

DOCKET NUMBER 9205-U
RESIDENTIAL GAS UTILITY SERVICE DISCONNECTIONS
NOTICE OF RULEMAKING

TO: (a) Legislative Counsel - State of Georgia
 (b) All Parties of Record - Docket Number 9205-U
 (c) All Local Gas Companies
 (d) Consumers' Utility Counsel of Georgia
 (e) Affected Commission Staff
 (f) All Parties on the Commission's Gas and Utility Rulemaking Mailing List

FROM: Georgia Public Service Commission
 244 Washington Street
 Atlanta, GA 30334

IN RE: Adoption of Rules Concerning Residential Gas Utility Service Disconnections.

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated Section 50-13-4) that the Georgia Public Service Commission ("Commission") has considered and adopted rules pertaining the Utility Rules of the Georgia Public Service Commission (515-3-3—Residential Gas Utility Service Disconnections), specifically Commission Rule 515-3-3-.04(c)—Seasonal Restrictions.

The Commission's rule becomes effective as provided by law twenty (20) days after approval in the Administrative Session and subsequent filing with the Secretary of State.

I. RULE

A. Introduction and Jurisdiction

As part of implementing Georgia's Natural Gas Competition and Deregulation Act, O.C.G.A. § 46-4-150 et seq. (also referred to herein as the "Act"), the Georgia Public Service Commission ("Commission") has amended the current residential gas utility service disconnections (515-3-3) in order to protect consumers from being disconnected during periods of extremely cold temperatures. The Commission is therefore amending these rules in order to resolve any potential problems for future winter seasons.

B. Synopsis and Explanation of Rules

The primary purpose of the rules is to modify the timeframe for the current seasonal restriction from a seventy-two (72) hour period to a forty-eight (48) hour period. At its Administrative Session on February 19, 2002, the Commission approved the Rulemaking.

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A. § 50-13-4(a)(1), the Commission intends to adopt modifications to Residential Gas Utility Service Disconnections. The full text of the proposed rules under Chapter 515-3-3 of the Utility Rules of the Commission is set forth below.

**RULES OF THE GEORGIA PUBLIC SERVICE COMMISSION
515-3 GENERAL RULES**

**CHAPTER 515-3-3
RESIDENTIAL GAS UTILITY SERVICE DISCONNECTIONS
NOTICE OF PROPOSED RULEMAKING**

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515-3-3-.01 Reasons for Disconnection. Amended. No residential gas utility service may be disconnected except for the following reasons:

- a. upon customer request;
- b. when service to the customer constitutes an immediate hazard to persons or property;
- c. by order of the Georgia Public Service Commission, any Court, or any other authorized public agency;
- d. violation of applicable utility or marketer rules and regulations approved by and filed with the Georgia Public Service Commission;
- e. a bill for past service is not paid within at least forty-five (45) days after the date of the bill, provided that said bill is not for service to a previous occupant of the premises served, is not for the purchase of merchandise or appliances and is not for service rendered at a different metering point if such bill is unpaid for less than forty-five (45) days.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Original Rule entitled "Reasons for Disconnection" was filed as an Emergency Rule 515-36-2-0.1-.01 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Reasons for Disconnection" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed October 6, 1998; effective October 26, 1998.

515-3-3-.02 Limitations on Disconnection. Amended. In the case of proposed disconnection for residential gas service, service may not be disconnected unless:

- a. the utility or marketer has delivered, or caused to be delivered, to the service address, or to the address of any party who to the knowledge of the utility or marketer has undertaken the responsibility to pay the bill, written notice of the

proposed disconnection at least five (5) days prior to the date of disconnection. Such notice shall include:

1. The earliest date for the proposed disconnection;
 1. the amount due and the reason for the proposed disconnection;
 2. a telephone number which the affected customer may call for information about the proposed disconnection;
 3. the procedure for preventing disconnection of service, including one wherein there may exist a medical emergency as hereinafter described; and
 4. information concerning any programs known to the utility or marketer which might assist the customer in paying the past-due bill;
- b. The utility or marketer makes a good-faith effort to make personal contact by the use of a telephone, certified mail, certification of mailing or other method designed to reasonably notify the affected customer at least two (2) days prior to the proposed disconnection date if personal contact has not been made previously;
- c. The date of the proposed disconnection is a business day, when a representative of the utility or marketer is available to receive payment from the customer; and
- d. The overdue bill is not for consumption for three or more months as the result of previously estimated bills, unless the customer has been given an amount of time to pay the bill equal to the amount of time in which the bill was estimated.

Authority Ga. L. 1878-79, p. 125; 1907, pp. 143, 144; 1972, pp. 138, 439. **Administrative History.** Original Rule entitled "Limitations for Disconnection" was filed as an Emergency Rule 515-36-2-0.1-.02 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Limitations for Disconnection" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed June 30, 1987; effective July 20, 1987. **Amended:** Filed October 6, 1998; effective October 26, 1998.

