

GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE

For the purposes of this section, disconnection of service shall mean the physical disconnection of the customer's service including suspension of delivery service at the request of a Seller in accordance with the UBP, the Home Energy Fair Practices Act (Public Service Law, Article 2), and this Rate Schedule.

9.1 CONDITIONS OF DISCONNECTION

(A) Residential

The Company may disconnect service if a residential customer:

- (1) fails to pay undisputed charges for service rendered at any time during the preceding 12 months; or
- (2) fails to pay amounts due under a deferred payment agreement; or
- (3) fails to pay or agree in writing to pay equipment or installation charges relating to the initiation of service; or
- (4) fails to pay a lawfully required deposit; and
- (5) is sent a final disconnect notice at least 15 days prior to the disconnect date shown on the notice.

The Company may also disconnect service to a residential customer participating in the Company's Gas Transportation Service Program at the request of a Seller in accordance with the UBP and the Home Energy Fair Practices Act (Public Service Law, Article 2).

(B) Non-Residential

The Company may disconnect service if a non-residential customer:

- (1) fails to pay undisputed charges for service rendered at any time during the preceding six years; or
- (2) fails to pay amounts due under a deferred payment agreement; or
- (3) fails to pay a security deposit; or
- (4) fails to provide reasonable access to the premises for necessary or proper purposes in connection with rendering of service; or
- (5) fails to comply with a provision of the Company's tariff which permits the Company to refuse to supply or to disconnect service; and

Issued By: John D. McMahon, President, Pearl River, New York
(Name of Officer, Title, Address)

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.1 CONDITIONS OF DISCONNECTION (Cont'd.)

(B) Non-Residential (Cont'd.)

- (6) is sent a Final Disconnect Notice at least five days prior to the disconnect date shown on the notice (8 days if mailed).

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COMPANY: **ORANGE AND ROCKLAND UTILITIES, INC.**

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.2 FINAL DISCONNECT NOTICE

(A) A Final Disconnect Notice shall state:

- (1) The reason(s) for disconnection, including the total amount required to be paid, if any, and the manner in which disconnection may be avoided;
- (2) The earliest date on which disconnection may occur;
- (3) The availability of Company procedures for considering customer complaints prior to disconnection, including the address and telephone number of the office of the Company the customer may contact in reference to the account;
- (4) That Commission procedures are available for considering customer complaints when a customer is not satisfied with the Company's handling of the complaint, including the address and telephone number of the appropriate Commission office;
- (5) That it is a Final Disconnect Notice which should be brought to the attention of the Company when the bill is paid;
- (6) That payment of the charges with a check that is subsequently dishonored may result in immediate disconnection of service without further notice;
- (7) That at the time the company goes to the premises to disconnect service for non-residential customers only, it may require any payment to be made with cash, certified check, or money order if the customer has, within the last 24 months, paid with a check that was dishonored;
- (8) In the case of a residential customer, a summary, prepared or approved by the Commission, stating the protections available to them, together with a notice that any customer eligible for such protection should contact the Company.

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.2 FINAL DISCONNECT NOTICE (Cont'd.)

- (B) Except as provided in (3) below, a Final Disconnect Notice will not be issued as sent unless 120 calendar days have elapsed from the date payment was due, or the date given in a written notice to cure a tariff violation, or as provided in the regulation where the reason for disconnection is the failure to provide access.
- (C) A final Disconnect Notice for a non-payment may be sent on or after the date payment was due in the following circumstances:
 - (1) When any portion of the charge that the customer has failed to pay is for unmetered service that was supplied through tampered equipment;
 - (2) When the charge that a non-residential customer has failed to pay is the installment amount due under a deferred payment arrangement;
 - (3) When the Company has accepted a written waiver of a non-residential customer's rights not to be sent a Final Disconnect Notice in conjunction with a security deposit agreement.
- (D) A Final Disconnect Notice will not be sent while a complaint is pending before the Company or the Commission for non-payment of the disputed charges or for any other reason that is the subject of the complaint. However, a Final Disconnect Notice can be sent for non-payment of undisputed charges or for reasons not at issue in the complaint.

9.3 PHYSICAL DISCONNECTION OF SERVICE

(A) Dates and Times

- (1) The Company shall not disconnect service to any customer for non-payment of bills or for failure to post a required deposit, on a Saturday, Sunday, public holiday or day on which the main business office of the Company is not opened for business. For purposes of this section, the term "public holiday" refers to those holidays enumerated in the General Construction Law.

