

EILEEN ACRES SERVICE CORPORATION

ORIGINAL RULE NO. 9

DISCONTINUANCE AND DENYING  
RESTORATION OF SERVICE

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A. Customers who intend to move from the premises or discontinue the use of sewer or in any way terminate their liability hereunder shall give the Company reasonable notice of such intentions and the customer will be liable for sewer service utilized until such notice is given and the Company has made the final meter reading or otherwise terminated service. Upon receipt of such notice, the Company will read the meter within a reasonable period of time

B. Any customer desiring service disconnected shall give notice in writing to the Company at its office. The Company will endeavor to the best of its ability to act upon telephone or verbal orders to discontinue service, but in the event of a dispute, only a written order will be considered proof of notice.

C. The Company reserves the right to interrupt service for a reasonable period for repairs to its property or equipment.

D. The Company may discontinue utility service to a residential customer without prior notice:

1. In event of a condition determined by the Company to be hazardous.
2. In the event of residential customer use of equipment in such manner as to adversely affect the Company's equipment or the Company's service to others.
3. In the event of residential customers's tampering with, damaging or deliberately destroying the equipment furnished and owned by the Company.
4. In the event of authorized use of service provided by the company.

Advice Notice No. 2

Signature/Title

President

EFFECTIVE  
FOR SERVICE ON

OCT 1 1991

BY Case No. 2380

APPROVED

New Mexico Public Service Commission

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E. The Company may discontinue utility service to a residential customer for:

1. Nonpayment of a delinquent water or sewer account if the utility is providing both water and sewer service.
2. Failure to comply with the terms and conditions of a settlement agreement.
3. Discontinuance of utility service under this subparagraph L., M., N., O. and P. of this rule.

F. After three (3) days prior written notice, the Company may discontinue utility service to a residential customer for:

1. Refusal to grant access at reasonable times to equipment installed upon the premises of the residential customer for the purpose of inspection, meter reading, maintenance or replacement.
2. Failure to furnish such service, equipment, permits, certificates, and/or rights-of-way, as shall have been specified by the Company as a condition of obtaining service or in the event such equipment or permission is withdrawn or terminated.
3. Violation of and/or noncompliance with the Company's rules on file with and approved by the Commission.
4. Failure of residential customer to fulfill contractual obligations for utility service and/or facilities other than settlement agreements.

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G. If the Company is providing both water and sewer service, the service may be discontinued as a means of discontinuing sewer service as provided in this Rule.

H. The three (3) day notice required in Paragraph F. of this rule shall be in English and Spanish, as may be applicable, and shall include the following:

1. A statement of the reason(s) why the Company has issued notice to discontinue utility service.
2. The title(s), address, telephone number(s) and working hours of the personnel at the Company responsible for carrying out the rights herein prescribed.
3. A statement that the residential customer can obtain a review by personnel of the Company 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 Company's determination of the facts on which the proposed discontinuance is based.

I. The Company shall not discontinue service for:

1. The failure of a residential customer to pay for specific services.
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 discontinuance or termination of service at a separate residential metering point, residence or location, the Company may transfer any unpaid balance due to any other residential service account of the residential customer and proceed in accordance with Paragraph E.

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3. The failure of the residential customer to pay for different class of service received at the same or different location. However, the placing of more than one meter at the same location for the purposes of billing the usage of specific devices under optional rate tariffs or provisions is not construed as a difference class of service.
4. Nonpayment of the disputed amount of a bill.
5. Delinquency in payment for service to a previous occupant of the same premises unless a Court has found the new customer legally liable for the debt of the previous occupant or the previous occupant continues to reside at the premises.
6. Failure of a residential customer to pay the bill of another customer as guarantor thereof.
7. Failure of a residential customer to pay an estimated bill rendered in violation of Rule No. 23.

J. Use of the Company's curb or meter shut-off valve by customer or customer's agent is prohibited. This practice by unauthorized persons may be reason for discontinuance of service.

K. Any customer whose service is involuntarily disconnected may be required to pay a reconnection fee in addition to all other fees and charges before being reconnected to any system operated by the Company.

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L. At least fifteen (15) days before the Company proposes to discontinue service to a residential customer, the Company shall provide the residential customer with notice of each of the rights such residential customer may have relating to discontinuance of service and settlement agreements. Such notice shall be in writing, in English and Spanish, as may be applicable, and shall be in simply language. Such notice shall be delivered to the affected residential customer in person or by depositing a copy of the notice in the U.S. Mail, postage pre-paid, addressed to the residential customer at the address for the affected residential customer known to the Company. Such notice shall contain:

1. The title(s), address, telephone number(s), and working hours of the personnel at the Company responsible for carrying out the rights.
2. The amount owed and the date by which the residential customer must either pay the amount due or make other arrangements with the Company concerning payment of the charges, including arrangements for a settlement agreement. The consumption period over which said amount was incurred, the date the amount of the last payment shall be available on request.
3. A statement that if the residential customer pays that portion of the bill which is not in bona fide dispute, the residential customer can obtain a review by personnel of the Company of the portion of the bill which the residential customer does dispute.
4. A statement that a residential customer may file a complaint with the New Mexico Public Service Commission in accordance with NMPSC Rule 110 if the residential customer disagrees with the Company's determination concerning discontinuance of service.

