

NEW MEXICO GAS COMPANY

NEW MEXICO
PUBLIC REGULATION
COMMISSION
FILED

SECOND REVISED- RULE NO. 18
CANCELLING FIRST REVISED RULE NO. 18

2013 MAR 12 PM 2 52

DISCONTINUATION OF RESIDENTIAL SERVICE

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I. Policy

It is the policy of the Company to provide the Residential Customer the required notices and services pursuant to this Rule.

II. Definitions

The following definitions shall apply to this Rule:

- 1. Administrating Authority shall mean the Human Services Department or tribal or pueblo entity that administers a tribe's or pueblo's Low Income Home Energy Assistance Program. x
- 2. Final Notice for Residential Customers shall mean communications with a Residential Customer by telephone, mail if delivery to the residential service address can be verified, or personal contact at least two (2) days prior to the specific date of discontinuance of service to remind the Residential Customer of the pending date of discontinuance of service; advise the Residential Customer again of the potential availability of financial assistance for utility service payments, obtain payment of delinquent accounts; and during the heating season, provide a reminder of the protection under the moratorium. x
- 3. LIHEAP shall mean the Low Income Home Energy Assistance Program administered by the Administrating Authority's Low Income Home Energy Assistance Program under NMSA 1978, Section 27-6-18.1. x
- 4. Specific Date shall mean an exact date or period of no more than five (5) business days beginning with an exact date. The date specified on the most recent bill or notice as the date which past due amounts must be paid to avoid discontinuance of service constitutes a specific date. x

III. Procedure

- 1. The Company may discontinue service to a Residential Customer without prior notice:
 - a. In the event of a condition determined by the Company to be hazardous;
 - b. In the event of Residential Customer's use of equipment in such manner as to adversely affect the Company's equipment or service to others;

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Rebecca Carter

Rebecca Carter
Project Manager, Regulatory Affairs

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- c. In the event of Residential Customer's tampering with, damaging, or deliberately destroying the equipment furnished and owned by the Company; or
 - d. In the event of unauthorized use of service provided by the Company. x
2. Notwithstanding any other provision of 17.5.410 NMAC, the Company may temporarily and without notice discontinue residential service for reasons of operation, maintenance, health, safety, or state of emergency.
3. The Company may discontinue service to a Residential Customer with three (3) days prior written notice for:
- a. Refusal to grant access at reasonable times to equipment installed upon the premises of the Residential Customer for the purpose of inspection, meter reading, maintenance or replacement;
 - b. Failure to furnish such service, equipment, permits, certificates, and/or rights of way, as shall have been specified by the Company as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated;
 - c. Violation of or noncompliance with the Company's rules on file with and approved by the Commission.
 - d. Provision of a fraudulent medical certification form or financial certification form.
4. The three (3) day notice shall be in English or Spanish, as applicable and shall include:
- a. A statement of the reason(s) why the Company has issued notice to discontinue gas service;
 - b. The title(s), address, telephone number(s) and working hours of the personnel at the Company responsible for carrying out the rights prescribed in 17.5.410 NMAC;
 - c. A statement that the Residential Customer can obtain a review by personnel of the Company of the reasons for the proposed discontinuance of service, which shall stay the discontinuance during the review, and a statement that a complaint may be filed with the Commission, if the Residential

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Customer disagrees with the Company's determination of the facts on which the proposed discontinuance is based; and

