

RULE NO. 11

DISCONTINUANCE AND RESTORATION OF SERVICE

A. PAST DUE BILLS OR SUMMARY BILLS

Bills or Summary Bills rendered will be considered past due if not paid within fifteen (15) business days of the bill or Summary Bill issuance date.

B. NONPAYMENT OF BILLS

1. When a bill or Summary Bill for electric service has become past due and an overdue notice and final notice have been issued, service may be discontinued if the bill or Summary Bill is not paid within the time required by such notice. Service shall not be disconnected for charges due to, and billed by, an Energy Service Provider (ESP).

Any Customer who contests billed consumption, and has initiated a complaint or requested an investigation in accordance with Rule No. 10, shall not have electric service discontinued for nonpayment during the pendency of an investigation by the City of the Customer's dispute or complaint provided the Customer also keeps current the account for electric services as charges accrue in each subsequent billing period. Services shall not be discontinued for nonpayment for any Customer complying with an amortization agreement entered into with the City, provided the Customer also keeps current the account for electric services as charges accrue in each subsequent billing period.

If in a landlord/residential tenant relationship a landlord is responsible for payment of the electric utility bill and the electric service is through a master Meter, the Utility shall not terminate residential occupant (i.e., tenant) service during the pendency of an investigation by the Utility of a Customer dispute or complaint, even if the Customer does not keep current the account for electric services or if the Customer has been granted an extension of the period for payment of a bill.

2. Electric services to a domestic Customer will not be discontinued for non-payment when the Customer has established to the satisfaction of the City that such termination would be especially dangerous to the health of the Customer or a full-time resident of the Customer's household. Certification from a licensed physician, public health nurse, or a social worker may be required by the City. The City shall make available to Customers, upon request, information regarding agencies and/or organizations that may provide financial assistance.

If in a landlord/residential tenant relationship a landlord is responsible for payment of the electric utility bill and the electric service is through a master Meter, the Utility shall not terminate residential occupant (i.e., tenant) electric service if a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

3. If a bill or Summary Bill is past due as set forth in Section A above, a Customer's electric service may be discontinued for nonpayment of a bill or Summary Bill for service previously rendered to the Customer at any location served by the Utility provided the Utility first gives a notice of discontinuance to the Customer at least ten (10) business days prior to the proposed discontinuance. Such ten-day period shall not commence until five (5) business days after the mailing of the notice.

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B. NONPAYMENT OF BILLS (Continued)

4. If a Customer is receiving more than one service, any or all services may be discontinued when any service, regardless of location, is discontinued for nonpayment. However, residential service will not be discontinued because of nonpayment of bills or Summary Bills for other Classes of Service.
5. The Utility shall not terminate residential occupant (i.e., tenant) electric service if a delinquent account relates to another property owned, managed, or operated by the Customer.
6. Under no circumstances may service be discontinued for nonpayment of a bill or Summary Bill to correct previously billed incorrect charges for a period in excess of the preceding three months, unless such incorrect charges have resulted from the Customer not abiding by the applicable Tariff Schedules.
7. On any Saturday, Sunday, legal holiday recognized by the City of Anaheim, or at any time during which the business office of the City is not open to the public, electric service will not be discontinued on those days by reason of delinquency in payment for services.

C. UNSAFE EQUIPMENT AND SERVICE DETRIMENTAL TO OTHER CUSTOMERS

The Utility may refuse or immediately discontinue service to a Customer if the Utility determines (1) that any part of their wiring or other equipment, or the use thereof, is unsafe or in violation of applicable laws, ordinances, rules or regulations of public authorities, or (2) that any condition or use existing upon the Customer's Premises is detrimental to the Utility's facilities or impairs the ability of the Utility to provide service to its Customers. The Utility shall not provide service or continue service until the conditions described in (1) and (2) of the previous sentence no longer exist. The Utility may provide written or telephonic notice prior to discontinuation of service when the Utility determines circumstances allow for such notice. The Utility does not assume any responsibility for inspecting or repairing the Customer's wiring or other equipment or any part thereof and assumes no liability therefor.

The Utility will not provide service to any equipment, the operation of which will be detrimental to the service of the Utility or its other Customers, and will discontinue electric service to any Customer who continues to operate such equipment after having been given written or telephonic notice by the Utility to cease doing so.

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D. FRAUD

1. The Utility may refuse or discontinue service if the Utility determines the acts of the Customer or the conditions upon their Premises indicate (1) an intent to defraud the Utility, or (2) the occurrence of a Diversion. A fee will be collected for the investigation of acts of fraud and/or Diversion as set forth in Rule No. 23, provided, however, that said fee shall not limit Customer's liability for any fraud or other Diversion. The Utility may provide written notice prior to discontinuation of service when the Utility determines circumstances allow for such notice.

