

CITY OF JASPER, INDIANA
JASPER MUNICIPAL UTILITIES
RULES, REGULATIONS, CONDITIONS, AND
NON-RECURRING CHARGES

Ordinance No. 2009-9 Effective February 18, 2009

Section 1. The following are hereby adopted as the rules, regulations, conditions and non-recurring charges applying to utility service hereafter furnished by the City of Jasper, Indiana.

Section 2. Definition of Terms

"Utility" is herein used to designate the City of Jasper Municipal Utilities, which furnishes electric, water, wastewater and gas services under these rules and regulations.

"Customer" is used herein to designate a person, partnership, association, firm, public or private corporation or governmental agency, applying for or using utility service supplied by the City of Jasper, or a person, partnership, association, firm, public or private corporation or governmental agency using or obtaining other services or materials from a utility department of the City of Jasper.

"Commission" is herein used to designate the Indiana Utility Regulatory Commission, or any successor to the commission having jurisdiction on the subject matter hereof.

"Month" is hereby defined to be the elapsed time between two (2) successive meter readings approximately thirty (30) days apart. In the event of the stoppage of or the failure of any meter to register the full amount of usage, the customer will be billed for such period on an estimated consumption based upon his usage in a similar period of like use.

"Dwelling" means an individual residence, including a mobile home or trailer or a room or combination of rooms, with facilities for living for a single household.

"Heating Season" means the period beginning on December 1 of any year and ending on the following March 15.

Section 3. Application for Service

A free copy of the standard terms and conditions under which service is to be rendered to the customer shall be furnished at the time of application for utility service or upon request at the Utility Business Office. Upon request, the Utility Business Office shall furnish a free copy of applicable rate schedules to the customer.

A written application and/or agreement shall be required from each customer before service will be commenced. A copy of the agreement shall be furnished to the customer upon request.

When the customer desires delivery of service at more than one point, a separate agreement shall be required for each separate point of delivery. Service delivered at each point may be billed under separate accounts or may be billed together under one account using the applicable rates for each.

The utility reserves the right to refuse to render service to any applicant indebted to the utility for service rendered at any location served by the utility prior to such application, until such indebtedness is settled to the satisfaction of the utility.

Section 4. Service Security Deposits

A service security deposit shall be collected as set forth in Section 16(1), in advance of connecting service. The utility shall

have reasonable time in which to read and/or remove the meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit.

After final charges have been determined, deposits shall be applied to the customer's account and the balance, if any, refunded; OR refunded in its entirety after all indebtedness for utility services, including the final bill, has been paid.

Section 5. Payment of Bills

Bills will be rendered monthly by the utilities to the customer in accordance with the rate(s) applicable to the customer's service. All bills are payable at the Utility Business Office by the 10th of each month. If the 10th falls on a weekend or City-observed holiday, the first working day following the 10th will be considered the due date for bills. A night deposit is provided at the Utility Business Office for the customer's convenience. Failure to receive the bill will not entitle the customer to the remission of any charge for non-payment within the time specified.

The utility's rate schedules provide for delayed payment penalties for failure to pay bills within a specified time. Such delayed payment penalty shall be added to the original bill if not paid on or before the time specified and/or in accordance with conditions set forth in the rate schedules. Said penalties shall be applied as set forth in Section 16(2). When payments are made by mail, bills will be considered as having been paid on the date of mailing as shown by the postmark. If the date on the postmark is indistinguishable, Utility Business Office personnel shall have final authority to determine whether or not said postmark qualifies as having been paid on or before the due date specified on the bill.

Payment must be made without regard to any counter claims whatsoever, and failure to receive the bills does not relieve the customer of the responsibility for payment of the amount due. At the Jasper Municipal Utilities' personnel's discretion, customers may be given the option of making payment of their monthly utility bill via "Cash", "Check", "Bank Draft", "Money Order" or "Electronic Funds Transfer".

Payment by check or electronic funds transfer which is subsequently returned to the utilities by a bank for insufficiency, or any other reason, which is not made good on or before the due date, shall not constitute timely payment of a bill, shall be assessed late payment penalties as set forth in Section 16(2), and may be subject to possible termination of utility services. Further, a returned check charge shall be made by the utilities against the customer's utility account as set forth in Section 16(5).