- d. A statement that members of New Mexico tribes or pueblos who need help with translation of other matters may contact the Commission's Consumer Relations Division at (888) 427-5772, who will contact the appropriate tribal or pueblo official for assistance.
5. The Company may discontinue service to a Residential Customer after seven (7) days written notice for:
- a. Failure to follow the terms and conditions of a settlement or installment agreement.
 - b. The seven (7) day notice shall be in English and Spanish, as applicable, and shall include:
 - (i) The nature of the default;
 - (ii) The specific date service shall be stopped; and
 - (iii) A statement that "If you have difficulty paying this bill, and feel you may qualify for assistance in paying your utility bill from the Low-Income Home Energy Assistance Program (LIHEAP) or another assistance program in your community, contact the Human Services Department at 1-800-283-4465, the tribal or pueblo entity that administers a tribe's or pueblo's LIHEAP, or contact the Residential Customer service representative at this utility. Application forms for LIHEAP are available at the billing offices of this utility, at the Human Services Department, and at the tribal or pueblo entity that administers a tribe's or pueblo's LIHEAP. Application forms should be returned to the Human Services Department or the tribe or pueblo entity that administers a tribe's or pueblo's LIHEAP. The Human Services Department and the tribal or pueblo entity, and not this utility, administers the program and determines your eligibility to receive assistance."
 - c. The notice shall also state that unless a payment which brings the installment agreement current is made within seven (7) days from the date of notice the Company will discontinue service on or after the specific date identified in the notice.
6. The Company may discontinue service to a Residential Customer after fifteen (15) days written notice for:
- a. Non-payment of a delinquent account; or

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[Sentence Deleted] x

- b. Failure to comply with the terms and conditions of a settlement or installment agreement excluding installment agreements for deposits. x
- 7. The following conditions apply to termination under paragraph 6: x
 - a. The Company shall communicate with and provide Final Notice to the Residential Customer by telephone, mail if delivery to the residential service address can be verified, or personal contact at least two (2) days prior to the specific date of discontinuance of service in order to remind the Residential Customer of the pending date of discontinuance of service, advise the Residential Customer again as to the potential availability of financial assistance for utility service payments, obtain payment of delinquent accounts; and during the heating season, provide a reminder of the protection under the moratorium. x
 - b. The Company shall have up to five (5) business days from the specific date to perform the disconnection of services or shall reissue a Final Notice.
 - c. The Company employee personally contacting a Residential Customer at least two (2) days prior to discontinuance, and the Company employee sent to discontinue utility services shall note any information which is made known to the employee by the Residential Customer that a person living in the Residential Customer's residence is seriously or chronically ill. Such information shall be immediately reported to a Company employee authorized to prevent discontinuance of service. That employee shall either delay the discontinuance if it is apparent that the medical certification and financial certification forms will be received or shall state in writing why discontinuance of service will not be delayed. The Company employee sent to discontinue utility service shall be empowered to receive payment of delinquent bills and upon receipt of payment method said employee shall be empowered to cancel the discontinuance of service.
 - d. The Company is not required to delay discontinuance of service pursuant to subsection B of 17.5.410.33.B(2) NMAC for more than two (2) times within a twelve-month period. The Company and the Company employee shall be held harmless for errors made in good faith in noting, setting upon, or failing to act upon the information provided by the Residential Customer.

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8. The fifteen (15) day written notice shall:
- a) State that the Company will discontinue service to the Residential Customer,
 - b) Set forth rights the Residential Customer's rights regarding discontinuance of service, budget payment plans and installment agreements;
 - c) Be in English and Spanish;
 - d) Be delivered to the Residential Customer in person or by U.S. Mail, postage prepaid, addressed to the last address for the Residential Customer known to the Company, or by electronic mail if a Residential Customer has elected to receive electronic billing;
 - e) Provide the title(s), address, telephone number(s) and working hours of the personnel at the Company responsible for carrying out the Residential Customer's rights.
9. Such notice may also:
- a. Provide a statement that the Company will not discontinue service to any residence where a seriously or chronically ill person resides if at least two (2) days prior to the proposed service discontinuance date indicated in the notice, the Company receives:
 - (i) A signed medical certification, valid for ninety (90) days or one (1) year as certified by the medical professional, on a Commission approved Company form, signed by a licensed physician, physician's assistant, osteopathic physician, osteopathic physician's assistant or certified nurse practitioner, stating that the discontinuance of gas service might endanger the seriously or chronically ill person; and x
 - (ii) A signed financial certification, valid for ninety (90) days, on a Commission approved Company form, completed by the Administering Authority stating that the Residential Customer qualifies for financial assistance; or from the Residential Customer demonstrating that the Residential Customer is currently eligible for financial assistance from the Medicaid program; and x
 - (iii) Blank copies of the Company's medical and the financial certification form approved by the Commission. x