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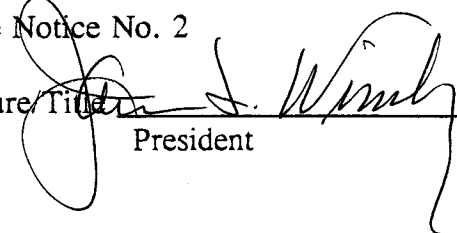
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5. A statement that the Company will not discontinue service to any residence where a seriously ill person resides or person whose life may be endangered by discontinuance of service, if at least two (2) days prior to the proposed service discontinuance dated indicated in the notice, the designated Company personnel receives a certificate or copy thereof from a practitioner of the healing arts, on forms provided by the Company or other suitable forms, stating that discontinuance of service might endanger the persons designated Company personnel in writing, on forms provided by the Company or other suitable forms, that such resources to pay the utility charges when due, whether or not the accuracy of such charges are the subject of a bona fide dispute; and that if service had been discontinued, the Company shall reestablish service within twelve (12) hours or receipt of said certificate.
6. A blank medical certificate, which shall permit the practitioner to indicate the expected duration of the residential customer's serious illness or life endangering situation and a form of notifying the Company of a residential customer's having inadequate financial resources executed shall be adequate to delay discontinuance for at least thirty (30) days and at the Company's option, the Company may delay discontinuance for at least one hundred twenty (120) days or for a longer period of time. The Company shall promptly notify the residential customer in writing as to how long to deems the certificate to be valid; provided, however, that should the circumstances on which the certificate is based appear to have changed, the Company may require additional certification.
7. A statement of the cost of reconnection.

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8. A statement to the effect, "If you are a recipient of public assistance, contact your caseworker immediately."

M. The Company shall take reasonable steps to communicate with a residential customer, by telephone or personal contact, at least two (2) days prior to the actual date of discontinuance of service, in order to obtain payment of delinquent accounts. The Company employee personally contacting a residential customer two (2) days prior to discontinuance, and the utility employee sent to discontinue utility services shall note any information which is made known to the employee by the residential customer such as whether a resident is physically disabled, frail or elderly. Such information shall be immediately reported in writing to a Company employee authorized to prevent discontinuance. That employee shall either delay the discontinuance order if it is apparent that the forms provided for in Paragraph 5 will be received, or shall state in writing why such delay is not effected. The Company and Company employee's noting of the information made known by the residential customer, acting upon such information or failing to act on such information in good faith, shall cause the Company and Company employee to be held harmless for error made. The Company employee sent to discontinue utility service shall be empowered to receive payment of delinquent bills and upon receipt of the payment, said employee shall be empowered to cancel the discontinuance order.

N. The Company shall offer its residential customers a third party notification program and develop adequate procedures for notification to its residential customers of the availability of this program. The third party notification program shall only be extended to residential customers who notify the Company in writing of their desire to participate in the program and designate a specific person, organization or governmental agency who is ready, willing and able to assist the residential customer in the payment of utility bills. Upon receipt of such notice from a residential customer in the payment of utility bills. Upon receipt of such notice from a residential customer, the Company shall not discontinue service to the residential customer for nonpayment of past due charges without (1) contacting the designated person, organization or governmental agency by phone or in writing at least fifteen (15) days prior to the proposed discontinuance of service; and (2) determining that the designated person, organization or governmental agency has not made a commitment to assist payment of the past due charge of that residential customer within a reasonable period of time.

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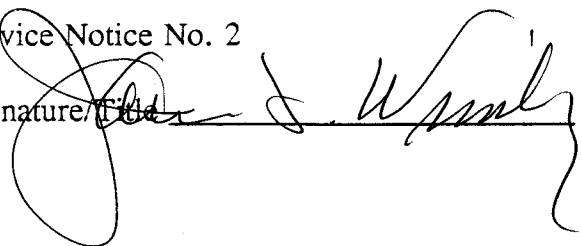
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O. When a residential customer has indicated to the Company an inability to pay utility charges and has not chronically delinquent, the Company shall attempt to arrange an installment payment plan for the payment of past utility charges. While an installment payment plan is being negotiated, the Company shall not discontinue service to such residence. In the event that either negotiation of the installment plan is discontinued or progress in its negotiation is stalled, the Company may proceed with discontinuance of service.

P. The Company shall 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 it has not violated an existing installment payment plan. Such procedure shall provide due notice to residential customers and the reviewing employee shall have authority to order appropriate corrective action. Such review shall stay the discontinuance of utility service until the review is completed.

Q. Utility service to a residential customer may be discontinued only during the hours from 8:00 o'clock a.m. to 3:00 o'clock 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 Company's business office is open for receipt of payment of past due charges and Company personnel are available to restore such service upon payment during said holiday or weekend.

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