

SOUTHWESTERN PUBLIC SERVICE COMPANY

**SEVENTH REVISED RULE NO. 7
CANCELING SIXTH REVISED RULE NO. 7**

FILED IN OFFICE OF

SEP 12 2018

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X

RULES AND REGULATIONS - ELECTRIC

NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

Page 1 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE

a. NONRESIDENTIAL

(1) Refusal or Discontinuance of Service: Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, the Customer shall be allowed a reasonable time in which to comply with the rule before Customer is subject to discontinuance except as provided in (a), (b), (c) and (d) below:

- (a) Without notice in the event of a condition determined by Company to be hazardous.
- (b) Without notice in the event of Customer use of equipment in such manner as to adversely affect Company's equipment or Company's service to others.
- (c) Without notice in the event of Customer's bypassing Company's meter, or otherwise interfering, tampering with, damaging, or deliberately destroying the equipment furnished and owned by Company.

Company shall discontinue service until the bypass has been removed, payment of an estimated bill for the period of the interference has been made, and Company has been reimbursed for any expenses incurred in checking for and repairing damages to the metering equipment resulting from the interference.

- (d) Without notice in the event of unauthorized use, such as remetering, sale, extension or other disposition of service as set forth in Rule 8.

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BY Commission Order
Case No. 17-00255-UT

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Advice Notice No.

Sam D. Lewis

DIRECTOR - REGULATORY AND PRICING
ANALYSIS

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**SEVENTH REVISED RULE NO. 7
CANCELING SIXTH REVISED RULE NO. 7**

X
X

RULES AND REGULATIONS - ELECTRIC

Page 2 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

Company may discontinue service to Customer until such unauthorized use is discontinued and full payment is made for all service supplied or used, billed on the proper Rate Schedule or Service Agreement, and reimbursement in full made to the Company for all extra expenses incurred, including expenses for clerical work, testing and inspections.

- (e) For violation of and/or noncompliance with Company's rules on file with and approved by the Commission.
- (f) For failure of Customer to fulfill his contractual obligations for service and/or facilities subject to the regulation by the Commission.
- (g) For failure of Customer to permit Company reasonable access to its equipment.
- (h) Bills are due and payable when rendered. Company may discontinue service for failure to pay any bill or charge authorized by these rules or Company's approved rate schedules (provided Company has given Customer written notice that he or she has at least two days after hand delivery or four days after mailing of the notice, excluding Saturdays, Sundays and holidays observed by Company, in which to make settlement on the account or have the service denied).
- (i) For failure of Customer to provide Company with a deposit as authorized by Rule 20.

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274

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SEVENTH REVISED RULE NO. 7
CANCELING SIXTH REVISED RULE NO. 7

X
X

RULES AND REGULATIONS - ELECTRIC

Page 3 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

- (j) For failure of Customer to furnish such service equipment, permits, certificates, and/or rights of way, as shall have been specified by Company as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated.
- (k) Failure to pay for the continuance of service of the same class at a different metering point.

In the event service is discontinued under any of the conditions above, Company may require a payment sufficient to cover the cost of reconnecting service.

- (2) Suspension of Service for Repairs and Changes: When necessary to make repairs to or changes in Company's plant, generating equipment, transmission or distribution system, or other property, Company may suspend service for such periods as may be reasonably necessary, and in such manner as not to inconvenience Customer unnecessarily. Company shall be liable to Customer for any damages occasioned by such suspension only when the damages are the result of negligence on the part of Company. Company will endeavor to give reasonable notice to Customer of Company's intention to suspend service.

b. **RESIDENTIAL**

- (1) Refusal or Discontinuance of Service: Service may be refused or discontinued for any of the reasons listed below. Unless otherwise stated, Customer shall be allowed 3 days in which to comply with the rule before Customer is subject to discontinuance except as provided in (a), (b), (c) and (d) below:

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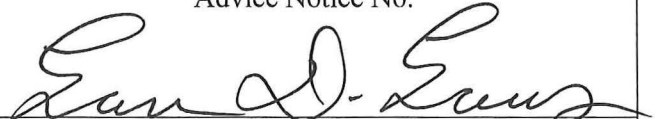
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**SEVENTH REVISED RULE NO. 7
CANCELING SIXTH REVISED RULE NO. 7**

**X
X**

RULES AND REGULATIONS - ELECTRIC

Page 4 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

- (a) Without notice in the event of a condition determined by Company to be hazardous.
- (b) Without notice in the event of Customer use of equipment in such manner as to adversely affect Company's equipment or Company's service to others.
- (c) Without notice in the event of Customer's bypassing Company's meter, or otherwise interfering, tampering with, damaging, or deliberately destroying the equipment furnished and owned by Company.

