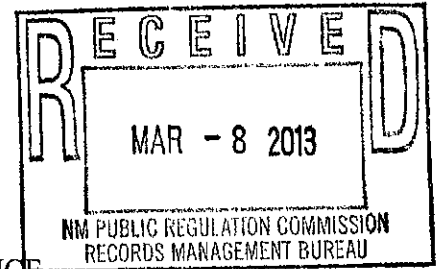


SIERRA ELECTRIC COOPERATIVE, INC.  
THIRD REVISED RULE NO. 11  
CANCELING SECOND REVISED RULE NO. 11



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1. Without Notice – The Cooperative may discontinue utility service to a consumer without prior notice in the event of:
  - 1.1 a condition determined by the Cooperative to be hazardous;
  - 1.2 customer use of equipment in such manner as to adversely affect the Cooperative equipment or service to others;
  - 1.3 customer's tampering with, damaging, or deliberately destroying the equipment furnished and owned by the Cooperative;
  - 1.4 unauthorized use of service provided by the cooperative.
2. Three (3) Day Notice – The Cooperative may discontinue service after three (3) days' prior written notice in the event of the customer's:
  - 2.1 refusal to grant access at reasonable times to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement;
  - 2.2 failure to furnish such service, equipment, permits, certificates, and/or rights of way, as shall have been specified by the Cooperative as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated;
  - 2.3 violation of and/or noncompliance with the Cooperative Rules on file with and approved by the Commission.
  - 2.4 provision of a fraudulent medical certification form or financial certification form.

The Three (3) day notice shall be in English and Spanish, as may be applicable, and shall include the following:

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Advice Notice No. 61

Jimmy W. Capps, Jr.  
General Manager

BY

Final Order Case No. 11-00385-UT

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- 2.5 a statement of the reason(s) why the Cooperative has issued notice to discontinue utility service pursuant to Subsection C of 17.5.410.31 NMAC;
  - 2.6 the title(s), address, telephone numbers(s) and working hours of the personnel at the Cooperative responsible for carrying out the rights prescribed in 17.5.410 NMAC;
  - 2.7 a statement that the residential customer can obtain a review by personnel for the Cooperative of the reasons for the proposed discontinuance of service, which shall stay the discontinuance during the review, and a statement that a complaint may be filed with the Commission, if the residential customer disagrees with the Cooperative's determination of the facts on which the proposed discontinuance is based.
  - 2.8 a statement that members of New Mexico tribes or pueblos who need help will translation of other matters may contact the commission's consumer relations division at (888) 427-5772, who will contact the appropriate tribal or pueblo officials for assistance.
3. With Notice - The Cooperative may discontinue service to a customer after 15 days written notice for:
- 3.1 Non-payment of a delinquent account pursuant to 17.5.410.33 NMAC;
  - 3.2 Failure to post a security deposit or guarantee pursuant to 17.5.410.33 NMAC, as applicable, except that a utility may discontinue service to an existing residential customer solely for failure to pay a deposit; or

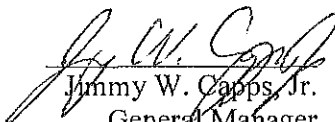
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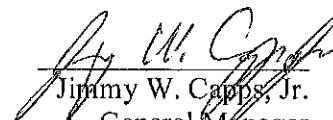
- 3.3 Failure to comply with the terms and conditions of a settlement agreement or installment agreement entered into pursuant to this rule.
- 3.4 Notification – Notification for Residential Consumers
- a) Fifteen-day notice. At least fifteen (15) days before the Cooperative discontinues service to a residential customer, the Cooperative shall provide written notice to the customer stating its intent to discontinue service and setting forth the customer's rights regarding discontinuance of service, budget payment plans and settlement arrangements. The notice shall be in writing, in English and Spanish, and shall be in simple language. The notice shall be delivered to the residential customer in person or by U.S. Mail, postage prepaid, addressed to the last address for the residential customer at the address for the residential customer known to the Cooperative or by electronic mail if a residential customer has elected to receive electronic billing. The fifteen-day notice shall contain:
- i. the title(s), address, telephone number(s) and working hours of the personnel at the Cooperative responsible for administering the procedures in this section;
  - ii. a statement that "if the past due balance on your account has been paid, please disregard this notice.";
  - iii. a statement that "To avoid disconnection we must receive your past due balance of (\$\_.\_) not later than (month/day/year), or payment arrangements must be made. Please see the enclosed notice for more information.";

