

## ELKHORN RURAL PUBLIC POWER DISTRICT

### POLICY# 3090

#### DISCONNECT POLICY

WHEREAS, the Nebraska Legislature has enacted LB143 dealing with the disconnect procedure applicable to domestic subscribers, and

NOW, THEREFORE, BE IT RESOLVED

1. That the proposed Disconnect Policy relating to domestic subscribers is hereby approved and adopted in the form attached hereto and incorporated as part of these minutes.
2. That the following reconnection fees be charged by the District:
  - a. During office hours (*see Fee Schedule 3500.3090-C*)
  - b. After-hours (*see Fee Schedule 3500.3090-D*).
3. That a service call fee (*see Fee Schedule 3500.3090-B*) be charged for each trip involving a delinquent account.
4. That the present collection policy relating to customers of the District, other than domestic subscribers, be approved as amended so as to clarify that the collection policy does not apply to domestic users who are governed by provisions of LB143.

#### DISCONNECT POLICY

1. A domestic subscriber, not including 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.
2. 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 made by the subscriber, a conference shall be held before the District may discontinue services.
3. Upon notice to the manager or other designated employee of any request for a conference by a domestic subscriber the employee shall:
  - A. Notify the subscriber in writing of the time and place and date scheduled for the conference.
  - B. Hold a conference within fourteen days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by

the Nebraska Rules of Evidence. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under LB143, Laws of 1979, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the District of any further action prior to the discontinuance of service. If a domestic subscriber shall contact 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.

4. The manager or other designated employee shall, 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 threatened termination of utility service. The employee shall allow termination of utility service only as a measure of last resort after the utility shall have exhausted all other remedies less drastic than termination.
5. Any domestic subscriber may appeal an adverse decision of the manager or other designated employee to the Board of Directors. The procedure for all such appeals shall be as follows:
  - A. Notice of appeal by the subscriber to the Board of Directors shall be filed with the District office within ten (10) days from the date of decision of the manager or other designated employee.
  - B. A hearing shall be held before the Board within thirty (30) days from the date the appeal is filed. The manager shall notify the subscriber in writing of the time, place, and date of such hearing.
  - C. Both the District and the subscriber may be represented by legal counsel or other representative or spokesperson.
  - D. The subscriber 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 termination or to take other action which is the subject of the hearing.
  - E. Both the District and the subscriber may present witnesses and offer testimony at the hearing, with the evidence and testimony of the subscriber to be presented first.
  - F. Both the District and subscriber may confront and cross-examine such other witnesses as may appear and testify at the hearing.
  - G. Both the District and subscriber may make or have made a record of the proceedings at the expense of the party causing the same to be made.

H. The Board shall render its decision in writing to the District and the subscriber within ten (10) days after the conclusion of the hearing.

Adopted: August 14, 1990  
Reviewed: September 11, 2000  
Revised: December 12, 2000 (*Effective: June 1, 2001*)  
Revised: March 7, 2002  
Revised: August 10, 2010  
Revised: May 12, 2015