

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

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**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

Sheet Number: BA-2023
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BILL ADJUSTMENTS

Adjustment of a utility bill must be requested by the customer by contacting Las Cruces Utilities (LCU) Customer Central to initiate the evaluation and processing of a bill adjustment. Adjustments involving documented extenuating circumstances, exceeding the standard twelve-month period for retroactive billing or refund adjustments are defined as non-standard adjustments, and may be considered and applied at the discretion of the Utilities Department Director. Adjustments to utility billing will be considered and/or assessed for the following conditions:

METERED SERVICE ERROR

Where a customer has been undercharged or overcharged for metered service (natural gas and/or water service) due to a reading or billing error, the period to be retroactively billed or refunded shall not exceed twelve-months.

Where the customer believes that the water or gas meter is not functioning properly, the customer may request a meter test be conducted. Should the meter test show the meter to be accurate, a service charge will be applied as provided in LCU Customer Central Fees and Charges schedule.

HIGH CONSUMPTION ISSUES

It is the customer’s responsibility to maintain their lines and equipment in a reasonable condition to minimize the billing impact of leaks and/or line breaks. However, in the event leaks and line breaks do occur:

The customer must notify Customer Central within three-months of the leak and/or the corresponding billing impact to process a billing adjustment. The request for a leak billing adjustment will be evaluated, applied, and limited to one adjustment within a twelve-month period.

A customer with high water or gas bill due to a leak requesting a billing adjustment must verify that the leak has been repaired and must provide documented evidence of the repair to LCU Customer Central representatives. Where a customer has made the repairs, and in the absence of receipts for supplies used, a field check conducted by Field Service personnel will verify that the leak has been repaired. The repair may also be verified through LCU’s Advanced Metering Infrastructure (AMI) System.

The adjustment will be 50% of the difference between the consumption based on:

1. the customer’s normal three-year average (or the available customer’s consumption history) of the month where the leak occurred, and

2. the month of the measured consumption caused by the water or gas leak, or non-recurring consumption level.

Established operating and safety procedures regulating natural gas service, generally limit gas leaks that would register a level that would affect a billing adjustment defined in this section. However, in the event that a gas leak on a customer's side of the metered service does occur, the same adjustment criteria described above shall apply.

WASTEWATER ADJUSTMENTS

Wastewater discharge billing volume for Residential and Small Commercial service is updated yearly using the Winter Quarter Average (WQA) calculation based on potable water consumption measured in the billing months of December, January, and February.

In the event a potable water leak affects the WQA calculation, the customer must notify Customer Central within three-months of the affected wastewater billing. A request for a billing adjustment beyond the notification deadline will not be processed. The adjustment will be applied to the applicable billing months that were initially billed based on the affected WQA calculation.

In the event that a customer initiates new service after the WQA amount has been calculated, the account will be billed the existing route average at the service location until the next WQA is calculated. Wastewater discharge billing volume may be adjusted in the event the new service has significantly different potable water consumption in the first year the account-initiated service between WQA calculating periods but shall not be less than 1,000 gallons of discharge billing volume.

SEASONAL SERVICE ADJUSTMENT

The Seasonal Service Adjustment is a customer requested bill adjustment available only to Residential service customers that temporarily or seasonally vacate their residence. The adjustment accommodates the minimal/non-use of unmetered services, specifically, solid waste and wastewater service while a residence is unoccupied.

The length of the unoccupied period allowed under the Seasonal Service Adjustment is no less than three-months and no greater than six-months during a consecutive twelve-month period. The duration the residence is unoccupied is defined as the "unoccupied period" for the purposes of this adjustment.

Residential customers must apply and annually renew for the Seasonal Service Adjustment providing the start and end date of the unoccupied period of the residence. The application and renewal for this adjustment is processed by completing and submitting the on-line "Request for Seasonal Service Adjustment Form" on LCU's Customer Central website. Requests submitted for periods less than three or more than six-months will not be processed.

During the residence's unoccupied period, the billing and billing statement for utility services is processed and presented in the standard manner.

Definitions:

Avoided Cost Charge (ACC): the cost not incurred when unoccupied residences have no solid waste and no container placed for pick-up. The total operational avoided cost calculated for residential solid waste

is six percent. The ACC monthly charge for solid waste during the unoccupied period is 94% of the standard monthly charge stated in the Residential Service Solid Waste tariff schedule.

No Wastewater Billing Unit (NWBU): Wastewater billing will be based on zero billing units for the volumetric charge during the unoccupied period.

Active Service - account status indicating LCU utility services are open and all applicable monthly access and volumetric charges are billed.

Inactive Service - account status indicating LCU utility services are closed. Applicable monthly access and volumetric charges are not billed.

The Seasonal Service Adjustment will be credited on the account's regularly scheduled billing month following the end date of the residence's unoccupied period. The adjustment will be based on the total difference between standard billing and billing based on one of the customer selected options stated below:

1. Active Service Option:
 - a. The total billing for seasonal service for solid waste based on the ACC and, if applicable, the NWBU for wastewater during the unoccupied period.
 - b. Solid waste collection drivers reporting containers curbed for pick-up during the unoccupied period will terminate the adjustment and revert to standard billing,
2. Inactive Service Option:
 - a. All applicable utility services inactivated during the unoccupied period except landscape irrigation water meter. The sole billing under this option will be for landscape irrigation service.
 - b. Utility services will be activated immediately after the end date of the unoccupied period
 - c. Availability of this option requires a separately metered landscape meter or the installation of a landscape water meter to separately meter and bill landscape irrigation use.
 - d. Any recorded consumption of metered services and/or report of container curbed for pick-up during the residence's unoccupied period, will result in the cancellation of the Seasonal Service Adjustment and revert to standard billing of all utility services.

