

**MINNESOTA ELECTRIC RATE BOOK – MPUC NO. 2**

**CUSTOMER RIGHTS  
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 2nd Revised Sheet No. TOC

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## **SECTION 1 DISCONNECTION OF SERVICE**

### **1.1 PERMISSIBLE REASONS TO DISCONNECT SERVICE**

Please refer to the Company's rules in Section 6.

### **1.2 TEMPORARY DISCONNECTION OF SERVICE**

The Company may temporarily disconnect service to a customer otherwise entitled to disconnect service, upon written request by said customer. Temporary disconnection of service for this reason does not require refund of deposit or interruption of interest.

### **1.3 NON PERMISSIBLE REASONS TO DISCONNECT SERVICE**

The Company shall not disconnect service to a customer for any of the following reasons:

- A. delinquency in payment for services rendered to a previous customer who occupied the premises unless the customer continues to occupy the premises;
- B. failure to pay for merchandise, appliances, or services not approved by the Public Utilities Commission as an integral part of the utility service;
- C. failure to pay for a different class of service;
- D. failure to pay for a bill based on concurrent charges from another meter; or
- E. failure to pay for a bill to correct a previous underbilling due to an inaccurate meter or billing error if the customer agrees to payment over a reasonable period of time.

### **1.4 LANDLORD-TENANT RULE**

In situations where the service is rendered at an address different from the mailing address of the bill, or where the Company has reason to know that a landlord-tenant relationship exists and that the landlord is the customer of the utility; and where the landlord as customer would otherwise be subject to disconnection of service; the Company may not disconnect service until the following actions have been taken:

- A. Where it is feasible to so provide service the Company, after providing notice as required in these rules, shall offer the occupant the opportunity to subscribe for service in the occupant's own name. If the occupant then declines to so subscribe, the Company may disconnect service pursuant to the Public Utilities Commission rules.

The Company shall not attempt to recover from a tenant, or condition service to a tenant with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

(Continued on Sheet No. 11-3)

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**CUSTOMER RIGHTS  
DISCONNECTION OF SERVICE (Continued)**

Section No. 11  
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**SECTION 1 DISCONNECTION OF SERVICE**

**1.5 MEDICALLY NECESSARY EQUIPMENT.** The Company shall reconnect or continue service to a customer's residence where a medical emergency exists, or where medical equipment requiring electricity necessary to sustain life is in use, provided that the Company receives: (1) written certification, or initial certification by telephone and written certification within five business days, from a medical doctor that failure to reconnect or continue service will impair or threaten the health or safety of a resident of the customer's household; and (2) the customer's consent to a payment arrangement for the amount in arrears.

**1.6 DISCONNECTION DURING EXTREME HEAT**

The Company will not perform an involuntary disconnection of residential electric service when an excessive heat watch, heat advisory, or excessive heat warning issued by the National Weather Service is in effect.

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## **SECTION 2 DISCONNECTION DURING COLD WEATHER**

### **2.1 SCOPE**

This section applies only to residential customers of the Company.

### **2.2 DEFINITIONS**

The following definitions apply in this section:

1. **Cold weather period** - means the period beginning October 1 and continuing through April 30 of the following year. T
2. **Customer** - means a residential customer of a utility.
3. **Disconnection** - means the involuntary loss of utility heating service as a result of a physical act by the Company to discontinue service. Disconnection includes installation of a service or load limiter or any device that limits or interrupts utility service in any way.
4. **Household income** - means the combined income, as defined in Minn. Stat., 290A.03, subd. 3, of all residents of the customer's household, computed on an annual basis. Household income does not include any amount received for energy assistance.
5. **Reasonably timely payment** - means payment posted within five working days of agreed-upon due dates.
6. **Reconnection** - means the restoration of utility heating service after it has been disconnected.
7. **Summary of rights and responsibilities** - means a notice approved by the Minnesota Public Utilities Commission that contains, at a minimum, the following:
  - a. an explanation of the provisions of Section 2.5 and Minn. Stat. 216B.096, subd. 5;
  - b. an explanation of no-cost and low-cost methods to reduce the consumption of energy;
  - c. a third-party notice;
  - d. ways to avoid disconnection;
  - e. information regarding payment agreements;