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- iv. a statement in both English and Spanish of “Customers Rights and Responsibilities; set forth in 17.5.410.42 NMAC, and a utility can choose the method of enclosing the required statement of “Customers’ Right and Responsibilities”;
- v. a statement that a residential customer may file a compliant with the New Mexico Public Regulation Commission in accordance with 17.1.2. NMAC, if the residential customer disagrees with the Cooperative’s determination concerning discontinuance of service.
- vi. a statement that the Company will not discontinue service to any residence where a seriously or chronically ill person resides, or will reestablish service to such residence, if at least two (2) days prior to the proposed service discontinuance date indicated in the notice, the Cooperative receives;
  - (1) a signed, valid medical form pursuant to 17.5.410. NMAC; and
  - (2) a signed, valid financial form pursuant to 17.5.410 NMAC; and
  - (3) the residential customer may enter into a written settlement agreement or deferred payment plan with the Cooperative.
- vii. a statement that if service has been discontinued, the Cooperative shall re-establish service within twelve (12) hours of receipt of the documents described in (a), (b), and (c) above.

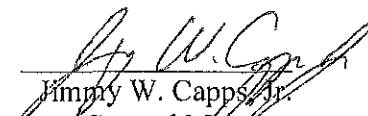
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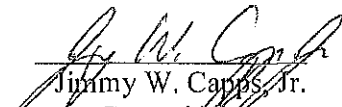
- viii. a statement that the customer will not be relieved of the obligation to pay for services rendered if utility service is continued or reestablished under the provisions of this paragraph.
- ix. Timely delivery to the Cooperative of duly executed medical certification and financial certification forms shall be adequate to delay discontinuance of service for at least thirty (30) days and the Cooperative may, in its discretion, delay the discontinuance for a longer period.
- x. Blank copies of the medical and the financial certification forms approved by the Commission.
- xi. A statement in capital letters of the cost of reconnection.
- xii. A statement in capital letters that "IF YOU HAVE DIFFICULTY PAYING THIS BILL, AND FEEL YOU MAY QUALIFY FOR ASSISTANCE IN PAYING YOUR UTILITY BILL FROM THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM, THE LOW INCOME UTILITY PAYMENT ASSISTANCE PROGRAM, OR ANOTHER ASSISTANCE PROGRAM IN YOUR COMMUNITY, CONTACT THE COMMUNITY ASSISTANCE SECTION OF THE HUMAN SERVICES DEPARTMENT AT 1-800-283-4465, THE TRIBAL OR PUEBLO ENTITY THAT ADMINISTERS A TRIBE'S DEPARTMENT AT 1-800-283-4465, THE TRIBAL OR PUEBLO ENTITY THAT ADMINISTERS A TRIBE'S OR PUEBLO'S LIHEAP, OR THE CUSTOMER SERVICE REPRESENTATIVE AT THIS

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UTILITY.” “LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP) APPLICATION FORMS FOR THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM ARE AVAILAABLE AT THE BILLING OFFICE OF THIS UTILITY, AT THE HUMAN SERVICES DEPARMTNET, AND AT THE TRIBAL OR PUEBLO ENTITY THAT ADMINISTERS A TRIBE’S OR PUEBLO’S LIHEAP. YOU SHOULD RETURN THE APPLICATION FORMS TO THE HUMAN SERVICES DEPARMTNET OR THE TRIBALOR PUEBLO INTITY THAT ADMINISTERS THE PROGRAM AND DETERMINES YOUR ELIGIBLITY TO RECEIVE ASSISTANCE.”