METERING ACCURACY ERROR

In the event of either an LCU or customer initiated accuracy test, or a meter is found to register more than two percent fast, LCU will refund the customer the overcharge based upon the corrected meter readings for the period the meter was in use, or twelve-months, whichever is less. Any applicable late payment will be waived.

In the event a customer's meter is found not to register, or to register erratically more than two percent slow, LCU will bill the customer for the undercharge based on an average billing, if this estimated undercharge amount exceeds \$100.00. The bill will be computed based on an estimate of the customer's consumption during the prior month in the same season or the consumption in the same period of prior years that were not affected by the meter failure.

UNMETERED/UNBILLED SERVICE ERROR

Where a customer has not been billed, undercharged, or overcharged for applicable utility service (gas, water, wastewater, and solid waste), the period to be retroactively billed or refunded shall not exceed twelve-months when metered data is available.

Where metered data is not available, estimated consumption based on similar type utility service will be the basis of estimating volumetric amounts.

THEFT OF SERVICE

Per LCMC 28-6, the City shall have the right to disconnect or refuse to connect or reconnect any utility service where there is evidence that theft of utility service (i.e. gas, water or illegal wastewater connection) has occurred, LCU will retroactively bill, and collect any underpayment or nonpayment of charges. The applicable period to assess charges shall commence from the date it can be reasonably established the theft began to the date in which the underpayment or non-payment was discovered and initially established. All underpayments or non-payments shall become immediately due and payable plus a security deposit before service is reactivated or reconnected. Customers committing theft of utility service will be subject to legal action.

METER TAMPERING, DAMAGE AND/OR THEFT OF METERING OR MONITORING EQUIPMENT

Per LCMC 28-6, the City shall have the right to disconnect or refuse to connect or reconnect any existing utility service where there is evidence that LCU metering or monitoring devices, cabling and/or sensors have been tampered, damaged, stolen or where services are by-passed (straight lined). LCU shall immediately disconnect water and/or gas metering equipment.

For existing metering equipment - \$250 will be assessed per meter for tampering, damage, theft of equipment and/or service bypass.

For metering equipment at new construction sites - \$1,000.00 will be assessed per meter for damage, unauthorized relocation, theft of equipment and/or service bypass.

The tampering, damage and/or theft assessment shall be paid in full and any delinquent balance paid plus the applicable security deposit for prior unpaid balances before service is reactivated or reconnected.

Meter tampering, damage and/or theft of metering or monitoring equipment apply to the following, but not limited to:

- meter lock broken
- curb stop damaged or broken
- register damaged or disconnected
- meter lock removed
- meter broken
- meter stolen
- unauthorized connection inserted or connected to the system
- damage and/or theft of AMI devices, or sensors, cutting or disconnecting cabling from meter or sensors

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

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CUSTOMER CENTRAL FEES AND CHARGES

CUSTOMER CENTRAL FEES

Applicability

- New Service Activation: Customer request for utility service or services to establish, process and activate new utility account.
- Service Deactivation: Customer request provided in writing to deactivate utility service account.
- Account Record Name Change: Account name change on an existing utility service account requested by the customer in writing due to and with proof of marriage, death of spouse, or divorce.
- Delinquent Account Service Deactivation: Deactivation (shut-off) of utility services due to non-payment of service.
- Delinquent Account Service Activation: Activation of a utility service account that has been shut-off due to non-payment of service. Utility service will not be reactivated until all balances in arrears have been paid in full or other financial arrangements have been agreed to by Las Cruces Utilities (LCU) and the customer by 2:00 p.m. Only when a delinquent customer has made financial arrangements for their account will service be scheduled for activation. Settlement of unpaid balances conducted after 2:00 p.m. will be processed for next business day activation.
- Field Service Activation: The dispatch of Field Service technicians to physically activate or deactivate utility services. Field Service Activation is fulfilled by work orders submitted at least one business day in advance. Work orders submitted will be scheduled for completion the following business day, Monday through Friday, during regular business hours, 8:00 a.m. to 5:00 p.m., excluding holidays. However, from time to time, seasonal demand for service activations and other Field Service work may extend the following business day service order activation timeline by two to three days.

Utility service accounts will be charged applicable fees and taxes for the following services, plus the monthly access charge for all months elapsed during the period of temporary deactivation, if any:

New Service Application

Utility Service Application Processing Fee, per request.....\$22.00

Account Record Name Change

Record Name Change request will be processed as a courtesy at no charge to the customer.

Delinquent Account Deactivation and Reactivation

Field Service Processing Fee for each separate transaction requiring dispatch of Field Service personnel to deactivate (shut-off) an account for non-payment and a separate transaction to activate an account upon the settlement of an account’s delinquent balance, per transaction\$26.00

Service Orders submitted for processing the above listed services requiring the dispatch of Field Service personnel are scheduled for following day completion during regular business hours Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays, and subject to seasonal demands as identified above.

