



ADMINISTRATIVE RULES OF MONTANA



38.5.2505 UTILITY DISCONTINUANCE OF SERVICE

- (1) Notice of Discontinuance.
 - (a) No utility shall discontinue service to any consumer for violation of rules or for nonpayment of bills, without first having tried diligently to induce the consumer to comply with its rules, or to pay outstanding bills. A record of these efforts must be maintained by the utility.
 - (b) A utility may not terminate service to any consumer unless written notice is sent by first class mail to the consumer that bills are ten or more days delinquent, or that the violation of the rules must cease. 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, or personally serve the customer at least ten days prior to the date of the proposed termination. If no response to the second notice is received within ten days of mailing or service, the utility shall leave notice in a place conspicuous to the consumer that service will be terminated on the next business day unless the delinquent charges have been paid or the violation of the rules have ceased.
 - (c) A utility may terminate water service without advance notice to the consumer when the utility's regulating or measuring equipment has been tampered with, or where the fraudulent use of water service by an unauthorized person is detected. The utility may assess a reconnection charge as provided in ARM 38.5.2505(2) before service is recontinued.
 - (d) All disconnections shall be performed by the utility between the hours of 8:00 a.m. and 12:00 noon, and in no case shall the utility discontinue service on Friday, Saturday, Sunday, or a day prior to holiday except as provided in ARM 38.5.2505(1) (c) .
- (2) Charge for Reconnection.
 - (a) Whenever the supply of water is discontinued for violation of these general rules or the utility's special rules, nonpayment of bills, or as provided in ARM 38.5.2505 (1) (c) , the utility may make a reconnection charge as set forth in its tariff for the reestablishment of service.
 - (b) After service has been turned off because of nonpayment, service shall not be turned on again until all delinquent water bills and a reconnection charge as set forth in the utility's tariff have been paid or an agreeable pay arrangement has been made between the consumer and the utility.
 - (c) If a consumer requests that water service be discontinued and then requests service be recontinued any time within eight months following the discontinuance, the utility may require the consumer first pay a reconnection charge as set forth in the utility's tariff.

- (3) Temporary Service Failure. Any temporary failure on the part of the utility to supply service by reason of accident or otherwise for a period in excess of 24 hours shall not render the utility liable beyond a pro rata abatement of service charges during such interruption.
- (4) Emergency Service Disruption. Notice will be given, whenever possible, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies their water service may be shut off at any time. In the event of such accidents or emergencies, consumers are advised to take the necessary precautions to prevent damage to their fixtures and premises.

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

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

History: NEW, 1982 MAR p. 864-866; Eff. 4/30/82.