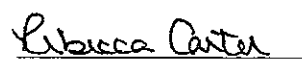
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9. A statement that the Residential Customer will not be relieved of the obligation to pay for services rendered if gas service is continued or reestablished under the provisions of this paragraph.
10. The Company may not discontinue service for:
- a. The failure of a Residential Customer to pay for special services;
 - b. The failure of a Residential Customer to pay a deposit; x
 - c. The failure of a Residential Customer to pay for service received at a separate metering point, residence or location. However, in the event of a discontinuance or termination of service at a separate residential metering point, residence or location, the Company may transfer any unpaid balance due to any other residential service account of the residential customer and proceed in accordance with paragraph 5 above;
 - d. The failure of the Residential Customer to pay for a different class of service received at the same or different location;
 - e. Non-payment of the disputed amount of a bill;
 - f. Delinquency in payment for service to a previous occupant of the same premises unless a court has found the new customer legally liable for the debt of the previous occupant, or the previous occupant continues to reside at the premises;
 - g. Failure of a Residential Customer to pay the bill of another customer as guarantor thereof;
 - h. Failure of a Residential Customer to pay an estimated bill rendered in violation of 17.5.410 NMAC;
 - i. Failure of a Residential Customer to pay for service received during the heating season if the Residential Customer qualifies for winter moratorium protection; or
 - j. Failure of a Residential Customer to pay for service received if the Company has received a valid x medical certification form and a financial certification form as provided by this Rule.

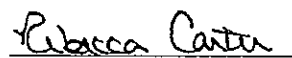
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11. When a Residential Customer has indicated to the Company an inability to pay utility charges and has not been chronically delinquent, the Company shall attempt to arrange an installment payment plan for the payment of past due utility charges. While an installment payment plan is being negotiated the Company shall not discontinue service to such residence.
12. The Company shall provide a procedure for reviewing Residential Customer allegations that a proposed installment payment plan is unreasonable; that a utility charge is not due and owing; or that it has not violated an existing installment agreement. Such procedure shall provide due notice to Residential Customers, shall not be conducted by the credit department of the Company and the reviewing employee shall have authority to provide appropriate corrective action. Such review shall stay the discontinuance of utility service until the review is completed.
13. Utility service to a Residential Customer may be discontinued only during the hours from 7:30 a.m. to 4:00 p.m. on Monday through Thursday. The Company may not discontinue service less than twenty-four (24) hours prior to a holiday or weekend unless the Company's business office is open for receipt of payment of past due charges and Company personnel are available to restore such service upon payment during said holiday or weekend.
14. Service may be refused for failure of a Residential Customer to provide the Company with a deposit as authorized by the Commission. x
x
15. Service shall be restored promptly when the Residential Customer requests restoration of utility service, and the cause for discontinuance has been eliminated, applicable deposits, restoration or reconnection charges paid, and if required, satisfactory payment arrangements have been made. Reasonable effort shall be made to restore service on the day restoration is requested, and in any event restoration shall be made no later than the next business day. If the Company is denied access on the day of the restoration of service, the Company will make reasonable efforts to restore service on the subsequent business day. x
x
16. The Company shall advise Residential Customers of its third party notification program pursuant to which the Company agrees to provide notification of discontinuance of service to the designated third party.
17. Residential Customers who intend to move from the premises or discontinue the use of utility service or in any way terminate their liability hereunder shall give the Company reasonable notice of such intention, and the Residential Customer will be liable for consumption that may be used upon the premises until such notice is given and the Company has made the final meter reading.

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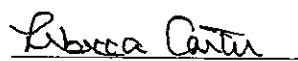
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18. Whenever the Company shall permanently discontinue the delivery of utility service to any Residential Customer's premises it shall have the right at any reasonable time thereafter to enter upon the premises without notice and remove there from its meter, and any other Company property.

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