Premium Field Activation Service

An additional applicable fee will be charged for same day service activation of service as requested by the customer that dispatches or re-dispatches Field Service technicians under one of the following circumstances:

- Premium Field Service Activation charge requested for same day completion within or outside of regular business hours, Monday through Friday, (except holidays), per request.....\$52.00
- Premium Field Service Activation charge requested for Saturday, Sunday or holiday activation, per request.....\$65.00

Instances involving extenuating circumstances involving a documented medical condition requiring Premium Field Service Activation service may be reviewed at the discretion of the Director of Utilities for the ultimate assessment of the above stated charges. The charges stated above will be billed separately on the customer’s next scheduled monthly utility bill.

Furnace Gas Pilot Relight, per request.....\$0.00

Customers requesting gas pilot relight service shall be required to indemnify the City from potential loss, damage or future liability associated with the providing of gas pilot relight service. The terms of indemnification shall be formalized in writing with the customer’s signature of the Gas Pilot Relight Indemnification Agreement at the time of the scheduled gas pilot relight procedure.

MISCELLANEOUS FEES

If applicable, the following fees will be charged in addition to the Customer Central Fees listed above:

Late Payment Penalty Fee.....2.5% per month
Accounts in arrears will be assessed a late payment penalty fee before credits are applied.

Bank Returned Items Fee.....\$30.00

Any payment returned for insufficient or uncollectible funds will be subject to a Bank Returned Items Fee. Payment of the insufficient or uncollectible funds and the Bank Returned Items Fee may be made with cash, cashier's check or checks, check or checks, credit/debit card or cards, or money order or money orders. Payment for chronically returned payments for insufficient or uncollectible funds and the Bank Returned Items Fee must be made with cash, cashier’s check or checks, credit/debit card or cards, or money order or orders. Related utility accounts may be subject to deactivation (shut-off) due to delinquency.

Stop Payment Fee \$30.00

Checks returned due to a stop payment request will be subject to a Stop Payment Fee. Payment of the check and the Stop Payment Fee must be made with cash, cashier's check or checks, or money order or orders. Related utility accounts may be subject to deactivation (shut-off) due to delinquency.

Meter Testing Fee

A meter testing fee per meter plus applicable taxes will be charged for customer requested meter tests. There is no charge if a meter is tested and found to be outside metering accuracy standards. LCU base its meter accuracy testing standards and specifications set forth by:

- the American Water Works Association (AWWA) M6 Manual of Water Supply Practices, Chapter 5, Testing of Meters – Test Procedures and Equipment for water metering, and
- the New Mexico Administrative Code (NMAC), Title 17 for Public Utilities and Utility Services, Chapter 10-Gas Services, Part 650-Service Standards for Gas Utilities, Section 13-Inspections and Tests for gas metering.

- All Gas Meters Testing Fee \$70.00

- Water Meter Testing Fees

Water Meter Size

3/4" x 5/8" to 1.5"	\$130.00
2"	\$155.00
3"	\$260.00
Over 3"	\$330.00

Lien Processing Fee \$56.00

Accounts in arrears for \$500.00 or more will have a lien placed upon their property and will be assessed a Lien Processing Fee. This includes balances for Utility Service and Developmental Impact Fees.

Residential Solid Waste Container Replacement Fee (per container) \$51.00

The poly container or containers providing solid waste service are the property of the City. At the determination of the Solid Waste Deputy Director, containers repeatedly lost or sustaining damage resulting from burning, will be assessed the solid waste container replacement fee. Containers damaged due to normal wear and tear will be repaired at no charge.

Fire Flow Test Fee \$300.00

Customers requesting a fire flow test specifically for their service address will be assessed a fee plus applicable taxes. If a previous fire flow test was conducted within the area and is acceptable to the customer, then no fee will be assessed. The fire flow testing standards and specifications that are utilized by LCU are set forth by the Insurance Services Office (ISO).

SPECIAL CUSTOMER REQUESTS

LCU can provide other utility-related services, not specifically listed above, which will be charged based on labor, equipment, materials, and overhead plus applicable taxes.

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

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DEPOSITS, REFUNDS AND COLLECTIONS

DEPOSITS

Requests for new utility service connections with City of Las Cruces Utilities (LCU) will be verified to ensure that the prospective new customer does not have an unpaid LCU utility account balance from another address. Additionally, if a prospective new customer was the beneficiary of LCU service at the new address or at another address, and there is a delinquent balance on the utility account at either address, the new utility service application will not be activated until the previous account balance or balances are paid in full unless the delinquent balance has been discharged in bankruptcy.

A security deposit may not be required as a condition of new or continued utility service for a customer with acceptable credit.

However, a security deposit may be required for customers who:

- have not previously had utility service with LCU, and/or
- have not established an acceptable utility payment credit history, and/or
- have a history of late payments on record with LCU.

The following information will be used to determine whether a security deposit will be required for the new service:

- Documentation that the Residential customer owns or is purchasing the residence where requesting/ordering utility service, or
- Documentation that the Residential or Commercial customer has an adequate credit reference from a utility where the customer had prior utility service, or
- Documentation obtained by LCU from a commercial credit source.

A copy of the documentation noted above with the customer's name and prior utility service address information may be submitted by:

- by e-mail (customerservice@las-cruces.org), or
- in person when processing the application for utility service at LCU's Customer Central office, located on the first floor in City Hall at 700 North Main Street, the satellite office, located at 5195 Bataan Memorial West, or
- by our secure portal: (<http://clc-intranet/utilityconnect>), or
- mail to City of Las Cruces, c/o Customer Central, P.O. Box 20000, Las Cruces, NM 88004-9002, or
- by facsimile at 575-541-2052.