515-3-3-.03 Disconnection during Illness. Amended. Service shall not be discontinued for nonpayment of a bill to a residential customer who has a serious illness which would be aggravated by said discontinuance, provided that the customer notifies either the marketer or the utility providing retail distribution service of this condition in writing, or orally with written notice within ten (10) days thereafter, and within ten (10) days of giving such initial notice furnishes to either the marketer or the utility providing retail distribution service a written statement from a physician, county board of health, hospital, or clinic identifying the illness, its expected duration, and certifying that the illness would be aggravated by such discontinuance. In such event, the proposed disconnection shall be held in abeyance for the shorter of either the length of the illness or one month from the date of such initial notice, and the customer may renew the postponement period one additional time by repeating the aforementioned procedure. If there is a dispute regarding the existence of a serious illness, the case may be referred to the Commission for a final determination.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Original Rule entitled "Disconnection during Illness" was filed as an Emergency Rule 515-36-2-0.1-.03 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Disconnection during Illness" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed October 6, 1998; effective October 26, 1998.

515-3-3-.04 Seasonal Restrictions. Amended. Other rules notwithstanding, a utility or marketer shall not discontinue service to a residential customer for an unpaid bill between November 15 and March 15 if:

- (a) the customer agrees in writing to pay the past-due balance including customer charges in equal installments for a maximum duration beginning with the first billing period after March 15 and concluding prior to the following October 15, unless the customer fails to comply with such agreement;
- (b) in addition, the customer agrees in writing to pay all bills by their due date for current service received after said agreement unless the customer fails to comply with such agreement;
- (c) the forecasted local low temperature for a forty-eight (48) hour period beginning at 8:00 A.M. on the date of the proposed disconnection is below 32° F.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Original Rule entitled "Seasonal Restrictions" was filed as an Emergency Rule 515-36-2-0.1-.04 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Seasonal Restrictions" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed October 6, 1998; effective October 26, 1998. **Amended:** Filed August xx, 2001; effective August xx, 2001.

515-3-3-.05 Multi-Family Dwellings. Amended. The utility or marketer shall provide written notice at least five (5) days prior to any proposed utility disconnection to tenants of multi-family dwellings where the landlord or lessor is responsible for payment for utility services. Such notice shall be personally served on at least one adult in each dwelling unit or posted conspicuously on said premises when personal service cannot be made. The utility or marketer shall accept payments from tenants as their portion of any past-due amounts and shall issue receipts to those tenants indicating that such payments shall be credited to the landlord's account.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Original Rule entitled "Multi-Family Dwellings" was filed as an Emergency Rule 515-36-2-0.1-.05 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Multi-Family Dwellings" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed October 6, 1998; effective October 26, 1998.

515-3-3-.06 Right of the Customer. Amended. In the case of a disputed bill, the residential customer shall have the right, after all remedial measures with the utility or marketer have failed, to request in writing, or orally to be followed by a request in writing, the Georgia Public Service Commission to investigate the dispute before service may be terminated, provided that such a request must be made within ten (10) days after the date of the disputed bill. Any late charges assessed in the case of a disputed bill shall be refunded if it is determined that the customer does not owe the bill.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Original Rule entitled "Right of the

Customer" was filed as an Emergency Rule 515-36-2-0.1-.06 on November 27, 1979, having been adopted November 20, 1979 to become effective November 21, 1979, and to remain in effect until January 1, 1980, as specified by the Agency. **Amended:** Permanent Rule entitled "Right of the Customer" was filed on November 27, 1979; effective January 1, 1980, as specified by the Agency. **Amended:** Filed October 6, 1998; effective October 26, 1998.

515-3-3-.07 Marketers Obligations.

1. The EDC must disconnect a customer within five (5) business days following a request for disconnection from a marketer that is in compliance with all Commission orders and rules regarding service disconnection.
2. The marketer shall be responsible to the EDC for service to the customer until the EDC has made the physical disconnection.
3. If a customer is terminated at the request of a marketer for nonpayment, delivery service will not be restored by an EDC to such premise on behalf of another marketer without a release from the marketer requesting the disconnection.

Authority Ga. L. 1878-79, p. 125; 1907. pp. 143, 144; 1972. pp. 138, 439. **Administrative History.** Filed October 6, 1998; effective October 26, 1998.

WHEREFORE IT IS ORDERED, that the Commission hereby adopts this Rulemaking of the Rules concerning Chapter 515-3-3: Residential Gas Utility Service Disconnections.

ORDERED FURTHER, that this Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

ORDERED FURTHER, that any motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission;

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 19th day of February 2002.

Reece McAlister
Executive Secretary

David L. Burgess
Chairman

Date

Date