

## CHAPTER 52: ELECTRIC UTILITY

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#### 52.01 ELECTRIC UTILITY

The operation, management, and control of Richmond Power and Light (formerly the municipal electric lighting and power plant) shall be by and under the power and authority of the Common Council of the city according to and under the powers and authority established by I.C. 8-1-2-1 et seq., as amended and supplemented. ('72 Code, 3.03) (Ord. 1085-1935; Ord. 1813-1960)

#### 52.02 ELECTRIC SERVICE RATES

The rate for electric utility service shall be as set, from time to time, by legislative authority.

#### 52.03 EMERGENCY ELECTRIC CURTAILMENT RULES

The rules for emergency electric curtailment shall be as set forth in the program "Emergency Curtailment and Load Reduction Plan for Indiana Electric Utilities," appendix to Ord. 13-1978, and made a part of this chapter as though fully restated herein. (Ord. 13-1978)

#### 52.04 COMMON COUNCIL EXECUTIVE COMMITTEE FOR ELECTRIC UTILITY

An Executive Committee is established. The Committee is to be comprised of seven voting members: the Chairman of the Board, the Chairman of the Finance Committee, the Chairman of the Personnel Committee, the Chairman of the Street Light Committee, the General Manager, the Manager of Finance, and the Manager of Transmission and Distribution. Each member shall hold office for a period of one year, commencing on January 15 of each year. (Res. 11-1979)

## 52.05 POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

- (a) The Executive Committee shall have the following duties:
  - (1) To recommend the hiring of management and the fixing of salaries
  - (2) To make recommendations concerning the hiring of consultants and the cost pertaining thereto
  - (3) To recommend the borrowing of money, the issuance of bonds, notes or other obligations, and evidence of indebtedness therefor
  - (4) To study and recommend question of general policy with regard to business of the utility
  - (5) To make recommendations as to rates and declaration of dividends to the city
  - (6) To make recommendations regarding existing or proposed contractual agreements of the utility
- (b) The Board of Directors retains any and all power of final authorization except as those powers specifically designated to the Executive Committee or any other committee.
- (c) The Executive Committee shall report all its actions to the Board of Directors. (Res. 11-1979)

## 52.06 MEETINGS OF THE EXECUTIVE COMMITTEE

The meetings of the Executive Committee shall be called by the Manager of Personnel acting as secretary to the Executive Committee at the direction and request of the General Manager, Chairman, or any two members of the Executive Committee. Notice of such meetings shall in each instance be given in writing to each member of the Committee at least 48 hours before the meeting. (Res. 11-1979)

## 52.07 EXPENDITURES AND ACTIVITIES APPROVED FOR ELECTRIC UTILITY

- (a) The General Manager is authorized to take out memberships for RP&L for the Richmond Area Chamber of Commerce, Richmond Area Management Association, National Association of Accountants, American Society for Personnel Administration, and other organizations of a similar nature which the General Manager deems will further the objectives and operations of RP&L.
- (b) Employees of RP&L who attend, on behalf of RP&L, luncheons, dinner meetings, conferences, and activities of a similar nature shall be reimbursed for

their meals and incidental expenses related to such attendance. In addition, guests of RP&L attending conferences and meetings on behalf of RP&L, shall have their meals paid for by RP&L.

(c) RP&L is authorized to pay the entry fees for its employees in bowling leagues, softball leagues, and is further authorized to pay for the incidental equipment for its employees including bowling shirts, softball jerseys, related athletic equipment, incidental expenses related to such recreational activities, and the rental of facilities.

(d) RP&L is authorized to pay for community service advertising which will further its customer relations and community standing including holiday greetings, advertisements in Richmond area publications, and such other advertising expenses of a similar nature.

(e) RP&L is authorized to pay educational and instructional course expense of a reasonable nature for its utility employees.

(f) RP&L is authorized to engage in and pay for civic expenses and activities of a reasonable nature required by the Common Council or other governmental officials of a reasonable nature.

