The utility may suspend service for some other valid reason set out in 23 CAR § 455-601 while the utility or the Arkansas Public Service Commission processes the complaint; and

(5) Report.

(A) A utility shall report, either by telephone, mail, or in person, the results of its investigation to a complainant within three (3) business days of its completion.

(B) If the utility does not resolve the complaint, the utility shall:

(i) Advise the complainant of his or her right to complain to the Arkansas Public Service Commission without incurring a filing charge;

(ii) Include the mailing and street address and telephone numbers, local and toll-free, of the Arkansas Public Service Commission's Consumer Services Office; and

(iii) Advise the complainant that he or she may still ask the Arkansas Public Service Commission to review the complaint after suspension.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-207. Complaints to the Arkansas Public Service Commission.

(a) Informal complaints.

(1) Information required.

(A) Complaints may be in written or oral form.

(B) Complainants shall give:

(i) A name;

(ii) An address;

(iii) The name of the utility involved;

(iv) The account number if known;

(v) A detailed description of the complaint; and

(vi) The desired result.

(2) Notice to customer and utility. Within three (3) business days after receiving an informal complaint, the Arkansas Public Service Commission shall:

(A) Explain complaint procedures to the complainant by telephone or in writing; and

(B) Provide the details of the complaint to the utility.

(3) Utility contact for complaints.

(A) Each utility shall give the Arkansas Public Service Commission's Consumer Services Office a current list of personnel who answer Arkansas Public Service Commission questions about complaints.

(B) A utility representative with the authority to process Arkansas Public Service Commission questions about complaints must always be available during business hours.

(C) Utilities shall immediately report any change in the contact personnel to the Arkansas Public Service Commission's Consumer Services Office.

(4) Arkansas Public Service Commission requests for information.

(A) Under Arkansas Code § 23-2-309, the Arkansas Public Service Commission may, at any time, require a utility to furnish any information that may be in its possession concerning rates, tolls, fares, charges, or practices used in conducting its service.

(B) Requests may include, but are not limited to:

(i) Copies of correspondence, internal memoranda, and reports to the customer; and

(ii) An itemized billing history which includes all:

(a) Billed amounts;

(b) Applicable billing and due dates;

(c) Information contained on shut-off notices;

(d) Customer payments;

(e) Suspensions; and

(f) Reconnections.

(5) Utility responses to requests for information.

(A) A utility shall respond to Arkansas Public Service Commission requests for information concerning any complaints as quickly as possible but not later than fifteen (15) calendar days after receipt.

(B) The utility:

(i) Shall respond directly to the Arkansas Public Service Commission;

and

(ii) Shall not initiate contact or correspond with the complainant, unless first authorized by a representative of the Arkansas Public Service Commission's Consumer Services Office.

(6) Effect of complaint on suspension.

(A)(i) When a customer disputes a utility's reason for shutting off service, the utility shall not suspend service while the utility or the Arkansas Public Service Commission processes the complaint.

(ii) If the utility's reason for shutting off service is 23 CAR § 455-601(1), (4) – (6), (8), (15), or (17), the customer may be required to post a deposit

with the utility equal to the disputed amount while the utility or the Arkansas Public Service Commission processes a complaint.

(iii) The customer must pay any undisputed amounts by the date printed on the most recent shut-off notice to avoid suspension of service.

(iv) If the utility is in error, the deposit will be refunded with interest.

(B) The utility may waive the deposit allowed by this section.

(C) Nothing contained in 23 CAR § 455-207(a)(6)(A) shall prevent a customer who fails to post a deposit under this section from filing a formal complaint with the Arkansas Public Service Commission.

(D) The utility may suspend service for some other valid reason set out in 23 CAR § 455-601 while the utility or the Arkansas Public Service Commission processes the complaint.

(7) Arkansas Public Service Commission investigation and report.

(A) The Arkansas Public Service Commission shall:

(i) Investigate each informal complaint;

(ii) Issue an informal complaint investigation report to the complainant; and

(iii) Notify the utility of the results of the investigation.

(B) The Arkansas Public Service Commission will provide the utility a copy of any written investigation report given to the complainant.

(8) Disputed results.

(A) The utility or the complainant may file a formal complaint if not satisfied with the informal complaint results.

(B) The Arkansas Public Service Commission shall provide information to the complainant that explains formal complaint procedures.

(b) Formal complaints.

(1) Who may file.

(A) Any chamber of commerce or board of trade, mercantile, agricultural, or manufacturing association, any public utility, any municipality, any customer of a public utility, any person unlawfully treated by a public utility, or any public utility

unlawfully treated by a customer may complain to the Arkansas Public Service Commission in writing.

(B) Any consumer or prospective consumer of any utility service may complain to the Arkansas Public Service Commission about the service, furnishing of service, or any discrimination in service or rates (Arkansas Code § 23-3-119).

(2) Procedures.

(A) Complaints must first be made to the utility before they are made to the Arkansas Public Service Commission.

(B)(i) The complaint shall be filed according to the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

(ii) Sample copies of formal complaints and instructions are available from the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 2.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 3. Application for Service

23 CAR § 455-301. Application for service.

(a) **Application methods.** New service, additional service, transfer of service, or a change in service may be requested in writing, or, at the discretion of the utility, orally by telephone.

(b) **Record of application.**

(1) Each utility must keep a record of each written or verbal application for utility service as required by 23 CAR § 455-701.

(2) **Exception.**

(A) Gas and water utilities (which do not have an allocated territory) are not required to consider "requests for service when it is not feasible to provide the facilities" as applications for service.

(B) These requests for service shall be maintained in a file for two (2) years but are not covered by other requirements of this section.

(c) **Precedence of service.**

(1) Utilities shall not unreasonably discriminate in processing applications for service.

(2) Priority shall be given to applications involving medical emergency and public health and safety.

(d) **Connection deadlines.** Utilities shall connect service within the time frames required by the applicable Arkansas Public Service Commission Special Rules.

(e) **Information provided at time of application.**

(1) **Explanations and assistance.**

(A) A utility shall offer to inform applicants about all rates, payment plans, and equipment options available for the applicant's class of service.

(B) A utility shall explain:

(i) How often a customer's bill is mailed; and

(ii) When the bill is considered past due.

(C) If a utility requires a cooperative membership fee, a security deposit, or a guaranty for the applicant to receive service, the utility shall explain requirements and payment options.

(2) **Expected service date.** When an applicant requests utility service, a utility shall provide an expected service date according to the service connection procedures in the applicable Arkansas Public Service Commission Special Rules.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-302. Application form submission requirements.

A current copy of the form to be used for the application for service and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-303. Extension of service.

(a) Requirements for extension of service.

(1) Extension of facilities shall be made according to the:

(A) Requirements in the Arkansas Public Service Commission's Special Rules;

(B) Extension of Service Agreement set out in subsection (b) of this section if the applicant is required to pay any cost; and

(C) Utility's approved extension of facilities tariff as required by the Arkansas Public Service Commission's Rules of Practice and Procedure, 23 CAR pt. 462.

(2) The cost of the extension shall be based on the most economically feasible route from the utility's nearest point of connection to the applicant's point of delivery, consistent with sound engineering design for the utility system.

(3) If the utility sizes facilities in excess of the applicant's requirements for service, any cost to be paid by the applicant shall be adjusted to reflect only the cost of his or her service requirements.

(b) Extension of Service Agreement.

(1) If service will be provided, within thirty (30) days of receipt of the application for service the utility shall:

(A) Provide the Extension of Service Agreement to the applicant; and

(B) Explain any payment options.

(2) If additional time is needed by the utility during this thirty-day period, the utility will notify the applicant in writing of the reason for delay.

(3) If a cost to the applicant will be required to extend service, the utility may require the applicant to sign an Extension of Service Agreement before construction begins.

(4) The Extension of Service Agreement shall include the following:

(A) Name and address of the applicant;

(B) Date of application;

(C) Location and description of the service point;

(D) Summary of the engineering study, if any;

(E) Sketch of the construction route;

(F) Explanation of all costs in reasonable detail;

(G) Estimated starting date of construction;

(H) Estimated completion date of construction;

(I) Terms of payment; and

(J) Customer reimbursement by utility, if applicable.

(c) Sharing the extension.

(1) Each utility shall make reasonable efforts to:

(A) Identify and notify residents and businesses in the general area of a proposed extension of service; and

(B) Give them an opportunity to participate in the extension.

(2) If a cost to the applicants will be required to extend service, the utility may require each applicant to sign an Extension of Service Agreement before construction begins.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-304. Refusing service.

(a) **Reasons for refusal.** A utility may refuse service to an applicant only for the following reasons:

(1)(A) A bill from the utility for the same kind of utility service remains unpaid in the applicant's name.

(B) **Exception.** A utility may not refuse utility service to an applicant because of unpaid bills for merchandise or nonutility services purchased, rented, or leased from or through the utility;

(2) Application for service following the relocation of the applicant and a former customer to new premises from premises where a bill remains unpaid for service that was provided to the former customer while the applicant was a full-time occupant;

(3) Application for service at premises where there is an unpaid utility bill and where:

(A) The former customer who owed the bill remains at the premises;

(B) A full-time occupant of the premises when the bill was incurred remains at the premises; or

(C) A full-time user of the service when the bill was incurred remains at the premises;

(4) The applicant is not in compliance with an Arkansas Public Service Commission order, a delayed payment agreement, or an extension agreement with the utility entered with respect to service previously rendered by the utility to the applicant;

(5) The applicant has not paid the utility an approved fee, charge, or deposit as provided for in this part or the utility's approved tariffs;

(6) The applicant has not furnished adequate assurance of payment in the form of a deposit or other security for service within twenty (20) days of an order for relief under 11 U.S.C. § 366 of the United States Bankruptcy Code;

(7) There is evidence that the applicant is:

(A) Using service in an unauthorized manner; or

(B) Tampering with the equipment furnished and owned by the utility;

- (8) A misrepresentation to the utility by the applicant relevant to the conditions under which the applicant may obtain utility service;
- (9)(A) The applicant has not provided acceptable evidence of identity.
- (B) Acceptable evidence includes the following:
- (i) Driver's license or state ID card;
 - (ii) Military ID;
 - (iii) ID from place of employment;
 - (iv) Social Security card;
 - (v) Current student ID;
 - (vi) Passport;
 - (vii) Birth certificate; and
 - (viii) Any other evidence that would establish identity.
- (C) If a utility reasonably believes that the evidence offered is unreliable, it may:
- (i) Refuse to accept it; and
 - (ii) Seek additional evidence from the applicant;
- (10) The applicant is not in compliance with all state and/or municipal regulations governing the service applied for;
- (11) The applicant is not in compliance with the utility's tariffs which have been approved by the Arkansas Public Service Commission;
- (12) The service applied for is of such character that it is likely to unfavorably affect the service to other customers;
- (13) The connection of utility service to the applicant's equipment would create a hazard;
- (14) The applicant is causing or threatening injury to a utility employee or an employee's family to retaliate for or prevent an act the utility performs in the course of business;
- (15) The applicant is causing or threatening damage to utility property; or

(16) An applicant for a party line had party-line service disconnected within the previous twelve (12) months because of unreasonable, unlawful, or abusive use of that service.