In addition to D.1, the following provisions shall apply when a Diversion involves an ESP:

2. An ESP must immediately upon request from the Utility supply all Customer information deemed pertinent to a Diversion investigation.
3. An ESP must immediately notify the Utility of any evidence of Diversion.
4. An ESP must maintain strict confidentiality of all Diversion investigations.
5. Once the Utility detects a Diversion, all investigations of unauthorized use of energy will be conducted by the City of Anaheim, in accordance with the Rates, Rules and Regulations, regardless of ownership of the Meter or provisions of billing or metering services. Customers, ESPs and their agents are required to properly maintain the chain of evidence of any Diversion or other unauthorized use and cooperate in such investigation.
6. Once the Utility detects a Diversion, the Utility may, at its discretion, (a) retain the existing Meter, regardless of ownership, and (b) install a temporary Utility Meter and charge for its use.
7. In cases of Diversion, the City of Anaheim shall have the legal right to recover, from any Customer, ESP, or other person who caused or benefited from such Diversion or other unauthorized use the total estimated amount of the undercharge, including the direct access energy supply component and all associated costs incurred during the investigation of the Diversion, for the full period of the investigation and the Diversion or other unauthorized use.
8. The City of Anaheim reserves all evidentiary privileges and rights.
9. The City of Anaheim retains the right to collect from an ESP, the Customer or other persons causing or benefiting from the Diversion or other unauthorized use of power, interest on the unauthorized use billings and associated costs resulting from the Diversion or other unauthorized use of power.
10. Diversion or other unauthorized energy use relating to direct access service shall include failure by an ESP to submit schedules in good faith to a scheduling coordinator or ISO for a service account.
11. The Utility reserves the right to collect from an ESP, the Customer or responsible party for any damaged City equipment.
12. The Utility reserves the right to collect from an ESP, the Customer or responsible party for all consumption recorded on idle Meters.

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E. FAILURE TO ESTABLISH OR REESTABLISH CREDIT

If, for an Applicant's convenience, the Utility provides electric service before Applicant establishes creditworthiness or continues service to a Customer when creditworthiness has not been reestablished, and the Customer fails to establish or reestablish their creditworthiness in accordance with Rule No. 6, the Utility may discontinue electric service the following business day after this failure.

F. NONCOMPLIANCE

Except as otherwise specifically provided in this Rule No. 11, the Utility may discontinue service to a Customer for noncompliance with the Rates, Rules and Regulations if, after at least five (5) business days written notice to the Customer, the Customer has not complied with the notice. The Utility may dispense with the giving of such notice in the event the Utility determines the existence of dangerous conditions or other circumstances that require the immediate discontinuation of service.

G. CUSTOMER'S REQUEST FOR SERVICE DISCONTINUANCE

When a Customer desires to terminate their responsibility for service, the Customer shall give the Utility not less than two (2) business days notice of their intention, and provide (1) the date on which the Customer wishes the termination to become effective, and (2) the address to which the closing bill or Summary Bill is to be mailed. A Customer may be held responsible for all service furnished at the Customer's Premises until two (2) business days after receipt of such notice by the Utility or until the date of termination specified in the notice, whichever date is later.

H. RESTORATION - RECONNECTION CHARGE

Prior to restoring electric service that has been discontinued for nonpayment of bills or Summary Bills or for failure otherwise to comply with the Rates, Rules and Regulations, the Customer shall pay a reconnection charge for each incident in which the service(s) was disconnected. In the event that the Utility determines that the Customer is not at fault, including situations such as a payment being lost in the mail or other such situations, the Utility may waive the reconnection charge. If electric service(s) has been restored illegally or damaged due to tampering, the Customer must compensate the Utility for all damage incurred by the Utility prior to reconnection. The Customer is responsible for all damage incurred by the Utility whether or not electric service is reconnected.

If Customer requests to expedite the restoration/reconnection, the Utility may fulfill the request after the Utility's regular restoration/reconnection hours to the extent resources are available. In such cases, an additional charge will be assessed on the Customer in the amount set forth in Rule No. 23.

I. REQUEST FROM RESIDENTIAL OCCUPANT (TENANT) TO BECOME CUSTOMER

If a landlord in a landlord/residential tenant relationship is responsible for the payment of the electric utility bill and the account is in arrears, the residential occupant (i.e., tenant) shall have the right to become the Customer without being required to pay the amount due on the landlord's delinquent account. In order for the Utility to make service available, the residential occupant (i.e., tenant) must agree to the terms and conditions of service.

J. STATE LAW

Should there be a conflict between this Rule No. 11 and State law, as amended from time to time, State law shall govern, except to the extent that the provisions of this Rule are more favorable for the Customer or residential occupants of a detached Single-Family Dwelling or Multi-family Accommodation.