The utilities may provide any residential customer whose account is delinquent an opportunity to enter into a reasonable amortization agreement to pay the delinquent account. Such an amortization agreement is to provide the customer with adequate opportunity to apply for and receive the benefits of any available public assistance program. The agreement must be subject to amendment at the customer's request if there is a change in the customer's financial circumstances.

A reasonable rate of interest in addition to penalties set forth in Section 16(2) may be charged on the unpaid balance of a customer's delinquent bill, should said bill remain unpaid for more than 90 days beyond the due date as stated on the original bill.

Section 6. Discontinuance of Service

Whenever a customer desires discontinuance of utility service, they shall notify the utility, at the Utility Business Office, of such desire and of the date on which service is to be discontinued, sufficiently in advance of such date to provide a reasonable time for the utility to obtain the final meter readings. Customers shall not rely on their landlord, or any third party, to notify the utility of such discontinuance of service.

The utility reserves the right to discontinue service for non-payment of bills and for other such reasons as stated in

“Termination of Service” below. All bills will be due and payable on the 10th day of each month. Customers who fail to pay on or before the 10th day of the month will be sent a written past due notice. Customers who have not paid their bills by the due date as stated on the past due notice and have not made satisfactory payment arrangements will have their service discontinued.

When the utility service has been cut off upon customer's default, the utility will not be obligated to restore service until the customer has paid all bills due for service previously furnished and has made a satisfactory deposit, the amount to be determined in accordance with the utilities' deposit policy, to insure future payment of bills. A reconnection fee will be charged to reconnect a disconnected customer as set forth in Section 16(3). If a reconnection is desired during Business Hours, the entire payment due must be made at the Jasper Municipal Utilities Business Office. If a customer desires reconnection after hours, payment must be made by money order for the entire amount due, plus the reconnection fee as set forth in Section 16(3). Jasper Municipal Utility personnel whose duty it is to reconnect utility service after hours may not accept payment for reconnection by cash or check.

If the customer is in default and, while the utility is preparing to disconnect the customer's utility service, the customer elects to pay the utility employee the total and exact amount in default, the customer may be charged a collection fee as set forth in Section 16(6). Said collection fee shall be used to offset the additional labor costs associated with attempting to disconnect.

In the event natural gas service has been terminated, for whatever reason, the gas utility will perform a gas inspection of the premises at the time service is restored and the customer may be charged a gas inspection fee as set forth in Section 16(4).

In every circumstance where utility service has been disconnected, whether for nonpayment or at a customer's request, a Temporary Disconnect/Reconnect Fee shall be charged to the person requesting reconnection as set forth in Section 16(3). Said fee shall be paid in full prior to reconnection.

The utility may disconnect service forthwith and without notice if the customer's wiring or other utility connections are found to be in a dangerous or unsafe condition, or if necessary to protect itself from fraud. The utility may deny service to anyone who is indebted to the utility for service rendered at another location, until such time as all such indebtedness is paid in full. Any discontinuance of service shall not terminate the obligations under the applicable tariff between the utility and the customer.

Section 7. Termination of Service

Notwithstanding any other ordinance or regulation, except as stated below, during the "heating season" of any year, residential customers who have applied for and are having their eligibility determined, or are receiving, assistance from a heating assistance program administered under state law shall not have their utility service terminated. It shall be the responsibility of the customer to notify the Utility Business Office that application has been made to the heating assistance program. Non-residential customers shall not be subject to this "heating season" exclusion.

The Jasper Municipal Utilities reserves the right to discontinue utility service for non-payment of bills if the residential customer has not applied for or is not receiving benefits from a heating assistance program regardless whether during the "heating season" or not.

The utilities may terminate utility service upon request of the customer or under the following circumstances:

- (1) If a condition dangerous or hazardous to life, physical safety, or property exists.
- (2) Upon order of any court, the Commission, or other duly authorized authority.
- (3) If fraudulent or unauthorized use of any utility service is detected, and the utility has reasonable grounds to believe the affected customer is responsible for such use.