(b) **Notice to applicant.**

(1) If a utility refuses to serve an applicant, it shall give an explanation in writing to the applicant within seven (7) business days.

(2) The explanation shall include the following:

(A) The reason for refusing service, including the applicable Arkansas Public Service Commission rule;

(B) The conditions, if any, under which service would be provided; and

(C) The applicant's right to complain to the Arkansas Public Service Commission, including the local and toll-free telephone numbers and mailing and street address of the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

The United States Bankruptcy Code is codified as Title 11 of the United States Code.

23 CAR § 455-305. Disputed charge — Providing service.

(a) When a utility refuses to serve an applicant for not paying a previous bill and the applicant disputes the amount due, the applicant may complain to the Arkansas Public Service Commission.

(b)(1) A utility may require a deposit of the disputed amount before serving the applicant.

(2) However, a utility may waive this deposit.

(c) Once a deposit of the disputed amount is either posted or waived, the utility shall serve the applicant, pending final disposition of the dispute.

(d) When the complaint is resolved, the utility shall promptly refund any part of the deposit found to be due the applicant with interest from the date of the deposit.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 3.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 4. Deposits

23 CAR § 455-401. Deposits from applicants.

(a) Conditions.

(1) A utility may require a deposit from any applicant to guarantee payment for service, subject to the conditions in subdivisions (a)(2) and (3) of this section.

(2) A utility may not require a deposit or other guaranty based upon:

- (A) Income;
- (B) Residential location;
- (C) Race;
- (D) Color;
- (E) Home ownership;
- (F) Creed;
- (G) Sex;
- (H) Marital status;
- (I) Age; or
- (J) National origin.

(3) A utility shall not demand a deposit as a condition of service from an applicant for residential service unless one (1) or more of the following criteria apply:

(A) The applicant cannot provide proof of a satisfactory payment history with the same kind of utility for the previous twelve (12) months;

(B) The applicant has a past due, unpaid account for previous utility service with the utility that is not in dispute;

(C) The applicant did not pay bills from the utility:

(i) By the close of business on the due date two (2) times in a row; or

(ii) Any three (3) times in the last twelve (12) months;

(D) The applicant gave the utility two (2) or more checks in payment for previous utility service within the most recent twelve-month period of service that were returned unpaid for reasons other than bank error;

(E) The applicant's service from the utility has been suspended during the last twenty-four (24) months for one (1) or more of the following reasons:

(i) Nonpayment of any undisputed past due bill or bills;

(ii) Misrepresentation of the applicant's identity for the purpose of obtaining utility service;

(iii) Failure to reimburse the utility for damages due to negligent or intentional acts of the customer; or

(iv) Obtaining, diverting, or using service without the authorization or knowledge of the utility; or

(F) Information provided by the applicant upon application for service or within the previous two-year period is materially false or materially misrepresentative of the applicant's true status, and the misrepresentation is relevant to the conditions under which the applicant may obtain utility service.

(b) **Amounts.** Utilities shall determine the amount of a deposit as follows:

(1)(A) The deposit shall not be more than two (2) average bills as defined in 23 CAR § 455-403 if payment for utility service is due after service begins.

(B) **Exception.** A utility may receive from a landlord a deposit that shall not exceed the estimated bill for three (3) average billing periods;

(2) The deposit shall not be more than one (1) average bill as defined in 23 CAR § 455-403 if payment for utility service is due before service begins;

(3)(A) If a utility discovers that an applicant has used the utility's service without authorization or tampered with the utility's equipment, it may charge that

applicant a total deposit of not more than six (6) average bills, plus the potential damage to utility equipment.

(B) The utility may not charge this deposit if the customer has received more than two (2) years' cumulative service since the utility discovered the unauthorized use or tampering;

(4)(A) If the utility has proof of a misrepresentation to the utility by the applicant relevant to the conditions under which the applicant obtained utility service, it may charge that applicant a total deposit of not more than twice the maximum bill.

(B) The utility may not charge this deposit if the customer has received more than two (2) years' cumulative service since the utility discovered the misrepresentation;

(5) In accordance with 11 U.S.C. § 366 of the United States Bankruptcy Code, the utility may require an applicant to furnish adequate assurance of payment in the form of a deposit or other security; and

(6) If the applicant has previously left the utility's service owing a bill and that bill is unpaid at the time of application, the utility may require a deposit equal to twice the maximum billing.

(c) **Payment procedures.** Except for deposits under subdivision (b)(3) of this section, applicants shall be allowed to pay the deposit in two (2) installments:

(1) One-half (1/2) of the deposit before receiving service; and

(2) The remaining one-half (1/2) with the first bill.

(d) **Receipts.** Utilities shall give customers receipts for their deposits upon customer request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

The United States Bankruptcy Code is codified as Title 11 of the United States Code.

23 CAR § 455-402. Deposits from customers.

(a) **Conditions.** A utility may only require a new deposit or an increase in the amount of a deposit from a customer for the following reasons:

(1) The customer failed to pay a bill before the close of business on the shut-off date within the last twelve (12) months;

(2) The customer gave the utility two (2) or more checks that were returned unpaid for reasons other than bank error in the last twelve (12) months;

(3) The customer did not pay bills:

(A) By the close of business on the due date two (2) times in a row; or

(B) Any three (3) times in the last twelve (12) months;

(4) During the last twenty-four (24) months, the customer misrepresented his or her identity or other facts relevant to the conditions under which the customer obtained or continued utility service;

(5) The customer used service without authorization, tampered with utility equipment, or inflicted damage to utility equipment during the last two (2) years;

(6)(A) The customer used more service than the estimate on which the utility based the deposit.

(B) The utility may not charge any additional deposit under subdivision (6)(A) of this section after the first twelve (12) months of service unless the customer:

(i) Moves the service to a new location; or

(ii) Expands the business or scope of operation at the original location; or

(7)(A) In accordance with 11 U.S.C. § 366 of the United States Bankruptcy Code, the utility may require a customer to furnish adequate assurance of payment in the form of a deposit or other security.

(B) This deposit may be in addition to all other deposits posted with the utility before the bankruptcy filing.

(b) **Amounts.**

(1) When a utility charges a new or additional deposit, the total amount on deposit at any time shall not be more than the total of the customer's two (2) highest bills during the last twelve (12) months.

(2) **Exceptions.**

(A) **Deposit for fraud or tampering.** If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, the total amount on deposit with the utility shall not be more than the estimated bill for six (6) average billing periods plus the cost of potential damage to utility equipment.

(B) **Bankruptcy.** See subdivision (a)(7) of this section.

(c) **Written notice.** A utility shall explain in writing:

- (1) The reason for charging any new or additional deposit;
- (2) The amount of the deposit;
- (3) When the deposit must be paid; and
- (4) The consequences of failing to pay the additional deposit.

(d) **Payment procedures.** Except for deposits under subdivision (a)(5) of this section, a customer may pay one-half (1/2) of any new or additional deposit in equal installments with the next two (2) bills.

(e) **Receipts.** Utilities shall give customers receipts for their deposits upon customer request.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

The United States Bankruptcy Code is codified as Title 11 of the United States Code.

23 CAR § 455-403. Calculation of average bill.

(a) **All utilities.**

(1) **Seasonal customers.** The average bill is the total of the monthly bills during the "season" as defined in the utility's tariff, for example, irrigation season or ginning season, divided by the number of months of usage during the season.

(2) **Nonseasonal customers.** The average bill is the total of the last twelve (12) months' bills divided by twelve (12).

(b) **For inadequate billing history.** If a customer or an applicant for service has fewer than the required number of months' billing history with the utility, the average bill shall not be more than the average monthly usage for that class and character of service.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-404. Guaranty in place of a deposit.

(a) Requirements.

(1) Residential customers.

(A) Instead of a deposit, a utility shall accept the written guaranty of a qualified third party to pay an amount equal to the deposit.

(B) If a third party is a residential customer of the utility and meets the following conditions, he or she is qualified to act as a guarantor on one (1) residential account:

(i) The customer presently has no deposit on file on his or her own account;

(ii) The customer has had service for at least twelve (12) months;

(iii) The customer has not paid late more than two (2) times in the last twelve (12) months; and

(iv) The customer has not had service suspended for failure to pay in the last twelve (12) months.

(2) **Nonresidential customers.** Instead of a deposit, a utility may accept the written guaranty of another customer to pay an amount equal to the deposit.

(3) **Residential and nonresidential customers.** The utility may allow a customer to guarantee more than one (1) account.

(b) **Liability.**

(1) The liability of a guarantor shall be limited to:

(A) The amount required for a deposit when the guaranty was made; or

(B) A revised amount allowed by 23 CAR § 455-402 and agreed to by the guarantor.

(2) The guaranty shall end when:

(A) A deposit would be refunded as outlined in 23 CAR § 455-406; or

(B) When the guarantor's account is closed.