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9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.3 PHYSICAL DISCONNECTION OF SERVICE (Cont'd.)

(A) Dates and Times (Cont'd.)

(2) The Company shall not disconnect service to any residential customer for non-payment of bills or for failure to post a required deposit on a Friday, or the day immediately preceding a day on which the main business office of the Company is not scheduled to be open for business, or the day immediately preceding a public holiday, or during a two-week period encompassing Christmas and New Year's Day. Residential disconnection shall be made only between the hours of 8:00 a.m. and 4:00 p.m.

(3) The Company shall not disconnect service to any non-residential customer for non-payment of bills or for failure to post a required deposit after 3:00 p.m. on the day immediately preceding those identified in Paragraph (A)(1) above, unless the Company makes personal contact with the customer to inform him that disconnection is about to occur and the Company is willing to accept a check for any payment required to avoid disconnection. At all other times when disconnection can occur, the Company may disconnect non-residential service between 8:00 a.m. and 6:00 p.m.

(B) Verification of Delinquent Account Prior to Disconnection

The Company will not disconnect service for non-payment of bills rendered or for failure to post a required deposit unless:

(1) It has verified that payment has not been received at any office of the Company or at any office of an authorized collection agent through the end of the required notice period; and

(2) It has verified on the day disconnection occurs that payment has not been posted to the customer's account as of the opening of business on that day, or has complied with procedures established for rapid posting of payments.

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.3 PHYSICAL DISCONNECTION OF SERVICE (Cont'd.)

(C) Rapid Posting of Payments in Response to Final Disconnect Notice

The Company shall take reasonable steps to establish procedures to insure that any payments made in response to final disconnect notice, when the customer brings the fact that such a notice has been issued to the attention of the Company or its authorized collection agents, are either:

- (1) posted to the customer's account on the day payment is received; or
- (2) processed in some manner so that disconnection will not occur.

9.4 DISHONORED CHECKS

Receipt of a subsequently dishonored check in response to a Final Disconnect Notice shall not constitute payment of the customer's account, and the Company shall not be required to issue additional notice prior to disconnection.

9.5 PAYMENT AT THE TIME OF DISCONNECTION

- (A) If the customer claims, at the time of disconnection for non-payment, that payment has already been made or that a complaint is pending before the Company or the Commission with regard to the charges demanded, the Company's field representative shall make a reasonable effort to verify this information.
- (B) If a customer offers full payment or, if eligible, to sign a deferred payment agreement at the time of disconnection, the Company's field representative shall accept the payment or downpayment and avoid termination.
- (C) If the Company allows the customer time to go to a business office to sign a deferred payment agreement and the customer fails to sign the agreement within the specified time, the Company may disconnect service without further notice.
- (D) Whenever payment is made at the time of disconnection, the Company's field representative shall provide the customer with a receipt showing the date, account number, amount received, the form of payment and either the employee's identification number or name.

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9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.6 THIRD PARTY NOTICE

The Company shall permit a residential customer to designate a third party to receive a copy of every Final Disconnect Notice of service sent to such residential customer, provided that such third party indicates in writing his or her willingness to receive such notice.

9.7 ALTERNATE ADDRESS

If a residential customer has specified to the Company in writing an alternate address for billing purposes, the required notices shall be sent to both the alternate address and to the premises where service is provided.

9.8 DISCONTINUANCE OF SERVICE TO ENTIRE MULTIPLE DWELLINGS

- (A) The Company shall not discontinue service to an entire multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law) unless the notices specified in 16 NYCRR §11.7 have been given, provided that where any of the notices required thereunder are mailed in a postpaid envelope, there shall not be disconnection of service until at least 18 days after the mailing of such notices.
- (B) During the cold weather period beginning November 1 of each year and ending April 15 of the following year, the written notices required in Subsections (I) and (J) shall be provided not less than 30 days before the intended disconnection.

9.9 DISCONTINUANCE OF SERVICE TO TWO-FAMILY DWELLINGS

- (A) The Company shall not disconnect service to a two-family dwelling that is known by the Company to contain residential units where service is provided by a single meter, unless the notices specified in 16 NYCRR §11.8 have been given.
- (B) During the cold weather period beginning November 1 of each year and ending April 15 of the following year, the written notices required in Subsection (1) above shall be provided not less than 30 days before the intended disconnection.