(g) RP&L is authorized to pay expenses incurred in promoting good customer relations with its residential, industrial, and commercial purchasers of power.

(h) RP&L is authorized to engage in activities and expenditures of a reasonable nature which will promote good relations with its employees including but limited to the issuance of award plaques, the sending of flowers to employees and their families as occasions warrant, and activities of a similar nature.

(i) RP&L is authorized to advance to its employees funds that may be required by them to travel on behalf of RP&L.

(j) Expenditures and activities of RP&L in conformity with the provisions herein made by RP&L, are retroactively approved. (Ord. 1-1980)

(k) Color Weather Radar Signal Service

(1) The Council hereby authorizes RP&L to provide color weather radar service to members of the public located in the service area of RP&L or Clearview Cable TV, Inc. utilizing its employees, funds and facilities and the facilities of Clearview Cable TV, Inc.

(2) The General Manager of RP&L is hereby authorized to enter into an agreement with Clearview Cable TV, Inc. as may be required to carry out the purposes and provisions of this ordinance.

(3) The General Manager or his designated employees are hereby authorized to enter into agreements to provide color weather radar signal service to members of the public under such terms and conditions as he deems appropriate with the charge for said service to members of the public to be reasonably related to the cost of said service.

(4) The General Manager of RP&L, its employees and agents are hereby granted such authority as may be required to carry out the purposes and provisions of this ordinance including the execution of all necessary documents and contracts. (Ord. 55-1983)

## 52.08 ELECTRICITY SHUT-OFF

(a) Definitions

(1) "COMMISSION" means the Public Service Commission of Indiana

(2) "CUSTOMER" means for the purposes of this rule (170IAC4)

(3) "DISCONNECT" means the termination or discontinuance of electric services

(b) The customer shall notify the utility at least three (3) days in advance of the day disconnection is desired. The customer shall remain responsible for all service used and the billings therefor until service is disconnected pursuant to such notice. Upon request by a customer of a utility to disconnect service, the utility shall disconnect the service within three (3) working days of the requested disconnection date. The customer shall not be liable for any service rendered to such address or location after the expiration of three (3) such days.

(c) A utility may disconnect service without request by the customer of the service and without prior notice only:

(1) If a condition dangerous or hazardous to life, physical safety or property exists; or

(2) Upon order by any court, the commission or other duly authorized public authority; or

(3) If fraudulent or unauthorized use of electricity is detected and the utility has reasonable grounds to believe the affected customer is responsible for such use; or

- (4) If the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering.

In all other instances a utility, upon providing the customer with proper notice (as defined in subsection (f) of this section) may disconnect service subject to the other provisions of these rules.

(d) Except as otherwise provided in subsections (a) and (b) of this section a utility shall postpone the disconnection of service for ten (10) days if, prior to the disconnect date specified in the disconnect notice, the customer provides the utility with a medical statement from a licensed physician or public health official which states that disconnection would be a serious and immediate threat to the health or safety of a designated person in the household of the customer. The postponement of disconnection shall be continued for one additional ten (10) day period upon the provision of an additional such medical statement.

(e) A utility may not disconnect services to the customer:

- (1) Upon his failure to pay for merchandise or appliances;
- (2) Upon his failure to pay for the service rendered at a different metering point, residence, or location if such bill has remained unpaid for less than forty-five (45) days;
- (3) Upon his failure to pay for services to a previous occupant of premises to be served;
- (4) Upon his failure to pay for a different form or class of utility service;  
or
- (5) If the customer or user shows cause for his inability to pay the full amount due (financial hardship shall constitute cause), and said customer:
  - (A) Pays a reasonable portion (not to exceed \$10 or one tenth (1/10) of the bill whichever is less unless the customer agrees to a greater portion) of the bill; and
  - (B) Agrees to pay the remainder of the outstanding bill within three (3) months; and
  - (C) Agrees to pay all undisputed future bills for service as they become due; and

(D) Has not breached any similar agreement with the utility made pursuant to this section within the past twelve (12) months.