(3)(A) The utility shall provide the guarantor a copy of the Guaranty Agreement Form which:

(i) Clearly states the amount of the guarantor's liability; and

(ii) Has been signed by the guarantor and the utility.

(B) The guarantor's agreement shall be in the form set out in subsection (d) of this section.

(c) **Collection.** A utility may collect the guaranteed amount on the guarantor's account as if it were a charge for service.

(d) **Guaranty Agreement Form.** A guaranty agreement shall be in the following form and must be signed by the guarantor and the utility representative:

GUARANTY AGREEMENT

In consideration of _____ (utility) providing service to the below named person(s), I agree to be liable for an amount not to exceed \$_____ in lieu of a deposit for the following person(s):

NAME: _____

ADDRESS: _____

ACCOUNT #: _____

I also understand that _____ (utility) may transfer up to the above amount to my active _____ account if the above named person does not pay all of the final bill after the account has been closed. I understand I will be responsible for the lesser of the deposit or the amount the above- named person actually owes _____ (utility). This guaranty will transfer to my account (at other locations) should I change my service address. The guaranty on a residential account shall expire under the same conditions as would result in the refund of a deposit. I understand that utilities are not required to refund deposits on business or commercial accounts until the account is closed. I understand that I cannot terminate this guaranty before that time unless my account is closed. The amount of the guaranty is limited to the amount required for a deposit when the guaranty is made.

Signed: _____

Utility Representative

Signed: _____

Guarantor

Date: _____

Name: _____

Address: _____

Account #: _____

Date: _____

Witness: _____

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-405. Interest payment on deposits.

(a) A utility shall pay interest annually on deposits pursuant to Arkansas Code § 23-4-206.

(b) Interest shall not accrue on any deposit after the date the utility has made and documented a good faith effort to return the deposit to the depositor.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-406. Refunding deposits.

(a)(1) If a residential customer has paid all bills by the due date for the last twelve (12) months, a utility must promptly refund the deposit.

(2) Utilities are not required to refund deposits on business or commercial accounts until the account is closed.

(3) Refunds may be made through a credit on the next billing cycle.

(4) **Exceptions.**

(A) **Fraud or tampering.** If the reason for requiring a deposit is unauthorized use of service or tampering with utility equipment, a utility does not have to refund the deposit until an account is closed.

(B) **Bankruptcy.** If the deposit was subject to the jurisdiction of the United States Bankruptcy Courts, the utility shall comply with the United States Bankruptcy Code in refunding or retaining the deposit.

(b)(1) When an account is closed, a utility shall apply any deposit and accrued interest to the amount due the utility.

(2) The utility shall promptly refund any balance due the depositor.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

The United States Bankruptcy Code is codified as Title 11 of the United States Code.

23 CAR § 455-407. Deposits and customer name changes.

A utility may not require a residential customer to make or increase a deposit because of a name change, unless one (1) or more of the conditions set out in 23 CAR § 455-402(a) applies.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-408. Deposits and changes in service locations.

Except as provided in 23 CAR § 455-402(a), a utility shall not charge an additional deposit if:

(1) A customer requests that his or her service end at one (1) location and that the same kind and class of service from the same utility begin at another location; and

(2) The change takes ninety (90) days or less.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 4.08 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 5. Billing

23 CAR § 455-501. Information on bill.

Each bill shall contain the following information:

- (1) Name and account number;
- (2) For bills based on meter readings, the:
 - (A) Beginning and ending meter readings;
 - (B) Dates of the meter readings if read by the utility;
 - (C) Number of days in the billing period if the meter is read by the utility;
 - (D) Quantity of units consumed and billed using the same units of measurement as the approved tariff; and
 - (E) Rate schedule designation;
- (3) For nonmetered service, the:
 - (A) Beginning and ending dates of the billing period; and
 - (B) Basic rate schedule designation;
- (4) The net amount of all payments and other credits made to the account during the billing period;
- (5) Any previous balance due;
- (6) The amount of any late payment charge and an explanation of when it will apply;
- (7) The date the bill was mailed;
- (8) The date the bill is due;
- (9) A list of all charges or credits, including:
 - (A) Deposit installments;
 - (B) Deposit refunds;
 - (C) Automatic adjustments;

- (D) Customer or minimum charges;
 - (E) Taxes, listed by kind;
 - (F) Charges for other utility service; and
 - (G) Charges for nonutility merchandise, service, or equipment;
- (10) If a utility estimates usage, this fact shall be clearly shown on the bill;
- (11) If a utility uses industry-specific abbreviations for terms that explain the billing, it shall identify them on the bill; and
- (12)(A) A statement that the customer may contact the utility about any problem with billing or service or for a delayed payment agreement.
- (B) The statement shall include an address and a telephone number where customers can call the utility without charge.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-502. Bill form — Submission requirements.

A current copy of the form to be used for billing and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-503. Billing periods and standards.

(a)(1) Utilities shall bill customers regularly.

(2) The billing period shall be no less than twenty-five (25) days and no more than thirty-five (35) days unless it is the first or final bill.

(b) Utilities shall bill customers within thirty (30) days after a meter reading.

(c)(1) If a utility changes a meter reading route or schedule that results in an alteration of a billing cycle of more than five (5) days, it shall notify affected customers thirty (30) days before the change in the billing cycle.

(2) A utility may notify affected customers by bill insert with the bill preceding the change.

(d)(1) If payment is initially made at a business office, billing records shall show the date payment is received.

(2) If payment is initially made to an authorized payment agent before the utility's close of business on the due date, billing records may show the date the payment was posted as long as the account record shows that the payment was not late.

(e) If a utility discovers a billing error, it shall promptly notify customers who may be affected.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-504. Mailing date.

Utilities shall not mail bills later than the mailing date printed on the bill.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-505. Due dates.

(a) If no late charge is imposed, the due date of a bill shall not be less than fourteen (14) calendar days after the date a bill is mailed.

(b) If a utility imposes a late payment charge, the due date of the bill shall not be less than twenty-two (22) calendar days after the date the bill is mailed.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-506. Late payment.

(a) Payment may be considered late if the utility or its authorized agent for payment gets the payment after the utility's close of business on the due date on the bill.

(b) If the utility is not open on the due date, customers may pay by the utility's close of business on the next day the utility's business offices are open without being late.

(c) Payment shall be considered late if a check is:

(1) Postdated beyond the due date; or

(2) Returned unpaid for reasons other than bank error.

(d) If a bank error causes a late payment, the utility shall correct its records to show that the customer paid the bill on time.

(e) If a utility issues a late notice or suspension notice to any customer whose payment was received by the utility or its authorized payment agent by the utility's close of business on the due date, the record of the late notice or suspension notice shall be deleted from the customer's account record.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-507. Late payment charges.

(a) A utility may calculate late payment charges only on an overdue portion of a bill for utility service.

(b) A late payment charge may not exceed ten percent (10%) of the first thirty dollars (\$30.00) of the customer's bill and two percent (2%) of the remainder.

(c) The amount of the late payment charge shall be set forth in the utility's tariffed schedule of fees and charges.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-508. Estimated usage for billing.

(a)(1) A utility may not estimate a customer's usage for more than two (2) consecutive bills.

(2) If a utility estimates usage, it shall use the customer's consumption for the same time at that location the year before.

(3) A utility may apply a weather-sensitive factor to the consumption in arriving at the current month's estimated usage.

(4) If no figures are available for the current customer at that location for the previous year, a utility shall use the class average to estimate consumption.

(b) **Exception.**

(1) A utility may estimate bills for more than two (2) months when the meter is inaccessible or the location is impractical for reading.

(2) However, after the second estimated reading, the utility must:

(A) Notify the customer in writing at the billing address on the customer's account record; and

(B) Explain that the meter is inaccessible or the location is impractical for reading.

(3) The written notice must also explain the action required of the customer to correct the situation.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.08 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-509. Extended due date policy.

(a)(1) Utilities must offer an extended due date policy to customers qualifying under subsection (c) of this section.

(2) This is intended to enable utilities to change a qualifying customer's utility bill payment due date to coincide with or follow the customer's receipt of that income.

(3) Customers who qualify under this policy and pay by the new date will not be considered late on their utility payments.

(4) When a customer applies for an extended due date, utilities shall explain the policy and give the explanation to the customer in writing.

(b)(1) Each utility shall file an extended due date policy as a tariff for Arkansas Public Service Commission approval.

(2) A policy must include:

(A) Who may qualify;

(B) How to apply; and

(C) The method for setting the extended due date.

(c)(1) The following customers qualify for an extended due date:

(A) Persons receiving:

(i) Aid to Families with Dependent Children; or

(ii) Aid to the Aged, Blind, and Disabled;

(B) Persons receiving Supplemental Security Income; or

(C) Persons whose primary source of income is Social Security or

Veterans' Administration disability or retirement benefits.

(2) The utility may require verification of the above sources of income.

(d)(1) Utilities may remove a customer's extended due date because the customer did not pay bills:

(A) By the close of business on the due date two (2) times in a row; or

(B) Any three (3) times in the last twelve (12) months.

(2) Utilities shall notify customers in writing when the extended due date has been removed for late payment.

(e) Utilities may impose a late payment charge on plan participants who do not pay by the extended due date.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.09 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-510. Levelized billing plans for electric and gas utilities.

(a)(1) Electric and gas utilities must provide levelized billing plans for qualifying residential customers.

(2) When a customer applies for the plan, the utility shall explain the plan and give the explanation to the customer in writing.

(b)(1) A levelized billing plan is not a delayed payment agreement.

(2) If a customer on a levelized billing plan becomes delinquent, a utility may:

(A) Remove the customer from the levelized billing plan; and

(B) If the customer qualifies, offer the customer a delayed payment agreement.

(c)(1) Utilities shall file levelized billing plans as a tariff for Arkansas Public Service Commission approval.