Company shall discontinue service until the bypass has been removed, payment of an estimated bill for the period of the interference has been made, and Company has been reimbursed for any expenses incurred in checking for and repairing damages to the metering equipment resulting from the interference.

- (d) Without notice in the event of unauthorized use, such as remetering, sale, extension or other disposition of service as set forth in Rule 8.

Company may discontinue service to Customer until such unauthorized use is discontinued and full payment is made for all service supplied or used, billed on the proper Rate Schedule or Service Agreement, and reimbursement in full made to Company for all extra expenses incurred, including expenses for clerical work, testing and inspections.

- (e) For violation of and/or noncompliance with Company's rules on file with and approved by the Commission.

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SEP 27 2018

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274

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**SEVENTH REVISED RULE NO. 7
CANCELING SIXTH REVISED RULE NO. 7**

**X
X**

RULES AND REGULATIONS - ELECTRIC

Page 5 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

- (f) For failure of Customer to permit Company reasonable access to its equipment.
- (g) Bills are due and payable when rendered. Company may discontinue service for failure to pay any bill or charge authorized by these rules or Company's approved rate schedules (provided Company has given Customer written notice pursuant to (j) below).
- (h) Failure to furnish such service, equipment, permits, certificates, and/or rights-of-way as shall have been specified by the utility as a condition to obtaining service in the event such equipment or permissions are withdrawn or terminated.
- (i) After a reasonable time, for failure of Customer to provide Company with a deposit as authorized by Rule 20.
- (j) The following special rules shall apply to discontinuance of service to residential Customers for nonpayment of bills.
- (k) Company shall deliver to the affected residential Customer notice of termination of service for non-payment of utility charges at least fifteen (15) calendar days prior to discontinuance of service. The notice shall be in both English and Spanish and shall include the following information.

**X
X
X**

**X
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X

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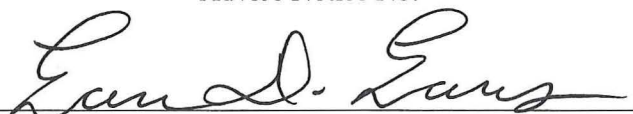
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**X
X**

RULES AND REGULATIONS - ELECTRIC

Page 6 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

[a] The title, address, telephone number and working hours of Company personnel to contact regarding the billing account;

[b] The amount owed and the date by which Customer must either pay the amount due, make other arrangements for payment or have service discontinued;

[c] A statement that "if the past due balance on your account has been paid, please disregard this notice."

X

[d] A statement that to avoid disconnection we must receive your past due balance of (\$_.__) no later than (month/day/year), or payment arrangements must be made; please see the enclosed notice for more information"

[e] A statement in both English and Spanish of "customers' rights and responsibilities" set forth in 17.5.410.42 NMAC.

X

[f] Blank copies of the medical certification form prescribed by the Commission in 17.5.410.43 NMAC and the financial certification form prescribed by the Commission in 17.5.410.44 NMAC, or substantially similar forms:

X

[1] At least two days prior to the actual date of discontinuation of service, Company will make reasonable efforts to communicate with a residential Customer by telephone or personal contact.

X

If contact by telephone or personal visit is unsuccessful, notice of discontinuation of service will be posted on the residence in a conspicuous location.

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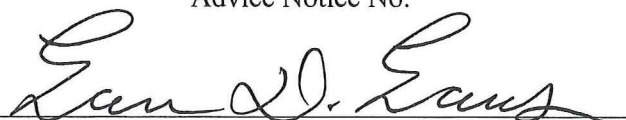
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CANCELING SIXTH REVISED RULE NO. 7**

X
X

RULES AND REGULATIONS - ELECTRIC

Page 7 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

[2] The employee sent to discontinue service shall write down any information made known to the employee by the residential Customer regarding any resident's seriously ill or life endangering health condition, and shall immediately report this information in writing to utility personnel authorized to prevent discontinuance. The utility personnel authorized to prevent discontinuance shall either delay discontinuance if it is apparent that the forms described in b.(1)(h) [1][e] above will be received, or shall state in writing the reasons why the discontinuance was not delayed.

X

[3] Company shall notify its current residential Customers periodically by newspaper of general circulation or by bill stuffer of Company's program of third party notification. The program shall be available to all residential Customers who notify the utility in writing of their desire to participate in the program.

Such notice shall include designation of a specific person, organization, or governmental agency that has indicated their or its willingness to assist Customer in the payment of utility bills and to receive third party notification. Company shall not discontinue service to a Customer for nonpayment of past due charges without: (a) contacting the designated person, organization or governmental agency by phone or in writing at least fifteen (15) days prior to the proposed discontinuance of service; (b) determining that the designated person, organization or governmental agency has not made a commitment to assist with payment of the residential Customer's past due charge within a reasonable period of time.