Provided, however, that the utility may add to the outstanding bill a late payment charge not to exceed the amount set pursuant to 170 IAC 4-1-13(B). Provided further, that the above terms of agreement shall be put in writing by the utility and signed by the customer and by a representative of the utility.

(6) If a customer or user is unable to pay a bill, which is unusually large due to a prior incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection or functioning of the meter, prior estimates where no actual reading was taken for over two (2) months, stopped or slow meters, or any human or mechanical error of the utility, and the customer:

(A) Pays a reasonable portion of the bill, not to exceed an amount equal to the customer's average bill for the six (6) bills immediately preceding the bill in question;

(B) Agrees to pay the remainder at a reasonable rate; and

(C) Agrees to pay all undisputed future bills for service as they become due;

Provided, however, that the utility may not add to the outstanding bill any late fee. Provided, further that the above terms of agreement shall be put in writing by the utility and signed by the customer and a representative of the utility.

If a customer proceeds with a review pursuant to 170 IAC4-1-17 (B), the utility may disconnect only as provided in 170 IAC4-1-17(C).

(f) No utility may disconnect service unless it is done between the hours of 8:00 A.M. and 3:00 P.M., prevailing local time. Disconnections pursuant to subsections (a) and (b) of this section are not subject to this limitation. A utility may not disconnect service for nonpayment on any day, or beyond twelve noon (12:00 noon) of the day immediately preceding any day, on which the utility office is not open to the public.

(g) Except as otherwise provided herein, electric service to any residential customer shall not be disconnected for a violation of any rule or regulation of a utility or for the non-payment of bill except after fourteen (14) days prior written notice to such customer by either;

- (1) Mailing the notice to such residential customer at the address shown on the records of the public utility; or
- (2) Personal delivery of the notice to the residential customer or a responsible member of his household at the address shown on the records of the utility.
- (3) No disconnect notice for non-payment may be rendered prior to the date on which the account becomes delinquent.

The notice must be in language which is clear concise, and easily understandable to a layman and shall state in separately numbered large types or printed paragraphs:

- (4) The date of proposed disconnection
  - (5) The specific factual basis and reason for the proposed disconnection
  - (6) The telephone number of the utility office which the customer may call during regular business hours in order to question the proposed disconnection or seek information concerning his rights
- (h) Immediately preceding the actual disconnection of service, the employee of the utility designated to perform such function shall make a reasonable attempt to identify himself to the customer or any other responsible person then upon the premises and shall announce the purpose of his presence and shall make a record thereof to be maintained for at least thirty (30) days. The employee shall have in his possession information sufficient to enable him to inform the customer or other responsible person the reason for disconnection, including the amount of any delinquent bill of the customer, and shall request the customer for any available verification that the outstanding bill has been satisfied or is currently in dispute pursuant to review. Upon the presentation of such credible evidence, service shall not be disconnected. The employee shall not be required to accept payment from the customer, user, or other responsible person in order to prevent the service from being disconnected. The utility shall notify its customers of its policy with regard to the acceptance or non-acceptance of payment from such employee, and shall uniformly follow such policy without discrimination. When the employee has disconnected the service, the employee shall give to a responsible person at the user's premises or, if no one is at home, shall leave at a conspicuous place on the premises, a notice stating that service has been disconnected and stating the address and telephone number of the utility where the user may arrange to have service reconnected.
- (i) A utility may charge a reasonable reconnection charge, not to exceed the charge approved by the commission in the utility's filed tariffs. A utility shall

inform its customers of such reconnection fee. If the utility disconnects service in violation of this rule, the service shall immediately be restored at no charge to the customer.

(j) The utility must reconnect the service to the customer or user as soon as reasonably possible but at least within one (1) working day after it is requested to do so if the customer has satisfied the requirements of this chapter.

## 52.09 WINTER DISCONNECTIONS

(a) Without customer request, a utility may not, during the period from December 1 through March 15, disconnect electric residential service to any customer who either is receiving or who is eligible for and has applied for assistance under I.C. 4-27-5.