(2) A plan must meet the following standards:

(A) Applicants must be told about levelized billing plans when they apply for service;

(B) Qualifying customers may enter the plan at any time;

(C)(i) A utility may charge an Arkansas Public Service Commission-approved processing fee if a customer withdraws from a plan more than one (1) time in twelve (12) months.

(ii) The amount of the processing fee shall be set forth in the utility's tariffed schedule of fees and charges;

(D) When a customer withdraws from a levelized billing plan, the customer shall have the option of paying the account balance in full or, if qualified, under a delayed payment agreement;

(E) When a levelized billing customer terminates utility service, the utility shall refund any net credit by check; and

(F)(i) When a levelized billing customer withdraws from the plan, the utility shall refund any credit within thirty (30) days.

(ii) The utility may refund an overpayment by billing credit unless the customer requests otherwise.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.10 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-511. Extended absence payment procedure.

(a) Each utility shall have bill payment options that will allow a customer who is away for an extended period of time to avoid suspension of service.

(b) The options shall be filed as a tariff for Arkansas Public Service Commission approval.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.11 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-512. Method of payment.

(a)(1) Customers may pay bills in any reasonable manner, including cash or a check payable to the utility.

(2) A utility may refuse to accept payment by check if the customer has given the utility two (2) checks that were returned unpaid for reasons other than bank error in the last twelve (12) months.

(b) A utility may refuse to take a second check for the same bill if the first check was returned unpaid for reasons other than bank error.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.12 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-513. Returned check charge.

(a) A utility may charge an Arkansas Public Service Commission-approved fee for handling a check that is returned unpaid for reasons other than bank error.

(b) The amount of the returned check charge shall be set forth in the utility's tariffed schedule of fees and charges.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.13 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-514. Partial payments.

(a) **Nonutility charges.** Unless otherwise specified in writing by the customer, a utility shall first credit payment to utility charges if a customer pays part of a utility bill that includes charges for nonutility service.

(b) **Application between past and current bills.**

(1) If a customer pays part of a bill for utility service, a utility shall first credit the payment to earlier charges for utility service.

(2) This section does not apply when there:

- (A) Is a disputed bill;
- (B) Is a delayed payment agreement; or
- (C) Are other written instructions.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.14 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-515. Overpayments.

(a) Overpayments shall be credited to the customer's account unless the customer requests otherwise.

(b) When a customer notifies the utility that he or she has overpaid his or her account and requests a refund of the overpayment, the utility shall refund the amount of the overpayment within thirty (30) days.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.15 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-516. Meter reading requirements.

(a) **Annual readings.** If a utility's policy allows a customer to read his or her own meter, then the utility shall read that customer's meter at least once every twelve (12) months.

(b) **Meter reading report.**

(1) At the customer's written request, the utility shall leave a report of the meter reading.

(2) The customer must renew the request before each reading at the customer's residence.

(3) A customer is allowed:

(A) Two (2) free reports every twelve (12) months; or

(B) Only one (1) if the meter is read annually by the utility.

(4)(A) A utility may charge an Arkansas Public Service Commission-approved fee for additional reports.

(B) The amount of the charge shall be set forth in the utility's tariffed schedule of fees and charges.

(5) The report shall include:

(A) Date and time of the reading; and

(B) Meter reading either in numbers or a diagram showing the positions of the hands on the dial at the time the reading was taken.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.16 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-517. Billing metered service.

(a) Bills for metered service must be based on meter readings unless otherwise provided in an Arkansas Public Service Commission-approved tariff.

(b) Service used by the utility shall be measured by meters, except for minor, incidental use where metering would not be practical.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.17 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-518. Meter tests at customer or Arkansas Public Service Commission request.

(a) **Customer-requested meter tests.** A utility shall test a meter for accuracy at the request of a customer under the following conditions:

(1)(A) Before testing, a utility must tell a customer:

- (i) When a fee will be charged; and
- (ii) The amount of the fee.

(B) A utility must give the customer a chance to withdraw the request before incurring any charge for the test.

(C) The utility shall also tell the customer that if the meter is not as accurate as the Arkansas Public Service Commission's Special Rules require, there will be no charge for the test;

(2) The utility shall test the meter according to the Arkansas Public Service Commission's Special Rules;

(3) The utility shall tell the customer:

(A) Where and when the utility will test the meter; and

(B) That the customer and the customer's representative may be present when the utility tests the meter;

(4)(A) When a utility must remove a meter for a test, it shall protect and seal the meter to prevent damage or tampering.

(B) The customer and the customer's representative may be present when the meter is removed; and

(5)(A) Within ten (10) days after a test, the utility shall give the customer a written report.

(B) The report shall include:

(i) The date the utility received the customer's test request;

(ii) The location and date of the test;

(iii) The meter's identification number;

(iv) The results of the test;

(v) The Arkansas Public Service Commission's Special Rules that apply; and

(vi) Whether the meter was as accurate as the Arkansas Public Service Commission's Special Rules require.

(b) **Arkansas Public Service Commission requested meter test/verification.** A utility shall test a meter for accuracy at the request of the Arkansas Public Service Commission under the following conditions:

(1) The utility shall test the meter according to the Arkansas Public Service Commission's Special Rules;

(2) The utility shall inform the Arkansas Public Service Commission of where and when the utility will test the meter;

(3)(A) When a utility must remove a meter for a test, it shall protect and seal the meter to prevent damage or tampering.

(B) An Arkansas Public Service Commission representative may be present when the meter is removed;

(4)(A) Within ten (10) days after a test, the utility shall give the Arkansas Public Service Commission a written report.

(B) The report shall include:

(i) The date the utility received the Arkansas Public Service Commission's request;

(ii) The location and date of the test;

- (iii) The meter's identification number;
- (iv) The results of the test;
- (v) The Arkansas Public Service Commission's Special Rules that

apply; and

(vi) Whether the meter was as accurate as the Arkansas Public Service Commission's Special Rules require; and

(5) When a customer asks the Arkansas Public Service Commission to request a meter test without having first made the request of the utility, the Arkansas Public Service Commission shall:

(A) Inform the customer when a fee will be charged and the amount of the fee;

(B) Give the customer a chance to withdraw the request before incurring any charge for the test;

(C) Inform the customer that if the meter is not as accurate as the Arkansas Public Service Commission's Special Rules require, there will be no charge for the test;

(D) Inform the customer that the customer, the customer's representative, and an Arkansas Public Service Commission representative may be present when the utility tests the meter; and

(E) Inform the customer of when and where the utility will test the meter.

(c) Utility charges for meter tests.

(1)(A) If a test shows a meter to be as accurate as the Arkansas Public Service Commission's Special Rules require, the utility may charge an Arkansas Public Service Commission-approved fee for the test.

(B) The amount of the approved fee shall be set forth in the utility's tariffed schedule of fees and charges.

(2) If a meter test shows that a meter is not as accurate as the Arkansas Public Service Commission's Special Rules require, a utility:

(A) May not charge a fee for the test; and

(B) Must correct the customer's bill as required by 23 CAR § 455-519.

(3) If a utility does not test a meter in the manner required by the Arkansas Public Service Commission's Special Rules, the utility may not charge a fee for the test.

(4) If a utility tests a meter more than once for the same request, and if any one (1) of these tests shows the meter is not as accurate as the Arkansas Public Service Commission's Special Rules require, the utility may not charge a fee for any of the tests.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.18 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-519. Billing corrections.

(a) Metered service.

(1) A correction to a customer's account shall be made for meter error when:

(A) A utility tests a meter according to the Arkansas Public Service Commission's Special Rules; and

(B) The error exceeds the tolerances allowed by the Arkansas Public Service Commission's Special Rules.

(2) Period of correction.

(A) If the date the meter first became inaccurate can be ascertained, the period of correction shall:

(i) Begin with that date; and

(ii) End with the date the inaccurate meter was removed.

(B) If the date the meter first became inaccurate cannot be ascertained, the correction period shall:

(i) Begin six (6) months prior to the date the inaccurate meter was removed; and

(ii) End with the date of removal of the meter.

(3) Usage.

(A) If actual usage cannot be determined, it shall be the customer's usage at that location for the same time period of the previous year.

(B) A utility may apply a weather-sensitive factor to the consumption in arriving at the estimated usage for the correction period.

(C) If no usage data is available for that customer at that location for the previous year, a utility shall use the class average to estimate consumption.

(4) **Rate.** A utility shall apply the rates effective during the period of correction determined in subdivision (a)(2) of this section to the usage determined in subdivision (a)(3) of this section.

(b) Procedures for correcting an overbilling.

(1) When a utility has overbilled a customer, the utility shall explain the reason for the correction and refund the amount of the overbilling within thirty (30) days after discovering or being notified of the error.

(2) The refund shall be credited to the customer's account unless the customer requests otherwise.

(3) If the overbilling was the fault of the utility, the utility shall pay the customer interest on the overbilled amount.

(c) Procedures for correcting an underbilling.

(1) When a utility discovers it has charged a customer less than it should have, the utility shall explain the error and offer a delayed payment agreement to correct it.

(2) When a utility underbills a customer over one (1) or more billing periods, the utility must allow the customer at least that many billing periods to pay the correct amount under a delayed payment agreement.

(3) If the underbilling was the fault of the customer, the utility may charge interest for the period of time during which the underbilling occurred.

(4) If the underbilling was caused by unauthorized use of service or tampering with utility equipment, the utility does not have to offer a delayed payment agreement.

(5) A utility does not have to correct an underbilling if the cost of correcting the billing is not economically feasible.

(d) Tampering.

(1) If a customer tampers with utility equipment, the utility may charge a reasonable amount for damage to the equipment and for estimated service taken.

(2) This is in addition to the remedies in 23 CAR § 455-401(b)(3), 23 CAR § 455-402(b)(2)(A), and 23 CAR § 455-601(6).

(3) The utility may base the estimate on the customer's average lawful usage for the most recent twelve-month period.

(4) If those figures are not available, the utility shall base the estimate on the class average.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.19 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-520. Separate metering and billing.

(a) Definitions.