Upon request, the Cooperative shall provide information to the customer concerning the outstanding charges, including the dates of service during which the outstanding charges were incurred and the date and amount of the last payment.

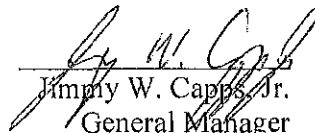
- b) Two (2) day notice - The Cooperative shall take reasonable steps to communicate with a customer by telephone or personal contact at least two (2) days prior to the actual date of discontinuance of service in order to remind the customer of the pending date of discontinuance of service, advise the residential customer again of the potential availability of financial assistance for the Cooperative service payments; obtain payment of delinquent accounts, and during the heating season, provide a reminder of the protection under the moratorium.
- c) The Cooperative shall have up to five (5) business days from the specific date to perform the disconnection of services or be required to reissue a final notice pursuant to this subsection.

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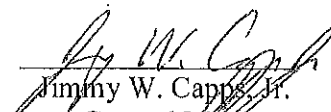
- d) The Cooperative employee personally contacting a residential customer and the Cooperative employee sent to discontinue utility services shall note any information from the residential customer that a person living in the residential customer's residence is seriously or chronically ill. Such information shall be immediately reported in writing to a Cooperative employee authorized to prevent discontinuance. That employee shall either delay the discontinuance if it is apparent that the forms required by this rule will be received, or state in writing why discontinuance of service will not be delayed.

The Cooperative employee sent to discontinue utility service shall be empowered to receive payment of delinquent bills and upon receipt of payment, said employee shall be empowered to cancel the discontinuance order.

The Cooperative shall not issue a final notice of discontinuance of service to a residential customer when the utility has received notice that actual termination is prohibited by law.

- e) Third-Party Notification - The Cooperative offers its residential customers a third party notification program and notifies the residential customer by including a blank form with the Delinquent notice. The Cooperative will publish a notice in the Enchantment of the availability of third party notification program to the residential consumers. The Cooperative shall extend the third party notification to those residential customers who notify the Cooperative in writing of their desire to participate in the program and designate person, organization, or governmental agency that is ready, willing, and able to assist the residential customer with the payment of utility bills. Upon receipt of such notice from a residential customer, the Cooperative will not discontinue service to a participating customer for nonpayment of past due charges without:

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- a. Contacting the designated person, organization, or governmental agency by phone or in writing at least fifteen (15) days prior to the proposed discontinuance; and
  - b. determining that the designated person, organization, or governmental agency has not made a commitment to assist with payment of the residential customer's past due charge within a reasonable period of time.
4. Prohibitions on Discontinuance of Service – The Cooperative will not discontinue service for:
- 4.1 the failure of a residential customer to pay for special services.
  - 4.2 the failure of a residential customer to pay for service received at a separate metering point, residence or location. However, in the event of a discontinuance or termination of service at a separate residential metering point, residence or location, the Cooperative may transfer any unpaid balance due to any other residential service account of the residential customer and proceed in accordance subsection B of 17.5.410.31 NMAC,
  - 4.3 the failure of the residential customer to pay for a different class of service received at a separate metering point, residence, or location; however, in the event of discontinuance or termination of service at a separate residential metering point, residence, or location, the Cooperative may transfer any unpaid balance due to any other residential service account of the residential customer and proceed in accordance with Section 3 above.
  - 4.4 non-payment of the disputed amount of bill, as provided by 17.5.410.36 NMAC.
  - 4.5 delinquency in payment for service to a previous occupant of the same premises unless a court has found the new customer legally

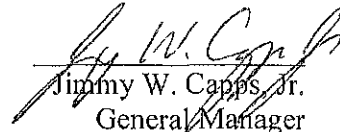
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liable for the debt of the previous occupant, or the previous occupant continues to reside at the premises.