LCU reserves the right to refuse any visibly altered document submitted by a customer for the purpose of initiating or activating utility service and/or establishing deposit requirement.

The amount of the security deposit for each LCU service being provided to the service address is as follows:

<u>Deposit Amounts</u>	<u>Gas</u>	<u>Water</u>	<u>Wastewater</u>	<u>Solid Waste</u>	<u>All Services</u>
Residential Service	\$28.00	\$24.00	\$15.00	\$18.00	\$85.00
Small Commercial Service	\$89.00	\$40.00	\$31.00	\$65.00	\$225.00
Large Commercial and Industrial	\$2,440.00	\$336.00	\$268.00	\$276.00	\$3,320.00

Example:

- A residential customer applying for new utility service with no utility history or an unsatisfactory credit history will be charged an initial deposit of \$85.00 for all four LCU utility services, or
- A small commercial customer applying for new utility service with no utility history or an unsatisfactory credit history will be charged an initial deposit of \$185.00 if the customer’s gas, wastewater, and solid waste services are to be provided by LCU but the customer’s water service is to be provided by another water company.

In the event a customer’s newly established utility service (a customer account that has not previously been established with LCU) is disconnected (shut-off) for non-payment within the first twelve-months of their service, a new deposit based on two times the initial applicable deposit will be required to reactivate service.

Chronically delinquent accounts (i.e. accounts that have previously had utility services shut-off for non-payment three times in a twelve-month period) will require a deposit based on three times the standard deposit, or the total of the three highest, total utility monthly bills on record for the customer’s account, whichever is greater.

A customer applying for utility service found to have unpaid balance or balances for utility service from prior periods will be required to pay a deposit based on three times the initial applicable deposit to activate service. The deposit requirement, plus any delinquent utility service balance, must be paid in full before services are activated.

Activation of service or services following shut-off of service involving non-compliance with Section 366 of the Bankruptcy Code, meter tampering and/or theft of service shall require original supporting documentation and a deposit to reestablish service or services based on the total of the three highest monthly bills on record for the customer.

INTEREST ON DEPOSITS

Simple interest at a rate determined by the process stated in LCU Board Resolution Number: 09-10-009, or as amended, shall be set annually on the first business day of the calendar year and will be accrued

monthly on deposits for the time the deposit is held by LCU. The deposit shall cease to draw interest on the date service is terminated or on the date the refund is processed.

REFUNDS

Refunds on Deposits

A customer who has at least twelve consecutive on time payments or a customer who has been at one location for at least four-years and not assessed a Field Service Processing Fee to shut-off services, are eligible to receive a credit in the amount of the deposit and the accrued interest. This credit amount will be applied to their current bill. If the amount of the credit exceeds the amount of the current bill, the customer may request a refund in the amount of the excess if such excess exceeds \$25.00.

Refunds on Bill Overpayments

If a customer overpays their account in an amount that exceeds the balance due, and the overpayment causes a credit balance on the customer's account that is less than \$500.00, the credit will be applied to the customer's next bill or bills until the credit balance is extinguished. If the credit balance is more than \$500.00, the customer's credit balance will be refunded by check within thirty-days to the mailing address on record for the utility service account.

WRITE OFF OF UNCOLLECTIBLE ACCOUNTS

LCU staff will use all reasonable efforts to collect delinquent accounts including, but not limited to, turning such accounts over to a collection agency. Delinquent LCU accounts that have been uncollectable for a period of more than four-years may be deemed uncollectable by the City's Finance Director, and the City Council by resolution may remove the uncollectable utility accounts from the list of accounts receivable in compliance with NMSA 1978 Section 3-37-7 and as amended, or as otherwise approved by the City Attorney's Office.

Inactive Accounts with Credit Balances

Inactive accounts with credit balances may be presumed abandoned in compliance with NMSA 1978 Section 7-8A-2(A)(13) and as amended if unclaimed by the apparent owner for more than one-year after the account deposit or refund becomes payable, and may be disposed of in compliance with the New Mexico Uniform Unclaimed Property Act (1995) and as amended, or as otherwise approved by the City Attorney's Office.

DELINQUENT ACCOUNT COLLECTION AND PROCESSING

When a customer fails to pay their account balance by the due date the customer will be assessed a Late Payment Penalty Fee approximately twenty-three days after the date the bill was initially issued.

The total amount shown as "Past Due" plus a Late Payment Penalty Fee must be paid approximately thirty-seven days after the initial bill. Actual shut-off of utility services will be performed, subject to availability of Field Service technicians.

Customers with medical conditions that have been notified that utility service is scheduled for shut-off are advised to provide medical certification from a health care provider (i.e. licensed physician, physician's assistant, or home health care provider) to the Billing and Receivables program before service is shut-off. Delinquent account balances must be paid in full or payment arrangements must be made prior to the shut-

off date to avoid deactivation of services. Otherwise, service will be shut-off and service restoration will follow the standard process for a delinquent account shut-off plus all applicable fees and charges.