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**CUSTOMER RIGHTS  
DISCONNECTION DURING COLD WEATHER (Continued)**

Section No. 11  
2nd Revised Sheet No. 5

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**2.2 DEFINITIONS (Continued)**

- f. an explanation of the customer's right to appeal a determination of income by the Company and the right to appeal if the Company and the customer cannot arrive at a mutually acceptable payment agreement; and
  - g. a list of names and telephone numbers for county and local energy assistance and weatherization providers in each county served by the Company.
8. **Third party notice** - means a Minnesota Public Utilities Commission-approved notice containing, at a minimum, the following information:
- a. a statement that the Company will send a copy of any future notice of proposed disconnection of Company service to a third party designated by the residential customer;
  - b. instructions on how to request this service; and
  - c. a statement that the residential customer should contact the person the customer intends to designate as the third party contact before providing the Company with the party's name.
9. **Company** - means the Minnesota electric operations of Northern States Power Company, a Minnesota corporation
10. **Utility heating service** - means natural gas or electricity used as a primary heating source, including electricity service necessary to operate gas heating equipment, for the customer's primary residence.
11. **Working days** - means Mondays through Fridays excluding legal holidays. The day of receipt of a personally served notice and the day of mailing a notice shall not be counted in calculating working days.

**2.3 COMPANY OBLIGATIONS BEFORE COLD WEATHER PERIOD**

Each year, between August 15 and October 1, the Company must provide all customers, personally or by first class mail, a summary of rights and responsibilities. The summary must also be provided to all new residential customers when service is initiated.

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**CUSTOMER RIGHTS  
DISCONNECTION DURING COLD WEATHER (Continued)**

Section No. 11  
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**2.4 NOTICE BEFORE DISCONNECTION DURING COLD WEATHER PERIOD**

Before disconnecting utility heating service during the cold weather period, the Company must provide, personally or by first class mail, a Minnesota Public Utilities Commission-approved notice to a customer, in easy-to-understand language, that contains, at a minimum, the date of the scheduled disconnection, the amount due, and a summary of rights and responsibilities.

**2.5 COLD WEATHER RULE**

During the cold weather period, the Company may not disconnect and must reconnect utility heating service of a customer whose household income is at or below 50 percent of the state median income if the customer enters into and makes reasonably timely payments under a mutually acceptable payment agreement with the Company that is based on the financial resources and circumstances of the household; provided that, the Company may not require a customer to pay more than ten percent of the household income toward current and past utility bills for utility heating service.

The Company may accept more than ten percent of the household income as the payment arrangement amount if agreed to by the customer.

The customer or a designated third party may request a modification of the terms of a payment agreement previously entered into if the customer's financial circumstances have changed or the customer is unable to make reasonably timely payments.

The payment agreement terminates at the expiration of the cold weather period unless a longer period is mutually agreed to by the customer and the Company.

The Company shall use reasonable efforts to restore service within 24 hours of an accepted payment agreement, taking into consideration customer availability, employee availability, and construction-related activity.

**2.6 VERIFICATION OF INCOME**

In verifying a customer's household income, the Company may:

1. accept the signed statement of a customer that the customer is income eligible;
2. obtain income verification from a local energy assistance provider or a government agency;
3. consider one or more of the following:
  - a. the most recent income tax return filed by members of the customer's household;
  - b. for each employed member of the customer's household, paycheck stubs for the last two months or a written statement from the employer reporting wages earned during the preceding two months;
  - c. documentation that the customer receives a pension from the Department of Human Services, the Social Security Administration, the Veteran's Administration, or other pension provider;

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**CUSTOMER RIGHTS  
DISCONNECTION DURING COLD WEATHER (Continued)**

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**2.6 VERIFICATION OF INCOME (Continued)**

- d. a letter showing the customer's dismissal from a job or other documentation of unemployment; or
- e. other documentation that supports the customer's declaration of income eligibility.

