

ELKHORN RURAL PUBLIC POWER DISTRICT

POLICY #3370

METER TAMPERING POLICY

The Nebraska Revised Statutes provide civil and criminal penalties for diversion of utility services. Criminal penalties for theft of services can range from a felony to a misdemeanor. However, before the District seeks criminal sanctions against a person or entity it will first attempt to negotiate a mutually acceptable agreement. Any agreement must include reimbursement of all costs as determined by the District. The staff of the District will investigate and secure all evidence in all cases of theft or diversion and proper authorities will be requested to investigate if deemed necessary. The service will be subject to District disconnect without notice in the event of tampering with the equipment furnished and owned by the District.

Nebraska Revised Statutes Section 25-21,275, Diversion of utility services, provides as follows:

For purposes of sections 25-21,275 to 25-21,278, unless the context otherwise requires:

- (1) Bypassing means the act of attaching, connecting, or in any manner affixing any wire, cord, socket, motor, pipe, or other instrument, device, or contrivance to the utility supply system or any part of the system in such a manner as to transmit, supply, or use any utility service without passing through an authorized meter or other device provided for measuring, registering, determining, or limiting the amount of electricity, gas, or water consumed. Bypassing also means the act of employing any means to obtain the use or benefit of electricity, gas, or water without paying for the use at the rate established by the supplier of such utilities;
- (2) Customer means the person responsible for payment for utility services for the premises and includes employees and agents of the customer;
- (3) Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, and other legal entity;
- (4) Tampering means the act of damaging, altering, adjusting, or in any manner interfering with or obstructing the action or operation of any meter or other device provided for measuring, registering, determining, or limiting the amount of electricity, gas, or water consumed;
- (5) Unauthorized metering means the act of removing, moving, installing, connecting, reconnecting, or disconnecting any meter or metering device for utility service by a person other than an authorized employee or agent of such utility;
- (6) Utility means any person or entity lawfully operating in whole or in part for the purpose of supplying electricity, gas, water, including steam, or any combination thereof, to the public or to any person;

(7) Utility service means the provision of electricity, gas, steam, water, or any other service or commodity furnished by the utility for compensation; an

(8) Utility supply system means and includes all wires, conduits, pipes, cords, sockets, motors, meters, instruments, load control equipment, and other devices used by the utility for the purpose of providing utility services.

In addition, Nebraska Revised Statute Section 28-515, Theft of services provides as follows:

(1) A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(2) A person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

Adopted: August 14, 1990
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