DELINQUENT ACCOUNT SETTLEMENT

Payment Plan

In the event a customer is unable to pay the delinquent balance in full, a Payment Plan may be initiated to settle a delinquent balance. The customer will be required to meet with an LCU Receivables Representative for an account review and will be advised of agencies that may provide financial assistance for utility bills. A Payment Plan will be developed under the following conditions:

1. A Payment Plan will be initiated one time in a twelve-month period.
2. The customer must pay 50% of the delinquent amount due plus all applicable fees before executing a Payment Plan. Refer to LCU Customer Central Fees and Charges schedule for applicable fees.
3. The balance of the delinquent amount may be amortized over a three-month installment period, and the installments will be due on the agreed upon dates stated in the Payment Plan agreement. Payment Plan terms and conditions may be modified under special or extenuating circumstances with written supervisory approval. However, under no circumstances shall a Payment Plan term exceed six-months.
4. The customer must pay and be current on their regular monthly billing and the Payment Plan installment.
5. Payment Plans will not be extended to Chronically Delinquent customer accounts (i.e. accounts that have previously had utility services shut-off for non-payment three times in a twelve-month period).

If a customer fails to comply with the Payment Plan agreement or pay his regular monthly bill, service or services will be shut-off without further notice on the next business day following the Payment Plan due date.

Delinquent Account Service Shut-off and Activation

If a customer does not pay delinquent balances or make payment arrangements prior to the shut-off date, approximately thirty-seven days after the past due bill, the customer's account will be charged a Field Service Processing Fee to dispatch personnel to shut-off service. Refer to LCU Customer Central Fees and Charges schedule for applicable fees.

For delinquent accounts that have been shut-off, activation of services will require the customer to pay the entire delinquent balance, Late Payment Penalty Fee, and Delinquent Deactivation and Reactivation Fees before a work order for next day activation of services is submitted. Refer to LCU Customer Central Fees and Charges schedule for applicable fees.

Shut-off of utility services due to nonpayment of delinquent balance will result in an initial or additional security deposit as stated in the "Deposits" section above and must be paid in full before services are activated.

Final Billing of Delinquent Accounts

If the customer has not paid all delinquent balances approximately sixty-days after the initial bill, LCU will process a Final Bill for the account.

DELINQUENT ACCOUNT REFERRAL TO COLLECTION AGENCY

When an account is over ninety-six days delinquent, the account will be turned over to a collection agency.

Once an account has been shut-off and sent to a collection agency, installment payments must be arranged by the customer directly with the collection agency. The City cannot make Payment Plans or other arrangements for accounts that have been sent to the collection agency. Payment arrangements made with a collection agency do not constitute payment of a delinquent account to LCU. A delinquent account will not be reactivated, or a new service will not be activated until the amount due to the collection agency is paid in full.

LAS CRUCES UTILITIES BILLING AND SERVICE REGULATIONS

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APPLICATION, BILLING AND PAYMENT FOR SERVICE

APPLICATION FOR UTILITY SERVICE

A customer shall be required to complete and sign a Utility Service Application in person at City Hall, by mail or by acceptable electronic means of transaction (e-mail, facsimile) with government issued photo identification (or photocopy), in order for Las Cruces Utilities (LCU) to activate utility service. The customer is required to prove ownership of the service address property such as a deed or authorization for use of the service address property such as a lease. All individuals listed on the ownership or lease documents shall be accountable for the payment of the utility service or services and for fees and charges provided for service whether or not they are the customer of record.

Terms of Service

- Per LCMC Section 28-9, the City may decline, fail, or cease to furnish utility service at the service address being applied for to any person or household member in the same premises who may be in debt to the City for any reason, except for ad-valorem taxes and special assessments. A customer's failure to establish identity or the inability to verify payment of past due amounts may result in denial of utility service.
- In the event a customer is discovered to be receiving utility service and has no Utility Service Application on record, the customer shall be notified and required to immediately complete and sign an application for service and will be subject to any unbilled account processing and service activation fees as well as any unbilled utility service charges pursuant to the applicable utility service schedules and LCU Billing and Service Regulations as if an application had been completed and signed.
- An application for utility service will be verified to ensure that the prospective customer does not have an unpaid utility account balance from another address or addressees within the LCU's service area. An application for utility service will not be processed for activation until all unpaid account balance or balances are paid in full unless the delinquent balance or balances have been discharged in bankruptcy. Furthermore, in the event that an unpaid utility account balance or balances are discovered in the name of the applicant after utility service has been activated, the unpaid balance or balances will be transferred to the active service account and will be due and payable upon notice.

The customer agrees to pay LCU for any damage or damages to or loss of any meter caused by the customer's negligence or the negligence of their agents, employees, any member of their household, or any person on the premises. The customer shall be liable for such payment whether or not the

customer is the owner of the service address property. The City may discontinue utility service or deny new service to the service address until such payment is made.