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9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.10 DISCONTINUANCE OF SERVICE-SPECIAL PROCEDURES

Special Emergency Procedures, required by 16 NYCRR §11.5, provide protections for specified residential customers regarding the disconnection and reconnection of service in special cases involving medical emergencies, the elderly, blind or disabled, and termination during cold weather.

Copies of the Company's special procedures are on file with the Commission and are available to the public upon request at Company offices where application for service may be made.

9.11 TAMPERING AND THEFT OF SERVICE

(A) The Company may disconnect service without providing advanced notice of the disconnection when it finds service is being supplied through tampered equipment, provided that, for non-residential customers, the Company:

- (1) has evidence that the customer opened the account and used the service prior to the creation of the condition, or that the customer knew, or reasonably should have known, that service was not being fully billed;
- (2) has rendered an unmetered service bill;
- (3) has made reasonable efforts to provide to a person in charge of the premises both the bill and oral notice of the requirements to avoid disconnection;
- (4) has not received the required payment.

(B) In cases where tampering and/or theft of service has been established, the customer shall pay the charges set forth below to the Company, and where the Company has disconnected service, such service will not be restored unless the customer pays to the Company:

- (1) the amount owed based upon the estimated consumption of gas not recorded on the meter (See Section 6.5 (D)); and
- (2) all costs directly related to investigations and inspections and damage to or loss of the meter or other property of the Company. All damages will be based on current replacement cost.

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9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.11 TAMPERING AND THEFT OF SERVICE (Cont'd.)

(C) The customer may additionally be required to install, at his expense, an approved meter mounting box or socket, readily accessible to Company representatives from the outside of the customer's building and an approved type of conductor from the weather head on the customer's service pipe to the protective case.

9.12 OTHER REASONS FOR DISCONTINUANCE OF SERVICE

The Company may terminate service for the following:

- (A) if it shall deem such action necessary to protect itself from fraud;
- (B) if the customer fails to comply with the Company's rules and regulations;
- (C) if the customer fails to comply with the ordinances or regulations of municipal or other duly constituted authorities, or of the National Board of Fire Underwriters (see Specifications for Gas Installations) pertaining to such service, or to property of the customer used in connection therewith, or fails to supply at his expense a proper certificate of compliance with such ordinances or regulations at the Company's request;
- (D) if a former customer who is indebted to the Company attempts by some agency, relationship, or otherwise, to obtain service, the Company reserves the right to refuse service until payment is made of all money said customer owes the Company or until arrangements are made with the Company to pay such indebtedness;
- (E) if a successor to a customer connected to main extension constructed under the provision hereinbefore stated refuses to pay the amount of surcharge allocable to him under the surcharge provisions in addition to the service classification rates and charges;
- (F) without notice, if a customer's piping or appliances are found to be in a dangerous or unsafe condition;

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.12 OTHER REASONS FOR DISCONTINUANCE OF SERVICE (Cont'd.)

- (G) If, during the term of the order dated October 26, 1971, as amended on December 14, 1971, of the Public Service Commission in Case 25766, a customer contravenes the section, "Supply of Additional Volumes to Existing Customers," the Company may apply to the Public Service Commission for an order authorizing the termination of all service to the customer and, upon receipt of an order, discontinue and refuse further service to the customer.
- (H) When there is no customer and the Company has provided advance written notice to the occupant stating its intention to disconnect service unless the responsible party applies for service and is accepted as a customer.

9.13 EMERGENCY DISCONNECTIONS

- (A) The Company may only suspend, curtail or disconnect service without notice when:
 - (1) an emergency may threaten the health or safety of a person, surrounding area, or the Company's generation, transmission, or distribution systems;
 - (2) there is a need to make permanent or temporary repairs, changes or improvements in any part of the Company's system;
 - (3) there is a governmental order or directive requiring the Company to do so.
- (B) The Company shall, to the extent reasonably feasible under the circumstances, provide advance notice to those whose service will be interrupted for any of the above reasons.

9.14 RESTORATION OF SERVICE

(A) Residential

- (1) Where a residential customer's service is disconnected for nonpayment of bills, the Company reserves the right to refuse to furnish service to that residential customer at the same or any other location until:

GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.14 RESTORATION OF SERVICE (Cont'd.)

(A) Residential (Cont'd.)

(1) (Cont'd.)