X

X

[4] Company will offer an installment payment plan for the payment of past due utility charges to every residential Customer who has indicated that he or she is unable to pay his or her utility charges and who has not been chronically delinquent.

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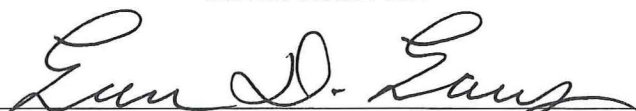
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X
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RULES AND REGULATIONS - ELECTRIC

Page 8 of 10

7. REFUSAL, DISCONTINUANCE AND SUSPENSION OF SERVICE (cont.)

- (a) For purposes of this subparagraph, "chronically delinquent" is the status of a residential Customer who during the prior twelve months has been disconnected by Company for nonpayment, or who on three or more occasions during the prior twelve months has not paid a bill by the date that a subsequent bill is rendered.
 - (b) Company will not discontinue service to a residence eligible for an installment payment plan while such a plan is being negotiated.
 - (c) If Customer, who has agreed to such an installment plan, violates the plan, Company will have the right to discontinue service to a Customer upon giving notice of discontinuance of service as required by 17.5.410.41 NMAC.
 - (d) Company will provide, after due notice from Customer, a review for any Customer that alleges the proposed installment payment plan is unreasonable, or that utility charges are not due and owing or that Customer has not violated the installment payment plan. Such review shall not be conducted by the credit department of Company, and the reviewing employee shall have the authority to order appropriate corrective action. Utility service will not be disconnected until the review is completed.
- [5] The installment payment plan shall be a written agreement negotiated by Customer and Company person who has management responsibility over the area in which the service at issue is located. The terms of the agreement shall be mutually acceptable and shall take the form of payment of a portion of the outstanding past due charges at time of agreement with specific deferred amounts to be paid at specified intervals until the total charges past due are paid. The maximum period of deferment shall be in Company's discretion.

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X
X

RULES AND REGULATIONS - ELECTRIC

Page 9 of 10

Customer shall pay by past due date for subsequent billings for utility service while operating under an installment payment agreement.

- [6] Company may disconnect utility service to a residential Customer only during the hours from 7:30 A.M. to 4:00 P.M., on Monday through Thursday and may not disconnect utility service to a residential Customer within the twenty-four hour period prior to a holiday or week-end unless Company's business office is open for receipt of payment of past due charges and Company personnel are available to restore such service during the holiday or weekend upon payment.

X

X

- [7] Nothing contained herein which permits a residential Customer to defer payment of current or past due charges for utility service shall be construed in any respect to relieve any such Customer from liability for all proper utility service charges.

- (a) For failure of the Customer to furnish such service equipment, permits, certificates, and/or rights of way, as shall have been specified by Company as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated.
- (b) After a reasonable time, for failure of Customer to provide Company with a deposit as authorized by Rule 20.
- (c) After a reasonable time, for failure to pay for the continuance of service of the same class at a different metering point, except that upon discontinuance of service at a separate residential metering point, residence or location, Company may transfer any unpaid balance due to any other residential service account of the residential Customer and proceed in accordance with Rule 9(g) and (h).

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RULES AND REGULATIONS - ELECTRIC

Page 10 of 10

In the event service is discontinued under any of the conditions above, Company may require a payment sufficient to cover the cost of reconnecting service.

- (2) Suspension of Service for Repairs and Changes: When necessary to make repairs to or changes in Company's plant, generating equipment, transmission or distribution system, or other property, Company may suspend service for such periods as may be reasonably necessary, and in such manner as not to inconvenience the Customer unnecessarily.

X

Company shall be liable to the Customer for any damages occasioned by such suspension only when the damages are the result of negligence on the part of Company. Company will endeavor to give reasonable notice to Customer of Company's intention to suspend service.

- (3) Discontinuance of Service During Cold Weather Period: Unless requested by Customer, Company shall not discontinue service to any residential Customer for nonpayment during the period November 15 to March 15 who qualifies for the Low Income Home Energy Assistance Program (LIHEAP) and Customer makes any payments Customer owes under a payment plan or as of November 15 Customer had no past due amounts on Customer's utility bill.

**X
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Effective Date: September 27, 2018

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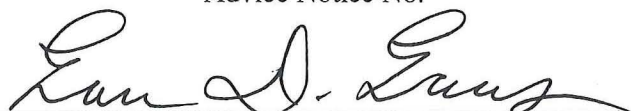
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