A customer who receives energy assistance benefits under any federal, state, or county government programs in which eligibility is defined as household income at or below 50 percent of state median income is deemed to be automatically eligible for protection under this section and no other verification of income may be required.

**2.7 PROHIBITIONS AND REQUIREMENTS**

This section applies during the cold weather period.

The Company may not charge a deposit or delinquency charge to a customer who has entered into a payment agreement or a customer who has appealed to the Minnesota Public Utilities Commission under Section 2.8 and Minn. Stat. 216B.096 subd. 8.

The Company may not disconnect service during the following periods:

1. during the pendency of any appeal under Section 2.8 and Minn. Stat. 216B.096, subd. 8;
2. earlier than ten working days after the Company has deposited in first class mail, or seven working days after the Company has personally served, the notice required under Section 2.4 and Minn. Stat. 216B.096, subd. 4 to a customer in an occupied dwelling;
3. earlier than ten working days after the Company has deposited in first class mail the notice required under Section 2.4 and Minn. Stat. 216B.096, subd. 4 to the recorded billing address of the customer, if the Company has reasonably determined from an on-site inspection that the dwelling is unoccupied;
4. on a Friday, unless the Company makes personal contact with, and offers a payment agreement consistent with this section to the customer;
5. on a Saturday, Sunday, holiday, or the day before a holiday;
6. when the Company offices are closed;
7. when no Company personnel are available to resolve disputes, enter into payment agreements, accept payments, and reconnect service; or
8. when the Minnesota Public Utilities Commission offices are closed.

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**CUSTOMER RIGHTS  
DISCONNECTION DURING COLD WEATHER (Continued)**

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**2.7 PROHIBITIONS AND REQUIREMENTS (Continued)**

The Company may not discontinue service until it investigates whether the dwelling is actually occupied. At a minimum, the investigation must include one visit by the Company to the dwelling during normal working hours. If no contact is made and there is reason to believe that the dwelling is occupied, the Company must attempt a second contact during nonbusiness hours. If personal contact is made, the Company representative must provide notice required under Section 2.4 and Minn. Stat. 216B.096, subd.4 and, if the Company representative is not authorized to enter into a payment agreement, the telephone number the customer can call to establish a payment agreement.

The Company must reconnect utility service if, following disconnection, the dwelling is found to be occupied and the customer agrees to enter into a payment agreement or appeals to the Minnesota Public Utilities Commission because the customer and the Company are unable to agree on a payment agreement.

**2.8 DISPUTES; CUSTOMER APPEALS**

The Company must provide the customer and any designated third party with a Minnesota Public Utilities Commission-approved written notice of the right to appeal:

1. a Company determination that the customer's household income is more than 50 percent of state median household income; or
2. when the Company and customer are unable to agree on the establishment or modification of a payment agreement.

A customer's appeal must be filed with the Minnesota Public Utilities Commission no later than seven working days after the customer's receipt of a personally served appeal notice, or within ten working days after the Company has deposited a first class mail appeal notice.

Notwithstanding any other law, following an appeals decision adverse to the customer, the Company may not disconnect utility heating service for seven working days after the Company has personally served a disconnection notice, or for ten working days after the Company has deposited a first class mail notice. The notice must contain, in easy-to-understand language, the date on or after which disconnection will occur, the reason for disconnection, and ways to avoid disconnection.

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**CUSTOMER RIGHTS  
DISCONNECTION DURING COLD WEATHER (Continued)**

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3rd Revised Sheet No. 9

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**2.9 CUSTOMERS ABOVE 50 PERCENT OF STATE MEDIAN INCOME**

During the cold weather period, a customer whose household income is above 50 percent of state median income:

1. has the right to a payment agreement that takes into consideration the customer's financial circumstances and any other extenuating circumstances of the household; and
2. may not be disconnected and must be reconnected if the customer makes timely payments under a payment agreement accepted by the Company.

The second sentence in Section 2.7 does not apply to customers whose household income is above 50 percent of state median income.