(1) **Newly constructed.** "Newly constructed" means:

(A) Original construction that was not irrevocably approved or constructed on or before July 1, 1981; or

(B) Conversion of a building from one (1) use to another involving multiple customers.

(2) **Premises.**

(A) **Separate premises.** Premises are separate and shall be separately metered and billed if they are on different, noncontiguous tracts of land.

(B) **Nonseparate premises.**

(i) Premises on the same tract or contiguous tracts of land may be master metered provided that the premises:

(a) Are operated as one (1) location by an individual customer;

(b) Are physically integrated and essentially part of each other;

(c) Provide a complete service or produce a complete product;

(d) Are similar in terms of the nature and purpose of energy use;
and

(e) Are in the same service territory.

(ii) Tracts of land separated by public streets, public roads, or public alleys are considered contiguous.

(iii) The customer shall:

(a) Own and pay for all facilities beyond such master meter; and

(b) Pay all costs associated with the installation, removal, and rearrangement of such facilities necessary to allow the utility to provide service through a single meter.

(b) General requirements.

(1)(A) Utilities shall separately meter and bill separate premises even if under common ownership.

(B) Utilities may not combine metering and billing unless some other part of this section allows it.

(2)(A) Gas and electric utilities may not install master meters or combine the bills of individual customers in any newly constructed residential, commercial, and industrial complexes of two (2) stories or fewer, and mobile home parks.

(B) This section does not apply to dormitories, hotels, and motels.

(C) Gas and electric utilities shall offer to provide individual meters for all premises not covered by this section where multiple individual usage of gas and electricity could occur and where master metering would also be possible.

(c) Exemptions.

(1) If a utility or building owner applies for an exemption of subdivision (b)(2) of this section, it must:

(A) Prove, in addition to the showing that must be made in 23 CAR § 455-104, that the costs of separate metering and billing would be greater than the long-term benefits to the utility's ratepayers as a whole; and

(B) Provide evidence that master metering does not conflict with the Arkansas Energy Code for New Building Construction, 15 CAR pt. 233.

- (2) Benefits to be considered may include, but are not limited to, the following:
- (A) Increased efficiency of consumption by individual devices;
 - (B) Overall reduction of demand for present and future energy and capacity;
 - (C) Encouragement of systems using renewable fuel sources other than fossil fuels;
 - (D) Providing accurate price signals which reflect the true value and cost of energy to individual customers; and
 - (E) Other benefits gained from energy efficiency and conservation.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.20 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-521. Transferring past due balances to other accounts.

A utility may only transfer a past due balance from a customer's closed account to one (1) of the following active accounts:

- (1) An account of the same customer for the same class of service at any location; or
- (2) The account of the customer's guarantor as allowed under 23 CAR § 455-404(b).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 5.21 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 6. Suspension, Termination, and Reconnection of Service

23 CAR § 455-601. Authorized suspension.

The only reasons a utility may suspend service to an account are:

(1) A bill for utility service to the current customer remains unpaid after the close of business on the last day to pay as printed on the most recent shut-off notice;

(2) A former customer remains at the premises who owes that utility an outstanding bill for service at the premises, a full-time occupant of the premises when the bill was incurred remains at the premises, or a full-time user of the service when the bill was incurred remains at the premises;

(3) A current customer and a former customer who lived together at another location now live together at a new service location and the former customer owes a bill for service used during the time they lived together at a former location;

(4) The customer is not in compliance with an Arkansas Public Service Commission order, delayed payment agreement, or extension agreement with the utility;

(5) The customer has not paid a deposit required by a utility for the service;

(6) Unauthorized use of service or tampering with utility equipment;

(7) A misrepresentation of fact relevant to the conditions under which the applicant or customer obtained or continued utility service;

(8) The customer has not paid a billed Arkansas Public Service Commission-approved charge associated with providing service;

(9) Refusing to grant a utility access to its equipment at the customer's location at reasonable times;

(10) Violating the utility's rules designed to prevent interference with the use of service by other customers, if the customer was notified first and given a reasonable opportunity to comply with the rules;

(11) Violating the utility's rules regarding the operation of nonstandard equipment or unauthorized attachments, if the customer was notified first and given a reasonable opportunity to comply with the rules;

- (12) Violating federal, state, or local laws or regulations through use of the service;
 - (13) Abandoning the premises served;
 - (14) Causing or threatening injury to a utility employee or an employee's family to prevent or to retaliate for an act the utility performs in the course of business;
 - (15) Causing damage to utility property;
 - (16) Threatening to cause damage to utility property;
 - (17) Not paying for damage to utility equipment on the customer's premises;
- or
- (18) A condition exists that poses a health or safety hazard.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-602. Unauthorized suspension.

A utility may not suspend service to an account for the following reasons:

- (1) Not paying for nonutility merchandise or nonutility services purchased, rented, or leased from or through the utility;
- (2) Not paying for a different kind or different class of service; or
- (3) A utility is serving the customer through a separate active account and the customer does not pay for service to that account.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-603. Bankruptcy.

(a) A utility may not suspend service to a trustee or debtor in bankruptcy for failure to pay a bill incurred prior to a bankruptcy filing if the trustee or the debtor pays a deposit under 23 CAR § 455-402(a)(7) within twenty (20) days of the order for relief in bankruptcy (see United States Bankruptcy Code, 11 U.S.C. § 366).

(b)(1) The utility may not suspend service during that twenty-day period.

(2) If a debtor asks the utility to reconnect service during that twenty-day period, the utility must reconnect.

(3) After the twenty-day period, the utility may suspend service if the customer has not paid a deposit.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

The United States Bankruptcy Code is codified as Title 11 of the United States Code.

23 CAR § 455-604. Notification of suspension of service.

(a)(1) A utility must notify a customer in writing five (5) calendar days before it suspends service.

(2) If a utility delivers the notice to the customer's premises, the utility must leave the notice in a conspicuous place where the notice is easy to see.

(3) If the utility mails the notice, the five (5) days begins three (3) calendar days after the date the notice is placed in the United States mail.

(4) The utility must send the notice to the customer's last known address by first-class mail.

(b)(1) A utility may suspend service without prior written notice under 23 CAR § 455-601(4), (6), (14) – (16), and (18).

(2) The utility shall notify the customer of the reason for suspension by first-class mail or by leaving a notice at the premises.

(3) Suspension procedures shall also follow all other requirements of 23 CAR § 455-609(b).

(4) If prior written notice of suspension has been given, this subsection does not apply.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-605. Shut-off notice — Submission requirements.

A current copy of the form to be used for shut-off notices and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-606. Third-party notification of suspension.

(a) A residential customer may name a consenting person or agency to receive a copy of all shut-off notices.

(b) A utility shall mail one (1) copy of all shut-off notices to the customer and one (1) to the other person or agency.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-607. Form and contents of shut-off notice.

Each shut-off notice shall contain the following information:

- (1) The title "SHUT-OFF NOTICE", "CUT-OFF NOTICE", or "DISCONNECT NOTICE" in type at least one-quarter inch (1/4") high;
- (2) The name and address of the customer, and the address of the service, if different;
- (3) The reason for suspension and any overdue amount;
- (4) A clear statement of what to do to avoid suspension;
- (5) The date after which the utility will suspend service unless the customer takes appropriate action;
- (6) A statement that "YOU MAY QUALIFY TO PAY YOUR BILL IN INSTALLMENTS AND AVOID SHUT-OFF, BUT YOU MUST CONTACT THE UTILITY'S BUSINESS OFFICE BY THE CLOSE OF BUSINESS ON THE LAST DAY TO PAY PRINTED ON THIS NOTICE AND ASK FOR A DELAYED PAYMENT AGREEMENT";
- (7) A statement that a residential customer who has a serious medical condition, or is sixty-five (65) or older, or an individual with disabilities may contact the utility about qualifying for delaying suspension;
- (8) For electric and gas utilities, a statement that the customer may contact the utility for the names of federal, state, and local bill payment assistance agencies;
- (9) What it will cost and what a customer will have to do to get service reconnected;
- (10) How much the customer can be charged if utility personnel must go to the premises to collect the bill;
- (11) The telephone number and address of the utility office where the customer may:
 - (A) Pay the bill;
 - (B) Make payment arrangements; or
 - (C) Make a complaint; and

(12)(A) A statement that any customer with an unresolved complaint may contact the Arkansas Public Service Commission.

(B) The statement shall include the Arkansas Public Service Commission's:

(i) Mailing and street address; and

(ii) Local and toll-free numbers.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-608. Payment requirements to prevent suspension.

(a) A customer must pay the utility or its authorized agent before the utility's close of business on the last day to pay as printed on the most recent shut-off notice to prevent suspension.

(b) The utility may require the customer to pay any applicable approved collection fee or late charge to prevent suspension.

(c) A utility shall not require a customer to pay for usage that has not been billed, or that has been billed but is not yet overdue, to prevent suspension.

(d) After the utility's close of business on the last day to pay printed on the most recent shut-off notice, payment made within twenty-four (24) hours of a scheduled shut off shall not affect the right of the utility to suspend service and charge a reconnect fee if the service was suspended.

(e)(1) A utility shall not refuse to accept payment made on an account after the utility's close of business on the last day to pay printed on the most recent shut-off notice.

(2) However, a utility is not required to reconnect service if the payment made after that time is less than the amount required by the utility before reconnection.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.08 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-609. Suspension procedures.

(a) Suspension date and time requirements.

(1)(A) A utility may suspend service only during normal utility business office hours.

(B) However, no suspension shall occur during the last hour of the utility's normal business office hours.

(2) A utility may not suspend service on a day, or on a day immediately before a day, when the utility does not have employees available who may authorize and reconnect service at the normal business day charge.

(3) If a utility issues more than one (1) shut-off notice before suspending service, it may not suspend service before the close of business on the last day to pay as printed on the most recent shut-off notice unless 23 CAR § 455-604(b) applies.

(4) A utility must suspend service within thirty (30) days after the last day to pay, as printed on the most recent shut-off notice, unless:

(A) Suspension is delayed under other Arkansas Public Service Commission rules; or

(B) The reason for the suspension has been eliminated.