- (4) If the utilities' 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.
- (5) For nonpayment, under those rules set out in "Termination of Service – Notice" below.

In the event the customer requests a utility service be permanently removed, the customer will be charged as set forth in Section 16(7) for each service involved.

Each service permanently disconnected shall also have the meter removed and, where appropriate, service lines abandoned and disconnected at the main. Should the customer, at a later date, request re-installation of said utility service, the customer will be required to reapply for a permit and pay all appropriate fees and expenses as though it were a totally new service.

In the event the customer requests a utility service relocated, either temporarily or permanently, the customer will be charged as set forth in Section 16(8).

In every circumstance where utility service has been disconnected, whether for nonpayment or at a customer's request, a Temporary Disconnect/Reconnect Fee shall be charged to the person requesting reconnection as set forth in Section 16(3). Said fee shall be paid in full prior to reconnection.

Owners or managers of rental property shall complete, and the Utility Business Office shall maintain a "Rental Property Owner Questionnaire" in which the rental property owner or manager shall elect to either 1) leave all utilities connected, but to have payment responsibility transferred to the property owner during unit or property vacancies or 2) have all utilities temporarily shut-off during unit or property vacancies and to be subject to the Temporary Disconnect/Reconnect Fee as set forth in Section 16(3). Said owner shall also be subject to the Temporary Disconnect/Reconnect Fee if the Owner's tenant's service was disconnected for nonpayment and the Owner requests reconnection as set forth in Section 16(3).

Section 8. Termination of Service - Notice

Utility service being provided to an occupied "dwelling", or other occupied facility, may not be terminated because of the failure of the customer to pay their utility bill until fourteen (14) days after the utility serves notice upon the customer of its intent to terminate said service. Said notice shall be in the form of a past due notice.

The past due notice must, in separate numbered paragraphs:

- (1) Indicate the date on which service will be terminated;
- (2) State the reason and factual basis for termination of service;
- (3) List the telephone number of the Utility Business Office that customers may call during business hours in order to question the proposed termination of service or to seek information concerning their rights; and
- (4) State that customers may refer to the pamphlet furnished to them when they applied for service for information as to their rights.

Service of a past due notice under this section must be made by:

- (1) First class mail addressed to the customer at the address listed for the customer in the records of the utilities; or
- (2) Personal delivery posted in a conspicuous location at the service address.

No notice may be served before the date on which the customer's account becomes delinquent.

After following the notice provisions set forth above, utility service, whether it be electric, gas, wastewater, or water, or any

combination thereof, being provided to a residential customer at one metering point, residence, or location, may be disconnected for failure to pay for utility service, whether it be electric, gas, wastewater, or water, or any combination thereof, being provided to the same residential customer for the same form or class of utility service at another metering point, residence or location if such bill has remained unpaid for at least forty-five (45) days.

Section 9. Meter Tampering, Fraudulent, or Unauthorized Use of Utility Service

In the event the utility has reasonable grounds to believe that the customer has tampered with the utilities' regulating or measuring equipment, or if fraudulent or unauthorized use of any utility service is detected, the utility will estimate its loss of revenue, including interest, and bill the responsible customer as set forth in Section 16(9).

Section 10. Accessibility of Meters

Utility meters must, at all times, be accessible to utility personnel for the purpose of reading, testing, and maintenance. In the event shrubbery or other obstructions inhibit access to the meter and/or the viewing of the meter dials, the customer will be formally requested in writing and given 30 days in which to remove (or trim) said shrubbery or other obstruction so that uninhibited access of the meter can take place. Should the customer choose not to comply with said request, the utility may contract with a professional for the purpose of removing (or trimming) the inhibiting shrubbery or other obstruction. The customer, in this event, will be billed as set forth in Section 16(10).

Section 11. Inside Meters

In those cases where a utility's regulating or measuring device (including, without limitation, a measuring meter) is located on the inside of a structure or is otherwise located in a place that is not readily available for sight reading by a utility employee, the Jasper Municipal Utilities may request the customer to convert the regulating or measuring device to a remote device that does not require sight reading and which can be read by means of an electronic signal transmitted via radio waves, wire, optical cable, or similar medium. Any such request shall be made in writing and shall give the customer 30 days to make the appropriate conversion. In the event the customer does not make the conversion within 30 days, the Jasper Municipal Utilities may charge an inside meter reading fee as set forth in Section 16(11). The owner of any structure that has an inside meter must provide the Jasper Municipal Utilities with 24 hour access to said inside meter for the purpose of testing, maintenance and disconnection of said meter.

