



ADMINISTRATIVE RULES OF MONTANA



38.5.1405 NOTICE PRIOR TO AND AT THE TIME OF TERMINATION

- (1) A utility may not terminate service to any residential, firm, commercial, industrial or other customer unless written notice is served.
- (2) Termination notice shall be served as follows:
 - (a) If no response to the first notice is received within ten days of mailing, the utility must send a second notice by first class or certified mail (return receipt requested) . The second notice must be sent by the utility or personally served on the customer at least ten days prior to the date of the proposed termination.
 - (b) A utility may terminate utility services upon serving written notice five business days prior to the proposed termination date when a customer:
 - (i) remits an insufficient funds check as payment to the utility after receiving the first notice of termination, or
 - (ii) breaches a payment agreement made pursuant to ARM 38.5.1415.
 - (c) The provisions of (a) shall govern notice of termination to landlord customers, except that the first notice must be sent at least 30 days prior to the date of the proposed termination.
 - (d) The utility shall give written notice of the proposed termination for nonpayment to each residential unit reasonably likely to be occupied by an affected tenant of a landlord customer subject to termination. Such notice shall not be rendered earlier than five business days following initial notification to the landlord customer. However, if the landlord customer disputes the amount owing, such notice shall not be rendered until the dispute has been resolved. In no event shall such notice be served upon the tenants less than 15 days prior to the termination of service to the landlord customer on account of nonpayment. Upon affidavit, the Commission may, for good cause shown by the utility, reduce the minimum time between notification of the landlord customer and notification of the tenants.
 - (e) Prior to termination of service the utility must make a diligent attempt to contact the customer, either in person or by telephone, to apprise him of the proposed action. If telephone or personal contact is not made, the utility employee shall leave notice in a place conspicuous to the customer that service will be terminated on the next business day unless the delinquent charges have been paid.
- (3) When service is terminated, the utility employee terminating service shall leave notice upon the premises in a place conspicuous to the customer that service has been terminated which gives the address and telephone number of the utility where the customer may arrange to have service restored. The utility shall have personnel available after the time of termination and during normal

business hours authorized to reconnect service if the conditions cited as grounds for termination are corrected to the utility's satisfaction and upon payment of any reconnection charge specified in the utility's filed tariffs.

Authorizing statute(s): Sec. 69-3-103, MCA

Implementing statute(s): Sec. 69-3-102, MCA

History: NEW, 1980 MAR p. 645, Eff. 2/29/80; AMD, 1982 MAR p. 2177, Eff. 12/31/82.