(b) Suspension procedures at the premises.

(1)(A) Utility employees shall not violate any state or federal laws or regulations in order to suspend service.

(B) Utility employees suspending service at a customer's premises shall:

(i) Identify themselves to the customer or any other adult at the premises; and

(ii) Give the reason for being there.

(C) If the customer offers to make a payment, the utility employee shall accept payment at that time.

(D) The utility employee shall also honor a receipt from the utility or a canceled check showing that the customer paid the bill.

(E) Utility employees may refuse payment in cash if they give the customer twenty-four (24) hours to pay at the business office.

(F) The employee may refuse payment by check if the customer has given the utility two (2) checks that were returned for reasons other than bank error within the last year.

(2)(A) If the customer or other adult is not at the premises or does not respond, the utility employee must leave a notice in a conspicuous place so that the notice is easy to see.

(B) The notice shall contain the following:

(i) A statement that service has been suspended;

(ii) The reason for the suspension;

(iii) The address and telephone number where the customer may arrange to have service reconnected;

(iv) The amount past due;

(v) Any approved collection charge; and

(vi) The action and payment necessary before the utility will reconnect service.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.09 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-610. Closing suspended accounts.

(a) A utility shall not close a suspended account until a customer has been given seven (7) calendar days to have service reconnected after suspension.

(b) Once an account is closed, a utility may treat a former customer who wants service again as an applicant.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.10 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-611. Collection fees.

A utility may charge an Arkansas Public Service Commission-approved collection fee under the following conditions:

(1) The last day to pay, as printed on the shut-off notice, has passed; and

(2)(A) A utility employee:

(i) Accepts payment at the premises under 23 CAR § 455-609(b)(1);

or

(ii) At the customer's request, visits the premises to collect.

(B) The employee must leave a notice as described in 23 CAR § 455-609(b)(2) at the premises if the requesting customer is not there as agreed.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.11 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-612. Reconnection of service.

(a)(1) The utility shall reconnect service at the request of the customer if all reasons for suspension have been eliminated.

(2) The utility shall reconnect service in the normal course of business when suspension was the fault of the customer.

(3) The utility shall reconnect service immediately if suspension was the utility's fault.

(b) A utility shall not require a customer to pay for usage that has not been billed, or that has been billed but is not yet overdue, before reconnecting suspended service.

(c) A utility may require payment of any Arkansas Public Service Commission-approved collection, late charge, or reconnection fees before reconnecting service if suspension followed all applicable Arkansas Public Service Commission rules.

(d)(1) If the reason for suspension is unauthorized use of service or tampering with utility equipment, the utility may require a reasonable payment for damage to its equipment and estimated usage before reconnecting service.

(2) The utility may refuse to reconnect unless the Arkansas Public Service Commission orders otherwise.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.12 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-613. Delayed payment agreement and extension agreement.

(a)(1) This section applies to:

(A) Any residential customer; and

(B) Small commercial customers whose average bill for the most recent twelve (12) months is two hundred dollars (\$200) or less.

(2) As used in this section, the term "customer" shall mean only such customers as so defined in this paragraph.

(b) **Customer information.**

(1) When a customer informs the utility that he or she is having difficulty paying a bill, the utility shall explain that delayed payment agreements are available both by telephone and in person through the utility's business offices.

(2) The utility shall then inform the customer of his or her rights and obligations under this section.

(c) Extension agreement.

(1) If a utility has met all of the requirements of subsection (b) of this section and a customer requests a payment extension of less than thirty (30) calendar days from the payment due date, the utility may offer to enter an extension agreement instead of a delayed payment agreement.

(2) All extensions shall be documented.

(3) The utility shall inform the customer of the utility's right under 23 CAR § 455-604(b) to suspend service without advance written notice if the customer fails to keep the terms of the extension agreement.

(d) Availability of delayed payment agreement.

(1) A utility shall offer and enter into a delayed payment agreement with a qualifying customer if the customer agrees to pay:

(A) The down payment and all installments by the due dates; and

(B) All bills from that utility coming due during the period of the agreement in full by each bill's respective due date.

(2) A utility may not limit the number of delayed payment agreements a customer may enter into if the customer qualifies under all other conditions of this section.

(e) Qualifying.

(1)(A)(i) A utility does not have to enter into a delayed payment agreement if the customer has failed to keep the terms of a delayed payment agreement in the last twelve (12) months.

(ii) This includes failure to pay the agreed-upon down payment within three (3) business days.

(B) **Exception.** This subdivision (e)(1) does not apply when a utility corrects an underbilling (see 23 CAR § 455-519(d)).

(2) A utility does not have to enter into a delayed payment agreement after the last day to pay, as printed on the most recent shut-off notice, has passed except when 23 CAR § 455-616 or 23 CAR § 455-617 apply.

(3) A utility does not have to enter into a second delayed payment agreement if the customer currently is bound by a delayed payment agreement.

(4) If a customer has engaged in unauthorized use of service or has tampered with utility equipment in the last twenty-four (24) months, the utility does not have to enter into a delayed payment agreement.

(5) If a customer has misrepresented a fact relevant to the conditions under which he or she obtained or continued utility service in the last twenty-four (24) months, the utility does not have to enter into a delayed payment agreement.

(6)(A) The utility may require some form of identification of the customer or the person making the agreement.

(B) If the information is not provided or is not acceptable evidence of identity, the utility may refuse to enter into a delayed payment agreement.

(f) Delayed payment agreements arranged by telephone.

(1) Delayed payment agreements arranged by telephone shall meet all requirements of this section.

(2)(A) The utility may require some form of identification that can be provided by telephone to verify the customer's identity.

(B) If the information is not provided or is incorrect, the utility may refuse to enter into a delayed payment agreement by telephone.

(3) The utility must receive the down payment by the close of business on the third business day after the date the agreement was requested.

(4) A utility shall document all delayed payment agreements arranged by telephone, including any failure to pay the down payment within three (3) business days.

(g) Delayed payment agreement procedure.

(1) All delayed payment agreements shall be in writing and must include relevant portions of this section, specifically subdivisions (d)(1) and (e)(3) of this section and subsections (h) – (l) of this section.

(2)(A) When a utility arranges a delayed payment agreement by telephone, the utility shall send or give the customer a copy of the delayed payment agreement within five (5) business days of receiving the customer's down payment.

(B) A utility may require the customer to sign the agreement and return it to the utility within ten (10) calendar days of the making of the agreement, but the customer's signature is not necessary for validity and enforcement of the documented agreement under this section.

(h) Minimum standards for delayed payment agreements.

(1)(A) The utility must receive a reasonable portion of the overdue bill as a down payment by the close of business on the third business day after arranging an agreement.

(B) The utility may not require more than one-quarter (1/4) of the overdue bill as the down payment in order to enter into a delayed payment agreement.

(2)(A) A utility shall allow the customer to make equal installment payments for at least three (3) months from the date of the down payment.

(B) The down payment shall not be considered an installment payment.

(3) **Exceptions.** Subdivisions (h)(1) and (2) of this section do not apply when a utility corrects an underbilling (see 23 CAR § 455-519(d)).

(4) In offering terms for an agreement, a utility may take into account the:

(A) Customer's ability to pay;

(B) Size of the unpaid account;

(C) Customer's payment history with the utility; and

(D) Reason payment is late.

(i) Renegotiating the delayed payment agreement.

(1) If a customer can substantiate a change in ability to pay resulting from a serious medical condition or the loss of a major source of income, the utility must document its good faith effort to renegotiate a delayed payment agreement one (1) time during the period of the agreement.

(2) The customer loses this right if any term of the delayed payment agreement is not kept.

(3) A renegotiated agreement is not a new delayed payment agreement.

(j) **Finance charge on delayed payment agreements.** A utility may charge interest on delayed payment agreement installments.

(k) **Suspension of service.** A utility may suspend service without prior written notice, subject to the conditions of 23 CAR § 455-604(b), if a customer does not keep the terms of a delayed payment agreement or extension agreement.

(l) **Right to complain.** A customer does not give up any right to complain to the Arkansas Public Service Commission by:

- (1) Signing a delayed payment agreement; or
- (2) Entering an extension agreement.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.13 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-614. Delayed payment agreements — Submission requirements.

A current copy of the form to be used for delayed payment agreements and any revisions to that form shall be provided to the Arkansas Public Service Commission's Consumer Services Office.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.14 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-615. Cold weather rule.

(a)(1) Electric and gas utilities may not suspend residential service on a day when the National Weather Service forecasts that a temperature of thirty-two degrees

Fahrenheit (32° F) or lower will occur at any time during the following twenty-four-hour period.

(2) The utility must obtain the most current forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut off is scheduled.

(b) Gas utilities may not suspend residential gas service during the suspension moratorium period of November 1 to March 31 for low-income customers subject to the following terms and conditions:

(1) The term "low-income customers" includes any individual gas utility customer of record who is approved to receive either food stamps, the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), the Transitional Employment Assistance Program, Medicaid, or LIHEAP assistance;

(2)(A) To avoid a suspension of gas service, such customer must directly notify the gas utility before the suspension date indicated on a received shut-off notice or before the receipt of a shut-off notice that they are approved to receive either food stamps, the Special Supplemental Nutrition Program for Women (WIC), the Transitional Employment Assistance Program, Medicaid, or LIHEAP assistance.

(B) Official written proof of such approval must be provided by such customer directly to the gas utility within fourteen (14) days of the date of the initial notice to the gas utility;

(3)(A) Such customer must execute a written Suspension Moratorium Agreement (SMA) with the gas utility obligating the customer to make a minimum monthly payment for gas service during the suspension moratorium period.

(B) Said minimum monthly payment shall be:

(i) Equal to the minimum monthly payment that otherwise would be required under the gas utility's approved voluntary "average monthly billing plan" or "levelized payment plan"; and

(ii) Payable on the customer's normal monthly payment due date;

(4)(A) Such customer also must agree to and execute a delayed payment agreement (DPA) covering the cumulative deferred monthly bill amounts for the period

November 1 to March 31, as well as any past due amounts owing at the time of execution of the SMA.