- 4.6 failure of a residential customer to pay the bill of another customer as guarantor thereof.
- 4.7 failure of a residential customer to pay an estimated bill rendered in violation of 17.5.410.15 NMAC.
- 4.8 failure of a residential customer to pay for service received during the heating season if the residential customer qualifies for winter moratorium protection.
- 4.9 failure of a residential customer to pay for service received if the utility has received a signed medical certification and a financial certification form as provided by this rule.

5. Installment Payment Plans -

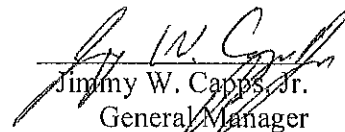
- 5.1 The Cooperative will attempt to arrange an installment agreement for the payment of past due charges when a residential customer who has not been chronically delinquent indicates an inability to pay Cooperative charges. The Cooperative will not discontinue service to the residential customer while a payment plan is being negotiated.
- 5.2 The Cooperative will provide a procedure for reviewing residential customer allegations that a proposed installment payment plan is unreasonable; that a utility charge is not due and owing; or that the customer has not violated an existing installment payment plan. Such procedure shall provide due notice to residential customers, shall not be conducted by the credit department of the Cooperative and the reviewing employee shall have authority to provide

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appropriate corrective action. The Cooperative will not discontinue service until the review is completed.

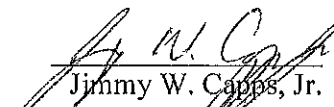
- 5.3 If a residential customer fails to comply with a payment plan, the Cooperative will notify the customer at least seven (7) days before discontinuing service that service will be discontinued.
6. Timing of discontinuance of service -- Electric service to a residential customer may be discontinued only during the hours from 7:30 a.m. to 4:00 p.m. on Monday through Thursday and may not be discontinued less than twenty-four (24) hours prior to a holiday or weekend unless the Cooperative business office is open for receipt of payment of past due charges and Cooperative personnel are available to restore such service upon payment during the holiday or weekend once payment is received.
7. Discontinuance during the winter heating season - Unless requested, the cooperative shall not discontinue service to a residential customer for non-payment during the period from November 15 to March 15 until at least fifteen (15) days after the date scheduled for discontinuance of service if, prior to that date, the Human Services Department contacts the Cooperative and certifies to the Cooperative that the customer is eligible for utility payment assistance under the Low Income Home Energy Assistance program and that payment for the service provided to the customer will be made within the fifteen (15) day period following the date scheduled for discontinuance. Discontinuance of service may occur if the second fifteen (15) day period expires without receipt of payment for the service designated in the disconnect notice.
8. Restoration of Service - Service shall be restored promptly when the residential customer's request restoration of service, and the cause for discontinuance has been eliminated, applicable restoration or reconnection charges paid, and, if required, satisfactory credit arrangements have been made. At all times a reasonable effort shall be made to restore service on the day restoration is requested, and in any event restoration shall be made no

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later than the next working day following the day on which the cause for discontinuance of service has been eliminated. Provided further than in the event a medical certificate and financial certification contemplated by 3.4(a) above are received, service shall be reestablished within twelve (12) hours of receipt.

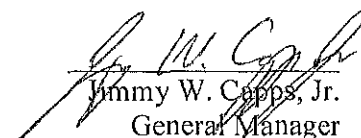
9. Notice Delivery – Any notice, demand or claim required or permitted to be personally delivered by the Cooperative will be deemed to have been delivered; by personal delivery of a copy to the affected customer; or, if the customer be absent at the location affected, by delivery of a copy to some person of adult age therein; or, if no person be found willing to accept a copy, by posting a copy in the most public part of the affected property.
10. Liability – Nothing herein shall be construed to relieve any customer from liability for proper utility service charges.

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