

Policy: #3090 – Disconnect Policy

SCOPE OF POLICY: Customers

RESPONSIBILITY: Management

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## **I. Policy**

Elkhorn Rural Public Power District fully complies with the requirement of *Neb.Rev.Stat. §70-1606* concerning the disconnect procedure applicable to domestic subscribers and or residential customers.

- A. The reconnection fees for the District as set forth as follows:
  - 1. During office hours (*see Fee Schedule 3500.3090-C*)
  - 2. After-hours (*see Fee Schedule 3500.3090-D*).
- B. A service call fee (*see Fee Schedule 3500.3090-B*) may be charged for each trip involving a delinquent account.
- C. The present collection policy relating to customers of the District, other than domestic subscribers (residential accounts), permits disconnection without written notice.
- D. Prepaid billing is exempt from this policy. See terms in the Prepaid Billing Agreement.

## **II. Procedure**

- A. A domestic subscriber (residential customer), which does not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, or businesses of any nature, may request a conference in regard to any dispute over a proposed discontinuance of service before the manager, or other employee designated by the manager, to hear such matters. Such employee shall hear and decide all matters relating to the disputed bill.
- B. A domestic subscriber may dispute the proposed discontinuance of service by notifying the District with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been received by the customer, a conference shall be held before the District may discontinue services.
- C. Upon notice to the manager or other designated employee of any request for a conference by a domestic subscriber the District shall:
  - 1. Notify the customer in writing (electronic writing is permissible) of the time, place, and date scheduled for the conference.

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2. Hold a conference within fourteen (14) days of the receipt of the customer's request. Such conference shall be informal and not governed by the Nebraska Rules of Evidence. If the District determines at the conference that the customer did not receive proper notice or was denied any other right afforded under *Neb.Rev.Stat. §70-1606*, the District may recess the meeting and continue the conference at such time as the customer has been afforded his or her rights. Failure of a customer to attend a scheduled conference shall relieve the District of any further action prior to the discontinuance of service. If a customer contacts the District prior to the scheduled conference and demonstrate that failure to attend was for a legitimate reason, the District shall make a reasonable effort to reschedule the conference.
- D. The District shall make its determination, based solely on the evidence presented at the conference, affirm, reverse, or modify the District's decision which involves a disputed bill which results in a potential discontinuance of utility service. The District shall allow discontinuance of utility service only as a measure of last resort after the District has exhausted all other remedies less drastic than discontinuance of utility service.
- E. Any customer may appeal an adverse decision of the District to the Board of Directors. The procedure for all such appeals shall be as follows:
1. Notice of appeal by the customer to the Board of Directors shall be filed with the District office within ten (10) days from the date of decision of the District.
  2. A hearing shall be held before the Board within thirty (30) days from the date the appeal was filed. The District shall notify the customer in writing of the time, place, and date of such hearing.
  3. Both the District and the customer may be represented by legal counsel or other representative or spokesperson.
  4. The customer may examine and copy, not less than three (3) business days prior to such hearing, the District's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the District in reaching the decision to propose discontinuance of utility service or to take other action which is the subject of the hearing.

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5. Both the District and the customer may present witnesses and offer testimony at the hearing, with the evidence and testimony of the customer to be presented first.
6. Both the District and customer may confront and cross-examine such other witnesses as may appear and testify at the hearing.
7. Both the District and customer may make or have made a record of the proceedings at the expense of the party causing the same to be made.
8. The Board shall render its decision in writing to the District and the customer within ten (10) days after the conclusion of the hearing.