**Section 280.130 Discontinuance of Service**

a) Discontinuance

1) A utility may discontinue service when any customer fails to do any of the following:

A) make a deposit or increase a deposit pursuant to Section 280.70 herein;

B) pay a past due bill owed to the utility for the same class of service furnished at the same or at another location. For purposes of this subsection, a utility may discontinue service if the current customer is liable for a past due bill for utility service pursuant to Section 15 of the Rights of Married Persons Act [750 ILCS 65/15], unless the customer, at the option of the utility, pays any past due bill and/or provides a deposit pursuant to Section 280.70 and/or enters into a deferred payment agreement pursuant to Section 280.110;

C) comply with an order of the Commission;

D) make payment in accordance with the terms of a deferred payment agreement;

E) comply with any rules of the utility on file with the Commission for which the utility is authorized by tariff to discontinue service for noncompliance on the part of the customer or user; or

F) provide utility representatives with access to the meter after receiving consecutively estimated bills for four billing periods if billed monthly or bi-monthly or two billing periods if billed quarterly or semi-annually and the utility thereafter makes a written request for access.

2) The utility can discontinue service only after it has mailed or delivered by other means a written notice of discontinuance substantially in the form of Appendix A. Any notice required to be delivered or mailed to a customer prior to discontinuance of service shall be delivered or mailed separately from any bill. Service shall not be discontinued until at least five days after delivery or eight days after the mailing of this notice.

b) In addition, a copy of said notice shall be mailed to a third party designated by the customer, should the customer make a written request to the utility for such third party notice.

c) Said notice shall remain effective for two consecutive twenty day periods, provided that during each such period a call is made at the customer's premises or billing address or telephone contact with the customer is made. If the utility does not discontinue service within the two consecutive twenty day periods, the utility shall not discontinue service until at least five days after delivery or eight days after mailing of a new notice of its intention to discontinue service to the customer.

d) A utility shall attempt to advise the customer that service is being discontinued by directing its employee making the disconnection to contact the customer at the time service is being discontinued. When the utility is unable to discontinue service during a call made at the customer's premise, the utility shall attempt to leave a notice at the premise or billing address informing the customer that an attempt to discontinue service has been made and that his/her service continues to be subject to discontinuance.

e) The utility shall not make a practice of delivering more than two consecutive notices of discontinuance for past due bills without engaging in collection activity with the customer.

f) A utility shall not discontinue service at the meter subsequent to 2:00 P.M. unless the utility shall be prepared to reconnect the same day at the standard reconnection charge, if any. No utility shall discontinue service on a holiday or weekend day unless prepared to reconnect on that holiday or weekend day.

g) Utility service shall not be discontinued and shall be restored if discontinued where a customer has established, renegotiates, or is reinstated onto a deferred payment agreement pursuant to Section 280.110 and has not defaulted on such agreement.

h) Utility service shall not be discontinued and shall be restored if discontinued for the reason which is the subject of a dispute or complaint during the pendency of procedures under Section 280.160 and/or Section 280.170 where the customer has complied with such Sections.

i) Termination of gas and electric utility service to all residential users, including all tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence is prohibited:

1) on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located includes a forecast that the temperature will be 32 degrees Fahrenheit or below; or

2) on any day preceding a holiday or a weekend when such a forecast indicated that the temperature will be 32 degrees Fahrenheit or below during the holiday or weekend.

j) Notwithstanding any of the foregoing provisions, discontinuance of service to residential customers is prohibited for up to sixty days when discontinuance of service will aggravate an existing serious illness of any person who is a permanent resident of the premise where service is rendered if the customer complies with the following requirements regarding such illness:

1) The illness must be certified to the utility by a registered physician or local board of health. The certification shall be in writing and shall include the name of the ill person, a statement that he/she is a resident of the premises in question, the name, business address, and telephone number of the certifying party, the nature of the illness, and the period of time during which termination will aggravate the illness;

2) Initial certification by the certifying party may be by telephone if written certification is forwarded to the utility within five days;

3) Initial certification shall prohibit discontinuance of service for thirty days. Certification may be renewed by the customer for an additional thirty days by providing another certificate to the utility. Failure to so renew the certificate shall entitle the utility to initiate discontinuance procedures;

4) The customer must enter into an agreement for the retirement of the unpaid balance of the account within the first thirty days and keep the current account paid during the period that the unpaid balance is to be retired. Notice of discontinuance of service sent to residential customers must include a notice substantially in the form of Appendix B herein; and

5) In the event service is terminated within fourteen days prior to certification of illness by or for a qualifying resident, service shall be restored to that residence if a proper certification is thereafter made in accordance with the foregoing provisions.

k) Nothing in this Section or this Part shall be construed to prevent discontinuance of service for reasons of safety, health, or cooperation with civil authorities.

(Source: Amended at 18 Ill. Reg. 17974, effective December 15, 1994)