- City personnel shall have access to the customer's premises for the purpose of reading meters, installing or removing the City's equipment and property, activating and deactivating utility service and other purposes incidental to providing utility service by the City. In the event LCU personnel or authorized agents are denied access City equipment and/or meters for two successive months due to locked gates, obstructive vehicles, equipment, vegetation, hostile pets, and/or other impediments, LCU will notify the customer by registered mail that meter or meters access has not been possible for the prior two months. If the customer does not acknowledge receipt of the registered mail within a two-week period, and indicate an intention to provide access, then a notice of relocation of meter or meters will be sent and/or delivered to the customer's service address. Such acknowledgement by the customer shall be in writing or by calling LCU Customer Central. In approximately three to five business days LCU personnel will relocate the equipment and/or meter or meters. The customer will be required to connect the customer owned service lines to the relocated utility service point at their own expense in order to reinitiate utility service.
- LCU's ownership and responsibility of distribution lines, meter, and where applicable, enclosures, for gas and water service points terminates at the outflow side of the customers' meter connection. For wastewater service points, the ownership and responsibility terminate at the property line stub-out connection.
- LCU's authorized agents shall have full and unobstructed access to LCU meters and service lines for inspection purposes, meter readings, activations and service shut-offs, repairs, and any other reasonable purpose. The customer authorizes such agents to enter the premises to conduct official LCU business. The customer also agrees that no construction will be performed over service lines or meters without prior approval from LCU.
- In the case of new utility connection or connections or existing utility connection or connections requiring permits and inspections, LCU is prohibited by ordinance from activating utility services until all permits and inspections have been obtained from issuing authorities.
- Customers shall not use utility service unless from metered water, and/or gas service connection, and/or sewer connection, and/or solid waste container furnished and owned by LCU without an account activated by an approved Utility Service Application. If it is determined that a customer has obtained unmetered and/or unbilled utility service or services, LCU will retroactively bill for these services pursuant to LCU Bill Adjustments schedule.
- Application for utility service is fulfilled with activation of all applicable services, pursuant to Billing and Service regulation, Sheet Number: RUS "Requirement to Provide Utility Service". Partial, selected activation or suspension of utility services is prohibited. Customer or customer's agent over the age of 18 must be present for the completion of the activation of gas service which includes shut-in test and pilot re-lighting inside a customer's residence at the scheduled appointment time for activation of services. If the customer or the customer's agent is not at the residence at the scheduled appointment time for activation of services, then the following will occur: 1.) the gas service will be closed and pin-locked until a LCU Field Services technician can complete the entire activation process and, 2.) water service will be closed and unlocked, at the meter.

- Pursuant to LCMC Section 28.11, all active utility accounts, regardless if services are flowing (Field Service technician unable to activate services) will be billed under the applicable utility Tariff Schedule or schedules and Billing and Service Regulations. Billing will commence for all services at time of application regardless of physical activation.
- LCU shall not be liable for damages caused by interruptions or fluctuations in services caused by acts of God or the public enemy, strikes, riots, diminution, or failure of supply of water and/or natural gas or other unavoidable contingencies which could not in the course of commercially prudent management have been foreseen or prevented by LCU.
- LCU is not responsible for any damage or loss which may arise from any gas or water leak on the customer's side of the metered service.
- Immediate notice must be given to LCU if any leaking gas or water is discovered.
- The customer must communicate their request to discontinue service or services with LCU Customer Central, either in person at 700 N. Main Street, in writing (mailing address City of Las Cruces, c/o Customer Central, P.O. Box 20000, Las Cruces, NM 88004), facsimile (575-541-2052), or by e-mail (customerservice@las-cruces.org). Requests must include customer's name, service account number and contact information and date to discontinue service. The customer is responsible for utility service provided until such request to discontinue is received and finalized. Actual deactivation of service will be completed within two to three business days from the receipt of the request to discontinue service or services.

BILLING FOR UTILITY SERVICE

LCU and Utility General Billing will bill on a cyclical billing basis based on a billing period of approximately thirty days "or a standard billing month" and based on the customer's applicable service tariff. Utility General Billing will administer all applicable fees, penalty fees, shut-off notice fees and procedures in compliance with LCU's Billing and Service Regulations. Gas and water meters will be read as nearly as possible at regular intervals on a monthly basis.

In the event that gas and/or water meters cannot be read due to inaccessibility, register failures, damage, tampering, bypassing, or other causes, the metered values will be estimated based on the following:

- Previous consumption by metered service to the premises;
- Average consumption for the corresponding billing periods during which the meter or meters are known to have registered correctly;
- Consumption as registered by a secondary meter if installed; or
- Estimation based on the nature of use, volume or business, seasonal consumption, and/or any other factors that may assist in determining consumption.

Proration of Bills

Utility service rate schedules are based on a monthly basis and on an approximate thirty-day consumption period. Whenever an activation or termination of service date differs from the standard thirty-day meter read interval, monthly charges will be prorated applied only to the non-volumetric, fixed charges stated in utility service rate schedules.

Readings of Separate Gas and Water Meters For the purpose of computing charges, each water and/or gas meter on the customer's premises shall be read separately, and readings of two or more similar service meters shall not be combined as equivalent to measurement through one meter.

BILL DUE DATE AND PAYMENT OF BILLS

Bills are due and payable in full twenty-two days after the date of mailing or electronic transmission and will be considered past due the day after the due date stated on the bill. All payments must be received by the due date and paid by 5:00 PM or electronically by 11:59 PM to be recorded as paid on time.

Budget Plan

LCU may establish a Budget Plan for Residential customers as an alternative method of paying monthly utility bills. This method averages high and low consumption over a twelve-month period.

The Budget Plan is available only to Residential customers who are current on their payments for utility service and agree to the terms and conditions for a Budget Plan. In determining an annual budget payment plan, the computation will be unique for each Residential customer.

Determination for establishing a customer's Budget Plan:

- If the customer has had utility service or services at the same location for the previous twelve-month period, the average monthly payment will be based on the customer's actual consumption for that time period. If the service location has no established consumption history, it is recommended that the service location wait until at least nine billing months of historical consumption have been recorded before requesting to be billed on a Budget Plan.
- The customer will pay approximately one-twelfth of the total estimated annual bill with minor variation.
- A customer must request renewal of their Budget Plan billing annually in May for the purpose of recalculating and estimating the customer's charges for utility service for the next Budget Plan year. Following the annual review and as needed, the new Budget Plan account will be adjusted to moderate the potential of an outstanding debit or credit balance.