- (i) the Company receives the full amount of arrears* for which service was disconnected as well as the applicable reconnection charge; or

*For customers participating in the Company's Gas Transportation Service Program and receiving a Utility Single Bill, such amount shall be the lesser of a) the combined charges for the Company's delivery service and the Seller's gas supply, and b) the Company's charges calculated as if the customer had purchased its gas supply from the Company, less any amount the customer paid on such bills to date, commencing with the first bill for which the customer did not pay the full amount due to the date service will be reconnected. The customer shall remain liable for any difference between the total arrears owed and the payment made to restore service.

- (ii) the Company and the residential customer reach agreement on a deferred payment plan and the payment of a downpayment, if required, under that plan; or
 - (iii) upon the direction of the Commission or its designee; or
 - (iv) upon the receipt by the Company of a commitment of a direct payment or written guarantee of payment from the Social Services district in which the residential customer resides; or
 - (v) where the Company has notice that a serious impairment to health or safety is likely to result if service is not reconnected. Doubts as to whether reconnection of service is required for health or safety reasons shall be resolved in favor of reconnection.
- (2) For customers participating in the Company's Gas Transportation Service Program and receiving a Marketer Single Bill and who have been disconnected at the Marketer's request, the Company will reconnect service at the request of the Marketer. However, if the Marketer has not requested the Company to reconnect service within one year after it terminated gas supply service to the customer, the Company will restore delivery service at the customer's request provided that the customer meets the Home Energy Fair Practices Act requirements for restoration of service. The customer shall remain liable for any difference between the total arrears owed and the payment made to restore service.

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GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.14 RESTORATION OF SERVICE (Cont'd.)

(A) Residential (Cont'd.)

- (3) The Company shall reconnect service, unless prevented by circumstances beyond its control or where a customer requests otherwise, to any disconnected residential customer not more than 24 hours after the above conditions of this section have been satisfied. Whenever circumstances beyond the Company's control prevent reconnection of service within 24 hours, service shall be reconnected within 24 hours after those circumstances cease to exist.

(B) Non-Residential

- (1) The Company shall reconnect service that has been disconnected solely for non-payment of bills and/or a security deposit within 24 hours of the non-residential customer's request for reconnection provided the Company has received the lawful reconnection charge, as well as any other applicable charges, fees, costs, disbursements or penalties due, and either:
- (i) the full amount of arrears and/or security deposit for which service was disconnected, and any other tariff charges billed after the issuance of the termination Final Disconnect Notice which are in arrears at the time reconnection is requested; or
 - (ii) the signing of a deferred payment agreement and the receipt of a downpayment, if required under the agreement.
- (2) The Company shall reconnect service that has been disconnected solely for failure to provide access within 24 hours of the non-residential customer's request for reconnection, provided the non-residential customer has allowed access and has made a reasonable arrangement for future access.
- (3) The Company shall reconnect service that has been disconnected solely for a tariff violation within 24 hours of the non-residential customer's request for reconnection and, at the Company's option, either receipt by the Company of adequate notice and documentation or a field verification that the violation has been corrected, provided, however, that any field verification shall be arranged within two business days of the non-residential customer's request or such later time as specified by the non-residential customer.

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(Name of Officer, Title, Address)

GENERAL INFORMATION

9. REFUSAL OR DISCONTINUANCE OF SERVICE (Cont'd.)

9.14 RESTORATION OF SERVICE (Cont'd.)

(B) Non-Residential (Cont'd.)

- (4) If service has been disconnected for two or more independent reasons listed above, the non-residential customer must satisfy all conditions for reconnection before the Company shall reconnect service. The reconnection shall be accomplished within the time period applicable to the last condition satisfied.
 - (5) Whenever circumstances beyond the Company's control prevent reconnection of service within 24 hours of any of the events specified above, service shall be reconnected within 24 hours after those circumstances cease to exist.
- (C) A reconnection charge of \$69.00 shall apply when the above conditions are satisfied and the customer specifies service is to be re-established during normal business hours regardless of the time that service is actually re-established. For purposes of this section, normal business hours are 8:00 a.m. to 4:00 p.m. local time, Monday through Friday, excluding holidays. The Company will waive the reconnection charge for any customer receiving a HEAP grant in the twelve month period immediately prior to reconnection of service.
- (D) A reconnection charge of \$104.00 shall apply when the above conditions are satisfied and the customer specifies service is to be re-established during other than normal business hours.
- (E) At the time the customer requests reconnection, the Company shall advise the customer of the reconnection charges, fully explaining under what conditions the higher charge set forth in (D) above will be made. Customers eligible for the waiver set forth in (C) above shall be advised, either at the time of reconnection or when the reconnection charges would have been billed, that such charge will be/has been waived.