**2.10 REPORTING**

Annually on November 1, the Company must electronically file with the Minnesota Public Utilities Commission a report, in a format specified by the Minnesota Public Utilities Commission, specifying the number of the Company's heating service customers whose service is disconnected or remains disconnected for nonpayment as of September 15 and October 1. If customers remain disconnected on October 1, the Company must file a report each week between November 1 and the end of the cold weather period specifying:

1. the number of the Company's heating service customers that are or remain disconnected from service for nonpayment; and
2. the number of the Company's heating service customers that are reconnected to service each week. The Company may discontinue weekly reporting if the number of the Company's heating service customers that are or remain disconnected reaches zero before the end of the cold weather period.

The data reported under this Section and Minn. Stat. 216B.096 are presumed to be accurate upon submission and must be made available through the Minnesota Public Utilities Commission's electronic filing system.

**2.11 NOTICE TO CITIES OF UTILITIES DISCONNECTIONS**

Upon written request from a statutory or home rule charter city and consistent with Minn. Stat. §216B.0976, the Company will provide reports of currently disconnected properties or newly disconnected properties for customers located within the city's boundaries.

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Minneapolis, Minnesota 55401

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## **SECTION 3 OTHER DISCONNECTION REQUIREMENTS**

### **3.1 NOTICE REQUIREMENTS**

Where required by this section, notice of impending action by the Company shall be by first class mail. Notice shall be sent to the address where service is rendered and to the address where the bill is sent if different from the address where service is rendered. A representative of the Company must make an affidavit under oath that the representative deposited in the mail the notice properly addressed to the customer. In lieu of mailing, notices may be delivered by a representative of the Company. Such notices must be in writing and receipt of them must be signed by the customer, if present, or some other member of the customer's family of a responsible age or the Company representative must make an affidavit under oath that the representative delivered the notice to the customer or the customer's residence. A record of all notices and all affidavits required by this chapter must be kept on file by the Company and must be made available to the Public Utilities Commission.

Disconnection notices shall contain the date on or after which disconnection will occur, reason for disconnection, and methods of avoiding disconnection in normal, easy-to-understand language.

All notice required by this section must precede the action to be taken by at least five days excluding Sundays and legal holidays. No notice may be given until the condition of which it informs, presently exists.

### **3.2 MANNER OF DISCONNECTION**

Service may be disconnected only in conjunction with a personal visit by a representative of the Company to the address where the service is rendered and an attempt to make personal contact with the customer at the address. If the address is a building containing two or more dwelling units, the representative shall make a personal visit to the door of the customer's dwelling unit within the building. If security provisions in the building preclude free access on the part of the representative, the representative shall attempt to gain access to the building from the caretaker, for the purpose of attempting to make personal contact with the customer. The representative of the Company shall at all times be capable of receiving payment, if nonpayment is the cause of the disconnection of service, or the representative shall be able to certify that the cause of disconnection has been remedied by the customer.

### **3.3 RECONNECTION OF SERVICE**

In the event that the Company has disconnected service for valid cause, the Company may charge the reconnect fee listed in Section 1.2, Service Charges, of the Company's tariff.

The Company shall not charge a reconnect fee for disconnection of service that occurred as a result of a condition determined to be hazardous to: (1) the customer; (2) to other customers; (3) to the Company's equipment; or (4) to the public.

(Continued on Sheet No. 11-15)

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**CUSTOMER RIGHTS  
OTHER DISCONNECTION REQUIREMENTS (Continued)**

Section No. 11  
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**3.4 WAIVING RIGHT TO DISCONNECT; EMERGENCY STATUS**

The customer may apply to the Company to waive its right to disconnect. If the Company refuses to waive its right to disconnect, the customer may apply to the Public Utilities Commission for emergency status. If the Public Utilities Commission determines the customer has a probable claim in the dispute and that hardship may result in the event of disconnection of service, it may declare an emergency status to exist and order the Company to continue service for a period not to exceed 30 days.