Termination of a Budget Plan may occur under the following circumstances:

- Customer requests to terminate the Budget Plan, or
- Customer fails to make the monthly Budget Plan payment by the due date three times in the twelve-month Budget Plan period where the account will be subject to the past due and delinquent account process defined in this schedule.

If a Budget Plan is discontinued or terminated for any reason, any outstanding balance will become due and payable in full within twenty-two days of processing the final bill and any credit balance will be applied to future billing.

PAST DUE AND DELINQUENT ACCOUNT PROCESS

Payments not received by 5:00 PM or electronically by 11:59 PM on the due date stated on the bill will be deemed past due and assessed a Late Payment Penalty Fee, if the amount due is over \$25.00.

A customer's second billing that is past due and with an unpaid balance over \$25.00 will be deemed delinquent and is subject to the Late Payment Penalty Fee, if the amount is over \$25.00.

The process outlining each pertinent phase of customer billing, payment due date, application of late payment penalty fees, past due notification, delinquent classification, shut-off of service notification and eventual shut-off of service is presented in the sample timeline below:

- A customer's monthly bill (the initial bill) is mailed or electronically sent for payment, and
- **22 days** later, the customer's bill is due by the payment due by date printed on the bill.
- If payment is not received by the due by date, then one day later;
- **23 days** after the initial bill was mailed or electronically sent, any past due amount over \$25.00 will be assessed the Late Payment Penalty Fee and a shut-off notice will be mailed to the customer providing the approximate service shut-off date.
- **30 days** after the initial bill was mailed or electronically sent, the customer will receive the second bill for utility service. If the initial bill remains unpaid, then on about;
- **37 days**, the account is eligible for scheduled shut-off by Field Services personnel within the work week.
- **52 days** after the initial bill was mailed or electronically sent, the second bill is due which includes all past due fees and charges, then one day after the due date and about;
- **53 days** after the initial bill was mailed or electronically sent, the second bill and the unpaid balance is **past due** along with the Late Payment Penalty Fee assessed on the total balance. If the balance remains unpaid, then on or about;
- **60 days** after the initial bill was mailed or electronically sent, the customer will be sent the third month's bill with the total unpaid balance plus Late Payment Penalty Fees that are due. If the account balance remains unpaid, then;
- **82 days** after the initial bill was mailed or electronically sent, the account's Final Bill is due, and if the account balance remains unpaid, then one day after the due date;
- **83 days** after the initial bill was mailed or electronically sent, the account's final bill is Past Due and the Late Payment Penalty Fee is assessed. At this time, the account will be processed for final billing.
- **96 days** after the initial bill was mailed or electronically sent, the account is eligible to be transferred to the City's contract collection agency.

RETURN CHECK OR DRAFT

LCU will assess a return item charge for a check, draft, or credit card payment that is returned from the bank for any reason pursuant to LCU Billing and Service Regulations as stated in the Customer Central Fees and Charges schedule.

LATE PAYMENT PENALTY FEE

LCU will assess a late payment penalty fee for nonpayment one day after the stated due date on the customer's bill if not received by 5:00 PM or electronically by 11:59 PM on the due date. The late payment penalty fee percentage factor will be applied to past due balances pursuant to LCU Billing and Service Regulations as stated in the Customer Central Fees and Charges schedule.

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

Sheet Number: RUS-2021
Approval Date: November 12, 2020
Effective Billing Date: December 1, 2020
LCUB Resolution Number: 20-21-LCU013

REQUIREMENT TO PROVIDE UTILITY SERVICE

Las Cruces Utilities (LCU) provides natural gas, water, wastewater, and solid waste utility service to customers inside city limits and, with City Council authorization, to customers located outside city limits. LCU plans, designs, constructs, operates, and maintains its facilities to meet its utility service requirements. Pursuant to LCMC Section 28-11, all active utility accounts shall be charged and billed for all services under the applicable utility tariff schedule or schedules and Billing and Service Regulations. Except for the specific exceptions noted herein, temporary suspension of selected city utility services is prohibited.

SUSPENSION OF UTILITIES FOR DEPLOYED MILITARY PERSONNEL

Pursuant to New Mexico Senate Bill 574 and House Bill 175, a member of the U. S. armed forces, reserves, or the New Mexico National Guard may suspend some or all utility services without penalty and reconnect/reactivate utility services without having to pay reactivation fees. The qualifying military customer requesting suspension of all or some of their utility services provided by LCU must submit his/her request to Customer Central and certify that:

1. He/she has orders and provides copy of the orders to Customer Central to deploy or to be temporarily assigned outside the qualifying customer's community for more than thirty days, and
2. The service account is in the qualifying customer's name, and
3. The qualifying customer owns the home or has a lease that does not preclude the suspension of municipal utility services, and
4. Family members or other persons will not be residing in the home while the qualifying customer is deployed or temporarily assigned.

LCU will suspend/deactivate some or all utility services at the service address as requested by the qualifying customer at no penalty and, will not charge a fee to reactivate or establish service or services upon notifying Customer Central of their return from deployment or temporary assignment. It is the qualifying customer's responsibility to notify Customer Central of their return from deployment to activate suspended utility service or services.

In the event the qualifying customer suspends/deactivates all or some of the utility services provided by LCU and during the period the qualifying customer is deployed or on temporary assignment outside their community, or does not notify LCU Customer Central of his/her return from deployment, and monthly consumption records indicate that the residence is occupied, LCU will resume billing all suspended service or services without notice.