(B) Such customer must timely pay the total deferred billing amounts in seven (7) equal monthly installment payments to be made April through October.

(C) Interest shall not begin to accrue on any deferred amount until repayment of the deferred amount begins.

(D) Payments under the DPA shall be in addition to the normal monthly billed amounts during the seven-month DPA term;

(5) In the event of misuse, fraud, or failure to make required monthly payments under the provisions of this subsection by such customer, the gas utility may initiate Arkansas Public Service Commission-approved service suspension procedures notwithstanding the provisions of subdivision (b)(6) of this section;

(6) In the event of a service suspension pursuant to the provisions of subdivision (b)(5) of this section, such customer will not be allowed to again claim the service suspension moratorium protection of this subsection until all past due amounts owed to the gas utility have been paid in full; and

(7) If necessary to preserve and protect the public safety, the gas utility may initiate emergency suspension procedures notwithstanding the provisions of this subsection until such time as the specific public safety issue has been satisfactorily resolved.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.15 of the General Service Rules prior to codification in the Code of Arkansas Rules.

"LIHEAP" means Low Income Home Energy Assistance Program.

23 CAR § 455-616. Agency guaranty of payment.

(a) Requirements.

(1) When a social service agency agrees orally or in writing to pay at least one-quarter (1/4) of an overdue bill, the utility shall continue service, or restore service suspended for nonpayment, if the customer qualifies for and agrees to pay any remaining overdue amounts and any additional deposit under a delayed payment agreement.

(2) The agency payment shall be considered the down payment for the delayed payment agreement.

(3) The utility may verify any notice received from any agency.

(b) **Confirmation.** The utility may require the agency to give written confirmation of an oral agreement within ten (10) days of the date of oral agreement.

(c) **Service suspension.** If an account remains unpaid forty (40) days after an agency notifies a utility, as set out in subdivision (a) of this section, that they will be making a payment, the utility may suspend service after giving the customer an additional five (5) calendar days' written notice.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.16 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-617. Medical need for utility service.

(a) General requirements.

(1) Each utility must honor a physician's certificate that attests to the fact that a residential utility customer or any other permanent resident of the household has a serious medical condition.

(2) The certificate must clearly state that the suspension of utility service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

(b) Notice.

(1) A physician, nurse, nurse practitioner, physician's assistant, or public or private agency providing physical or mental healthcare services may notify the utility in person, by telephone, or by letter that the serious medical condition exists.

(2) When a utility is notified, it must inform the healthcare professional that a physician's certificate is required within seven (7) days.

(3) The utility may verify notice given by telephone.

(c) Delay of suspension or reconnection of service.

(1)(A) When notified under subsection (b) of this section, a utility shall postpone suspension or reconnect service that has been suspended for thirty (30) days or less.

(B) The utility shall not be required to continue to provide service for longer than thirty (30) days unless the medical certificate is renewed under subdivision (c)(5) of this section.

(2) The utility must receive a physician's certificate within seven (7) days after being notified according to subsection (b) of this section.

(3) A utility may suspend service if it does not receive a physician's certificate within seven (7) days after being notified according to subsection (b) of this section.

(4)(A) Upon receipt of a physician's certificate, the utility shall notify the customer in writing of the:

(i) Receipt of the certificate;

(ii) Date the certificate was received;

(iii) Date the postponement of suspension or reconnection of service was commenced; and

(iv) Date on which the postponement of suspension or reconnection shall expire.

(B) The notice shall contain an explanation of the customer's rights to renew the certificate.

(C) The notice shall specifically state the last day the customer has to renew the certificate.

(D) The notice may be delivered by first-class mail or by delivery to an adult person at the residence.

(5)(A) A customer may renew a certificate one (1) time for up to an additional thirty (30) days.

(B) The certificate must be renewed by the customer before the thirty-day time period expires.

(C) To renew a current certificate, the customer must provide a new certificate from the physician.

(6)(A) A utility is not required to accept more than one (1) physician's certificate per household each year.

(B) A renewal of a certificate is not a second certificate.

(d) Physician's certificate.

(1) A completed physician's certificate must be signed by a physician and must be in the following form.

(2) The utility shall provide a copy of the physician's certificate form to the physician.

PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR UTILITY SERVICE

The Arkansas Public Service Commission requires utilities under its jurisdiction to honor physician's certificates which attest to the fact that a utility customer or any permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of utility service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other health care professional providing health care services to the patient may notify the utility of the serious medical condition. The notice must be followed within 7 days by a certificate. The certificate is valid for up to 30 days and may be extended for one additional 30-day period

I am licensed to practice medicine by the Arkansas State Medical Board or a comparable licensing authority in the State of _____.

Physician

Address

Phone number

(e) Additional medical opinion.

(1)(A) A utility may, at its expense, obtain an additional medical report or certificate from a physician of its choice.

(B) The additional medical report or certificate shall be based on that physician's examination of the customer.

(2) Failure of the customer without good cause to attend the utility-required medical appointment shall be sufficient reason for suspension of service by the utility.

(3) If the information in the additional report or certificate does not meet the criteria in this section for delaying suspension, a utility may suspend service after giving the customer an additional five (5) days' written notice.

(f) Liability for payment for service. Delaying suspension or reconnecting service under this section does not excuse the customer from having to pay for the service.

(g) Contact procedures before suspension of service. If suspension has been postponed under this section, and the medical certificate has expired, the utility must follow the notification requirement of 23 CAR § 455-604(a) prior to suspension.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.17 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-618. Elderly and individuals with disabilities.

(a) This section only applies to residential customers.

(b) **Identification of the elderly and individuals with disabilities.** Utilities shall attempt to identify eligible individuals by informing them that a special program is available for customers who qualify under this section and shall then ask qualifying applicants or customers whether they wish to be registered as provided in this section:

(1) When an applicant requests service;

(2) When asked if there are options for elderly customers and customers who are individuals with disabilities; and

(3) When contacted by a customer about suspension.

(c) **Customer contact.**

(1) At least seventy-two (72) hours before suspending service to the account of an identified elderly or individual with disabilities, a utility must make two (2) attempts at different times of day to contact the customer, an adult at the premises, or someone previously designated by the customer, either in person or by telephone.

(2) If the attempt to contact is successful, the utility shall:

(A) Offer to explain to the customer, an adult at the premises, or someone previously designated by the customer what can be done to avoid suspension; and

(B) Offer to explain the payment and assistance options set out in subsection (d) of this section.

(3)(A) If the attempt to make personal contact with the customer, an adult at the premises, or other designated individual is not successful, the utility must give twenty-four (24) hours' written notice, which explains what can be done to avoid suspension, before suspending service.

(B) If the utility delivers the notice to the customer's premises, the utility must leave the notice in a conspicuous place where the notice is easy to see.

(C) If the utility mails the notice, the twenty-four (24) hours begins three (3) calendar days after the date the notice is postmarked.

(D) The utility must send the notice to the customer's address by first-class mail.

(d) **Payment and assistance options.** When an identified elderly customer or customer who is an individual with disabilities tells a utility they cannot pay a bill on time, or upon contacting an identified elderly customer or individual with disabilities under subsection (c) of this section, the utility shall offer to:

(1) Arrange a delayed payment agreement, or, for electric and gas utilities, arrange for levelized billing;

(2) Explain the right to third-party notice before suspension of service; and

(3) Provide the names of federal, state, and local bill payment assistance agencies.

(e) **Records.**

(1) A utility shall mark the accounts of identified elderly customers or customers who are individuals with disabilities.

(2) Utilities shall keep a record as required by 23 CAR § 455-702 of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

(f) **Hot weather protection.**

(1)(A) An electric or gas utility shall not suspend residential service to an elderly customer or customer who is an individual with disabilities on a day when the National Weather Service forecasts that a temperature of ninety-five degrees Fahrenheit (95° F) or higher will occur at any time during the following twenty-four-hour period.

(B) For gas utilities, hot weather protection shall be limited to elderly or individuals with disabilities air conditioning customers only.

(2) The utility must obtain the forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut off is scheduled.

(g) **False information.** If a customer gives false information to a utility to qualify as elderly or an individual with disabilities, the utility may suspend service under 23 CAR § 455-601(7).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.18 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-619. Provisions for landlords and tenants.

(a) Account identification.

(1) Each utility shall file with the Arkansas Public Service Commission procedures for identifying accounts where service is provided at an address different from the mailing address of the bill.

(2) The procedures may include requiring landlords to identify themselves as landlords and to identify their tenants by name, address, and account number.

(3) Without that identification, the utility shall not be required to treat a customer as a tenant unless it has actual knowledge or information that reliably indicates that the person to whom service is provided is a tenant.

(b) Suspension procedures.

(1) The utility shall not suspend service to an identified account for nonpayment until it sends a suspension notice to the landlord.

(2) If no response is received from the landlord within seven (7) days from the mail date, the utility shall take the following actions:

(A) Post a suspension notice in conspicuous locations such as near mailboxes, building entrances, exits, and other areas of common usage or mail a suspension notice to all tenants at least fourteen (14) days before suspending service;

(B) Wait at least thirty (30) days after the due date of the landlord's bill before suspending service; and

(C) Allow any tenant to apply for service in the tenant's name if separate metering is feasible.

(c) **Payment liability.** A utility shall not recover from a tenant or condition service to a tenant on the payment of any amounts owed by the landlord to the utility.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.19 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-620. Stopping service at customer request.

(a) **Notice.**

(1) A customer who wants to stop service must tell the utility at least five (5) days before the requested disconnection date.

(2) The minimum five-day notice period begins:

(A) On the day the customer telephones the utility;

(B) When the customer personally informs the local business office; or

(C) Three (3) days after the customer has mailed the notice to the utility.

(b) **Liability.** The customer does not have to pay for service after the disconnection date requested by the customer, so long as proper notice was given according to subsection (a) of this section.

