

Nonresidential Customer Energy Settlement Agreement

R 460.1629 Settlement agreement.

Rule 29. (1) If the utility and a small commercial customer arrive at a mutually satisfactory settlement of any claim in dispute, or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility shall offer the customer an opportunity to enter into a settlement agreement.

(2) The utility shall confirm the terms of the settlement agreement with the customer and shall send a copy of the settlement to the customer or the customer's authorized representative. The utility shall retain documentation of the original settlement agreement for 2 years. In case of a dispute over the terms of a settlement agreement, the utility shall have the burden of proving that the customer understood and accepted the terms of the settlement agreement.

(3) Every settlement agreement entered into due to the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays a reasonable amount of the outstanding bill and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid.

History: 2008 AACs.

R 460.1630 Default of settlement agreement.

Rule 30. (1) If a small commercial customer fails to comply with the terms and conditions of a settlement agreement, a utility may discontinue service after notifying the customer, in writing, by personal service or first-class mail, of all of the following:

(a) That the customer is in default of the settlement agreement.

(b) The nature of the default.

(c) That unless full payment of the claim is made within 10 days of mailing of the notice, the utility will discontinue service.

(d) The date upon which service is scheduled to be discontinued.

(2) A utility is not required to enter into any subsequent settlement agreement with a customer until the customer has fully complied with the terms of any previous settlement agreement.

(3) A utility is not required to enter into any subsequent settlement agreement with a customer who has defaulted upon the terms and conditions of a previous agreement.

(4) If a settlement agreement is reached following a notice of discontinuance, the failure of the customer to abide by the terms of the settlement agreement during the first 60 days after the agreement is made constitutes a waiver of the notice required by subrule (1) of this rule.

However, before discontinuance, a utility shall comply with the notice requirements of these rules.