**3.5 WHEN NO DUTY TO RESTORE SERVICE**

Notwithstanding anything herein to the contrary, the Company shall not be obligated to suspend discontinuance of service upon the filing for review with the Public Utilities Commission, unless the customer shall pay, when due, all current bills rendered during the pendency. If, following the first filing for review with the Public Utilities Commission, the same customer or any other person files for any subsequent review by the Public Utilities Commission pertaining to the same account, such subsequent filings shall not relieve the customer from the obligations to pay for service rendered after the first filing. If subsequent requests for review are filed during the pendency of the first review, all designated disputed payment or portions thereof made after the first filing shall be considered to be made into escrow.

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## **SECTION 4 DISPUTES**

**4.1 IN GENERAL** Whenever the customer advises the Company's designated representative prior to the disconnection of service that any part of the billing as rendered or any part of the service is in dispute, the Company shall investigate the dispute promptly, advise customer of investigation and its result, attempt to resolve dispute, and withhold disconnection of service until the investigation is completed and the customer is informed of the findings in writing.

Upon the findings of the Company, the customer must submit payment in full of any bill which is due. If the dispute is not resolved to the satisfaction of the customer, the customer must submit the entire payment and may designate the disputed portion to be placed in escrow to the Company. Such payment shall be called an escrow payment.

### **4.2 ESCROW PAYMENTS FOR DISPUTES**

To submit a payment in escrow, the customer shall make payment of the amount due as shown on the bill through an escrow payment form, clearly marked and provided by the Company. The escrow payment form must provide space for the customer to explain why the Company's resolution of the dispute is unsatisfactory to the customer. The form must be in three copies, one of which will be retained by the customer. A copy of the escrow payment form must be forwarded by the customer to the Public Utilities Commission. Any escrow payment to the Company may be applied by the Company as any normal payment received by the Company. After escrow payment has been made, the customer and the Company may still resolve the dispute to their mutual satisfaction.

By submitting the escrow payment form to the Public Utilities Commission, the customer is deemed to have filed an informal complaint against the Company, pursuant to the Public Utilities Commission's rules of practice, Minnesota Rule parts 7829.0100 to 7829.3200. Upon settlement of the dispute, any sum to which the customer is found to be entitled must be refunded to the customer and must be supplemented by an eight percent per annum interest charge from the date of payment to the date of return by the Company.

### **4.3 COMPLAINT PROCEDURES**

The Company shall work with customers to resolve complaints. In cases where the customer and the Company cannot resolve a complaint, the Public Utilities Commission is available for mediation. Customers choosing to request mediation must do so in writing to the Public Utilities Commission.

Minnesota PUC Consumer Affairs Office  
121 7th Place E., Suite 350  
St. Paul, MN 55101-2147

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## **SECTION 5 PAYMENT ARRANGEMENTS**

Cold Weather Rule: See Section 2 of the Company's Customer Rights Tariff.

General Payment Arrangements. In compliance with Minn. Stat. §216B.098, the Company shall offer a payment agreement for the payment of arrears. Payment agreements will consider a customer's financial circumstances and any extenuating circumstances of the household. No additional service deposit may be charged as a consideration to continue service to a customer who has entered and is reasonably on time under an accepted payment agreement.

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N  
N

Undercharges.

- a. In compliance with Minn. Stat. §216B.098, the Company shall offer a payment arrangement to customers who have been undercharged if no culpable conduct by the customer or resident of the customer's household caused the undercharge. The agreement may cover a period equal to the time over which the undercharge occurred, or a different time period that is mutually agreeable to the customer and the Company, except that the duration of a payment agreement offered by the Company to a customer whose household income is at or below 50 percent of state median household income must consider the financial circumstances of the customer's household.
- b. No interest or delinquency fee will be charged for payment arrangements resulting from under charges.

N  
  
N  
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N

For further undercharge information, see Section 3 of the Company's Rules and Regulations tariff.

N

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President and CEO of Northern States Power Company, a Minnesota corporation  
Docket No.: E,G999/CI-09-970 Order Date: 01-26-10