Section 12. Meter Testing

Whenever the customer believes that a meter is not recording within the limits of accuracy as prescribed by the rules of the Indiana Utility Regulatory Commission, said customer may request that the meter in question be tested for accuracy.

Whenever a request is made for a test on a customer's meter and said meter has been tested twice in the previous twenty-four (24) months, the customer shall be required to make an advance payment of a meter testing fee, as set forth in Section 16(12), before the meter will be tested.

If the meter is found to be over-recording usage, the meter testing fee will be refunded. If the meter is found to be under-recording usage, or if the meter is found to be accurately recording usage, the meter testing fee will not be refunded.

Section 13. Electric Service Permit

All residential, commercial, industrial, governmental, and institutional facilities shall be required to obtain a permit before connection to the utility's system will be allowed. This permit requirement applies to new, temporary or permanent, service connections; changes in the size of service; additional service connections; and, the relocating of service

connections.

A permit fee, as set forth in Section 16(13), shall be paid at the time the Electric Service Permit is issued. The permit fee shall apply toward recovering costs associated with inspecting the installation as described on the permit.

Section 14. Seasonal Service Disconnection/Reconnection

Utility service will be extended to customers on a seasonal basis under the same conditions as permanent residential, commercial, and industrial accounts. When requested by the customer, service(s) will be temporarily disconnected, however, a monthly customer charge, as set forth in the appropriate rate ordinance, will be assessed for each service involved, each month said service(s) is/are disconnected. A reconnection fee, as set forth in Section 16(14), for each service involved, shall be paid prior to reconnection of said service(s). In the event natural gas service has been shut-off, the gas utility will perform a gas inspection of the premises when service is restored and the customer will be charged a gas inspection fee as set forth in Section 16(4).

In the event the temporary shut-off becomes permanent as a result of direction from the property owner, time lapse, or other criteria in the discretion of utility management, the provisions of "Termination of Service", as stated above, shall apply.

Section 15. Miscellaneous Charges

The Jasper Municipal Utilities shall charge its customers for other miscellaneous items and services, as set by the Utility Service Board.

Section 16. Schedule of Non-Recurring Charges

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| (1) Customer Security Deposit | Refer to the "Customer Application and Deposit Policy" Ordinance |
| (2) Late Payment Penalty: | Electric, Water, & Gas: 10% on first \$3.00,
Plus 3% on Balance
Sewer: 10% on Balance |
| (3) Temporary Disconnect / Reconnect Fee: | During Business Hours (7:30AM – 4PM): \$ 50.00 ea
After Hours (4PM – 7:30AM): \$ 100.00 ea |
| (4) Gas Inspection Fee: | During Business Hours (7:30AM – 4PM): \$ 30.00 ea
After Hours (4PM – 7:30AM): \$ 60.00 ea |
| (5) Returned Check Charge | \$25.00 ea |
| (6) Delinquent Account Collection Fee | \$50.00 ea |
| (7) Permanent Service Removal (Customer Requested)
[Service Lines Disconnected & Meters Removed -
Requires New Service Permits to Reactivate] | As set by the
Utility Service Board |

(8) Service Relocation (Customer Requested)	As set by the Utility Service Board
(9) Meter Tampering / Fraudulent or Unauthorized Use of Utility Service	Justified Adjustment of Charges, Plus 12% Interest
(10) Removal of Meter Obstruction / Shrubbery Trimming	As set by the Utility Service Board
(11) Inside Meter Reading Fee	\$2.00 / Mo
(12) Meter Testing Fee (Customer Requested)	\$30.00 ea
(13) Electric Service Permit Fee	\$50.00 ea
(14) Seasonal Service Disconnection/Reconnection Fee:	During Business Hours (7:30AM – 4PM): \$ 50.00 ea