(c) **Confirmation.** A utility must confirm the disconnection date if the customer asks.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 6.20 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 7. Records and Reports

23 CAR § 455-701. Application records.

(a)(1) Each utility must keep a record of each written or verbal application for utility service except as provided in the exception to 23 CAR § 455-301(b).

(2) Records of applications must be kept for at least two (2) years unless cancelled or withdrawn.

(3) If an application is still active at the end of the two-year period, it must be kept until it is served or until the application is cancelled or withdrawn.

(b) Each application record shall include:

(1) Name and current address of the applicant;

(2) Address of location where service is being requested;

(3) Date of the request;

(4) Date service is desired;

(5) Estimated service date;

(6) Class of service applied for;

(7) Availability of facilities; and

(8) The date service was provided or the reason service was delayed or deferred.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-702. Account records.

(a) Each utility shall keep a ledger or other record of billings to and all money paid by each customer.

(b) The record shall contain all information necessary to figure bills, including:

(1) Customer name;

(2) Mailing address;

- (3) Service location;
- (4) Account number;
- (5) Dates service was provided;
- (6) Meter readings;
- (7) Billed amounts;
- (8) Rate schedules and payment plans;
- (9) Any payment arrangements; and
- (10) Each transaction concerning each deposit.

(c)(1) A utility shall mark the accounts of identified elderly and customers who are individuals with disabilities.

(2) Utilities shall keep a record of how they handled overdue accounts of elderly customers and customers who are individuals with disabilities.

(d) Utilities shall keep records so that costs and payments for separate services can be easily identified.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-703. Deposit records.

Each utility shall keep a record containing the following information for each customer account:

- (1) The name of the customer for whom the deposit is made;
- (2) The service location;
- (3) The deposit amount;
- (4) The deposit date;
- (5) The reason for the deposit;
- (6) Each transaction concerning each deposit; and
- (7) All efforts to return the deposit to the customer.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-704. Complaint records.

(a) A utility shall keep an up-to-date record of all customer complaints, showing the:

- (1) Name and address of the complainant;
- (2) Account number;
- (3) Date and character of the complaint;
- (4) Action taken to resolve the complaint; and
- (5) Date of resolution.

(b) Utilities shall keep the record in a way that allows reporting by name, account number, or telephone number, and category.

(c) Each utility shall establish categories for all complaints which allow utilities to record complaints by specific type.

(d) Utilities shall keep complaint records at least three (3) years.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-705. Test and inspection records.

(a) Utilities shall make a complete record of every test or inspection that this part requires.

(b) The record shall include the:

- (1) Time;

- (2) Date;
- (3) Place;
- (4) Tester;
- (5) Inspector; and
- (6) Results.

(c) Utilities shall keep test and inspection records at least two (2) years, or as specified in this part or in the Arkansas Public Service Commission's Special Rules.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-706. Operating records.

(a)(1) Each utility shall keep a detailed record of its production, transmission, and/or distribution operations.

(2)(A) The record shall include any units of service produced, purchased, and sent out.

(B) The record shall also include any fuels or other raw materials used in the production of the utility's product and the length of time each unit that produced the utility's product was operating, if applicable.

(3) The record shall be detailed enough to substantially replicate the operations of each production, transmission, and/or distribution unit for use in statistical and analytical studies for regulatory purposes.

(b) All utilities shall keep records so that costs for separate kinds of services or nonutility enterprises can be easily identified.

(c)(1) Each utility shall keep records of its customer call center operations.

(2) The records shall be kept in sufficient detail to calculate the utility's performance as required by 23 CAR § 455-205(d).

(3) The records shall be kept separately for each customer call center.

(4) Utilities shall keep the records at least three (3) years.

(5) These records shall be maintained by month and shall include, but are not limited to:

(A) The total number of calls attempted;

(B) The total number of calls receiving a busy signal;

(C) The total number of calls received;

(D) The total number of received calls answered within thirty (30) seconds;

(E) The total number of calls answered within thirty (30) seconds of the customer requesting an employee;

(F) Within an automated system, the total number of calls where a customer selects to speak to an employee;

(G) The average speed-to-answer time for received calls that are answered;

(H) The results of the utility's monthly determinations required by 23 CAR § 455-205(d)(3) and (4); and

(I) The number of abandoned calls.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-707. Service outage records.

(a) Each utility shall keep records of all detected or documented service outages.

(b) Each record shall include the time, date, location, duration, cause, and extent of each outage.

(c) Utilities shall keep the records at least two (2) years.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-708. Location of records.

(a) Utilities shall keep records:

- (1) Within the State of Arkansas;
- (2) At the offices of the utility; or
- (3) At locations outside the State of Arkansas authorized by the Arkansas

Public Service Commission.

(b) Such records shall be available at all reasonable hours for examination by the Arkansas Public Service Commission, its representatives, or others authorized by the Arkansas Public Service Commission.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.08 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-709. Reports to the Arkansas Public Service Commission.

(a) **Outages.**

(1) Utilities shall promptly report outages in an individual city, town, or in the same general area that last more than four (4) hours and affect one hundred (100) or more customers by telephone to the Arkansas Public Service Commission's Consumer Services Office.

(2) After normal business hours and on weekends and holidays, utilities may report outages by leaving a message on the Arkansas Public Service Commission's Consumer Services Office recorder.

(b) **Changes in service.**

(1) Each utility shall notify the Arkansas Public Service Commission's Consumer Services Office in writing at least thirty (30) days before making any major changes in:

- (A) Its method of operation; or
- (B) The character of service.

(2) For example, the closing of a utility business office and the moving of a utility's billing department out of state would be considered major changes for the purposes of this section.

(c) **Customer complaints.** Upon request, each utility shall make available in writing to the Arkansas Public Service Commission the number of customer complaints by category as required by 23 CAR § 455-704(c) for the requested time period.

(d) **Reference information.**

(1) Each utility shall provide the Arkansas Public Service Commission's Consumer Services Office with current copies of the following required information:

- (A) Information on utility service, 23 CAR § 455-201;
- (B) Current list of utility personnel who answer Arkansas Public Service Commission questions about complaints, 23 CAR § 455-207(a)(3);
- (C) Service application form, 23 CAR § 455-302;
- (D) Bill form, 23 CAR § 455-502;
- (E) Shut-off notice form, 23 CAR § 455-605; and
- (F) Delayed payment agreement form, 23 CAR § 455-614.

(2) New copies of the information shall be provided to the Arkansas Public Service Commission's Consumer Services Office whenever the information is revised.

(e) **Arkansas Public Service Commission requests for reports.** The Arkansas Public Service Commission may request any information in any form from a utility that it has a right to obtain (Arkansas Code § 23-2-309).

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 7.09 of the General Service Rules prior to codification in the Code of Arkansas Rules.

Subpart 8. General Service Standards

23 CAR § 455-801. Safe and adequate service.

(a) Each utility shall operate and maintain its entire system so that service is safe, adequate, and reliable.

(b) Each utility shall inspect its entire system as necessary to have a reasonable knowledge of the system's condition at all times.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.01 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-802. Electrical inductive and conductive effects.

(a) All utility companies shall coordinate their efforts and use all reasonable means to minimize the detrimental electrical inductive and conductive effects between utility systems.

(b) Priority shall be given to eliminating stray currents that:

- (1) Affect quality of service; or
- (2) Create potential hazards to the public.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.02 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-803. Extensions, additions, repairs, changes, and improvements.

After a public hearing, the Arkansas Public Service Commission may require a utility to make extensions, additions, repairs, or changes in or improvements to any equipment, main, or line if the Arkansas Public Service Commission finds that they should reasonably be made to:

- (1) Promote the security or convenience of the public; or
- (2) Secure adequate service or facilities.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.03 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-804. Service interruptions.

(a) **Scheduled interruptions.**

(1) **Scheduling.** Except in an emergency, utilities shall schedule interruptions so that the inconvenience to customers is minimized.

(2) **Notice.** Utilities shall make reasonable efforts to:

(A) Notify customers affected by a scheduled interruption as far ahead as practical; and

(B) Give them the date, time, and planned length of the interruption.

(b) **Unforeseen interruptions.** Utilities shall:

(1) Make reasonable efforts to notify customers affected by an unforeseen interruption as soon as practical; and

(2) Explain the cause and how long it will last.

(c) **Restoration priority.** Utilities shall make every reasonable effort to first restore service that affects public health and safety.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.04 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-805. Emergency repair service and telephone number.

(a)(1) Each utility shall perform emergency repair service.

(2) The utility shall take into account both the needs of the customer and the safety of utility personnel.

(3) Emergency restoration requirements are in the Arkansas Public Service Commission's Special Rules.

(b)(1) Each utility shall list in the directory of each telecommunications provider that provides basic local service in any area it serves an emergency repair service number where a customer may call toll free.

(2) Collect calls accepted by the utility are considered to be toll-free calls.

(3) The emergency number shall:

(A) Be manned twenty-four (24) hours a day; or

(B) Have a recording or answering service directing the caller to a number manned twenty-four (24) hours a day.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.05 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-806. Emergency response to outages.

(a) **Restoration priority.** Utilities shall first attempt to restore service that affects public health and safety.

(b) **Restoration procedures.**

(1) Each utility shall have written procedures for designated employees to follow during major service outages.

(2) The procedures shall contain at least the following:

- (A) Notification procedures for emergency response personnel;
 - (B) General location or locations of equipment, tools, and materials normally needed to restore service;
 - (C) Procedures for notifying fire, police, medical, and other public officials;
- and
- (D) General procedures to determine whether the system is safe.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.06 of the General Service Rules prior to codification in the Code of Arkansas Rules.

23 CAR § 455-807. Marking locations of underground facilities.

Unless otherwise agreed to by the excavator, each utility shall mark the approximate location of its underground facilities, in compliance with Arkansas Code §§ 14-271-110 and 14-271-111, within two (2) working days of notification from the One Call Center or the excavator.

Authority. Arkansas Code § 23-2-305.

Codification Notes. This section was promulgated as Rule 8.07 of the General Service Rules prior to codification in the Code of Arkansas Rules.