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

Sheet Number: AMI-2021
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LCUB Resolution Number: 20-21-LCU013

RESIDENTIAL AMI OPT-OUT

Advanced Metering Infrastructure (AMI) devices are utility industry standard advanced meters with integrated electronic register transponders that record metered consumption and billing information and transmit to receiving units in use by Las Cruces Utilities (LCU) personnel.

Pursuant to LCU Board Resolution Number: 14-15-LCU012, AMI Opt-Out is available only for Residential service customers and must be initiated and requested by the customer informing LCU Customer Central representative of their preference to exclude their residence from AMI enabled metering at their residence.

LCU will reasonably accommodate customer AMI Opt-Out request subject to the following criteria:

- The customer’s utility service account is in good standing, which is defined as a customer who has not been chronically delinquent for payment of utility services for the twelve-month period,
- LCU utility personnel must have clear and unimpeded access to meters (i.e. no locked gates, no dogs in the yard, no obstruction to LCU meters such as temporary or permanent structures, plants, and/or vehicles),
- The service location is a single-family dwelling unit (i.e. multi-unit dwellings, duplexes, or units in mobile home parks are excluded from AMI Opt-Out), and
- AMI Opt-Out will apply to all LCU metered services at the service location (gas and/or water).

Requests for the AMI Opt-Out alternative will be verified to ensure that the requirements listed above are met before processing the AMI Opt-Out Application and Agreement. Subsequent events or situations that obstruct and/or impede access to LCU meters will result in the termination of the Opt-Out Agreement by LCU and enable LCU to install AMI metering at the residence.

Customers meeting the criteria for the Opt-Out alternative and signing the Opt-Out Application, will be charged all applicable fees, monthly charges, and taxes for the Opt-Out alternative:

Opt-Out Initiation and Activation

Initial one-time set-up fee for opt-out account.....\$76.90

Monthly Opt-Out charge for opt-out account.....\$7.60

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

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WATER CONSERVATION ADMINISTRATIVE FEES

Pursuant to Ordinance 2722, the Water Conservation Ordinance, and LCU Board Resolution Number: 14-15-LCU020, administrative fees are applicable to violators of the Water Conservation Regulations. Violators are subject to progressively higher administrative fees until the violation ceases or until a variance is granted.

Fees assessed on active City of Las Cruces (City) utility accounts shall be paid within the normal payment period for the billing system. The responsible party from whom compliance is sought will be sent a written notice that their City utility account will be or has been assessed an administrative fee.

In lieu of paying the first administrative fee, the responsible person may have a landscape water audit performed by a landscape irrigation auditor certified by an organization recognized by the City’s Water Conservation Coordinator. Documentation of the audit and subsequent changes to correct the violation need to be submitted to compliance staff before the normal billing payment due date for the account.

No administrative fees will be assessed for reported violations unless the reporter leaves contact information and signs an affidavit documenting the time, date, and nature of the violation hereafter referred to as a “Documented Reported Violation.” Water Conservation Administrative Fees are subject to all other applicable fees and taxes.

ADMINISTRATIVE FEES

First Violation..... No Charge
First observed violation and/or first reported violation whether or not documented.

Second Violation..... \$20.00
Second observed violation and/or second Documented Reported Violation.

Third Violation..... \$30.00
Third observed violation and/or third Documented Reported Violation.

Fourth Violation..... \$40.00
Fourth observed violation and/or fourth Documented Reported Violation.

Fifth Violation..... \$50.00
Fifth and subsequent observed violation and/or Documented Reported Violation.

**LAS CRUCES UTILITIES
BILLING AND SERVICE REGULATIONS**

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RENTAL PROPERTY ADMINISTRATION

LANDLORD UTILITY TRANSFER AGREEMENT

A Landlord Utility Transfer Agreement (LUT Agreement) is available to rental property management entities or property owners that provides continuous City of Las Cruces (City) utility service to rental properties and consolidates account administration as specified by the landlord in the LUT Agreement. The LUT Agreement authorizes the Las Cruces Utilities (LCU) to transfer gas, water, wastewater, and/or solid waste without interruption in service to the landlord or property manager, as rental properties transition between tenant occupancy. In the event that a tenant is delinquent, LCU will deactivate services pursuant to the process stated in LCU’s Billing and Service Regulations.

Property management entities that do not want to execute an LUT Agreement to administer City utility services for rental properties and want the utility account in the name of the property owner, will be required to provide the same information for a City utility service application as stated in Application, Billing, and Payment for Service Section of LCU’s Billing and Service Regulations and, a tax identification number if applicable, before service to tenants will be processed and activated. Failure of the property management entity to provide the property owner’s information as stated above, may result in LCU placing a hold on the tenant’s activation of utility services.

UTILITY LIENS

The City will place municipal utility liens on rental properties that accumulate chronic delinquent balances in aggregate and in excess of \$500.00 from one or more tenants with utility accounts at the rental property. All associated fees for preparing and recording the lien will be assessed, as well as the tenant or tenants’ delinquent balances in accordance with the municipal code and state statutes. Upon the filing of the lien, the property owner will be notified of such action, as well as informing the property owner of the chronic delinquent activity by a tenant or tenants at the rental property, and the notification that future utility service will be denied to the rental property until a mutually acceptable resolution between the property owner and LCU is reached, at which time the lien will be removed.