(b) During the period from December 1 through March 15, a utility may not disconnect service to such customers if:

(1) The customers' eligibility to receive benefits pursuant to I.C. 4-27-5 is being determined by the Department on Aging and Community Services or its designee after the submission of a complete application for benefits by the customer.

(2) The customer has furnished to the utility proof of his application to receive such benefits or the utility has been so notified in writing by the department of Aging and Community services or its authorized representatives.

(c) This rule does not prohibit a utility from terminating residential electric service upon the request of a customer or under the following circumstances:

(1) If a condition dangerous or hazardous to life, physical safety, or property exists

(2) Upon order by any court, the commission, or other duly authorized public authority

(3) If fraudulent or unauthorized use of electricity is detected, and the utility has reasonable grounds to believe the affected customer is responsible for such use

(4) If the utility's regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering

## 52.10 COMPLAINTS AND REVIEW

### (a) Complaint procedure

(1) A customer may complain at any time to a utility about any bill which is not delinquent at that time, security deposit, disconnection notice, or any other matter relating to its service and may request a conference thereon. Such complaints may be made in person, in writing, or by completing a form available from either the Commission or from the utility at its business offices. A complaint shall be considered filed upon receipt by the utility, except mailed complaints shall be considered filed on the postmarked date. In making a complaint and/or request for conference, the customer shall state at a minimum, his name, service address, and the general nature of his complaint.

(2) Upon receiving each such complaint or request for conference, the utility shall promptly, thoroughly and completely investigate such complaint, confer with the customer when requested and notify, in writing, the customer of the results of its proposed disposition of the complaint after having made a good faith attempt to resolve the complaint.

### (b) Review

(1) If the customer is dissatisfied with the utility's proposed disposition of the complaint as provided in subsection (a)(2) of this section, he may request the City Council in writing within seven (7) days following the date in which such notification is mailed, to informally review the disputed issue and the utility's proposed disposition thereof. Such request shall certify that the customer has also sent a copy of his request for review to the utility involved. Upon receiving such request, the Council shall provide an informal review within twenty-one (21) days. The review shall consist of not less than a prompt and thorough investigation of the dispute and shall result in a written decision to be mailed to the customer and the utility within thirty (30) days after its receipt of the customer's request. Upon request by either party or the Council, the parties shall be required to meet and confer to the extent and at such place as the Council may consider to be appropriate.

(2) The records of the Council relating to such reviews shall be kept in a systematic order.

(c) Continuation of Service Pending Disposition of Complaint

(1) If the customer is receiving service at the time the complaint and/or request for conference provided for in subsection (a)(1) of this section above is received by the utility, his service shall not be disconnected until ten (10) days have elapsed from the date of mailing of the notification of the utility's proposed disposition of his complaint. Provided, however, that if a review by the Council of the utility's proposed disposition of the complaint is requested by the customer as provided by subsection (b)(1) of this section within seven (7) days after the mailing of such proposed disposition of the complaint, the utility shall not disconnect the customer's service until at least three (3) days have elapsed from the date of mailing of the Council's decision upon and pursuant to such review has paid and continues to pay all undisputed bills, portions of disputed bills as specified in subsection (c)(2) of this section below, and pays all future undisputed bills prior to their becoming delinquent.

(2) In those instances when the customer and utility cannot agree as to what portion of a bill is undisputed, it shall be sufficient that the customer pay on the disputed bill an amount equal to his average bill for the six (6) bills, in which event the customer shall pay an amount equal to the average (arithmetical mean) of such bills as have been received.

(d) Record of complaints

Each utility shall keep a written record of complaints and requests for conferences pursuant to this section. Such records shall be retained at the office or branch office of the utility or in the respective department office thereof where such complaints were received and/or any conferences were subsequently held. Such written records are to be readily available upon request by the concerned customer, his agent possessing written authorization, or the Commission. (Ord. 39-1984)