

PUBLIC SERVICE COMPANY OF NEW MEXICO

7TH REVISED RULE NO. 20
CANCELING 6TH REVISED RULE NO. 20

DISCONTINUATION OF RESIDENTIAL SERVICE

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- A. The Company may discontinue service to a residential customer without prior notice:
- (1) In the event of a condition determined by the Company to be hazardous;
 - (2) 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;
 - (3) In the event of residential customer's tampering with, damaging, or deliberately destroying the equipment furnished and owned by the Company;
 - (4) In the event of unauthorized use of service provided by the utility; or
 - (5) In an emergency.
- B. (1) 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been specified by the Company as a condition to obtaining service, or in the event such equipment or permissions are withdrawn or terminated;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 and/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.
- (2) 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 utility 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 NMAC 17.5.410; and

Advice Notice No. 632

/s/ Henry Monroy
Henry Monroy
Vice President, PNM Regulatory

GCG #533423

EFFECTIVE

March 7, 2025

Replaced by NMPRC

By: Rule No. 17.1.210

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- (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 customer disagrees with the Company's determination of the facts on which the proposed discontinuance is based.
 - (d) A statement that members of New Mexico tribes or pueblos who need help with translation or with 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.
- C.
 - (1) The Company may discontinue service to a residential customer after fifteen (15) days written notice for non-payment of a delinquent account.
 - (2) The following conditions apply to any termination under Paragraph (C):
 - (a) The Company shall take reasonable steps to communicate with the 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 actual date of discontinuance of service in order to remind the customer of the pending date of discontinuance of service, advise the customer again as to the availability of financial assistance for utility payments, to obtain payment, and during the heating season provide a reminder of the protection under the moratorium. The Company employee personally contacting a residential customer 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 regarding any resident's seriously ill or life endangering health condition, such as whether a resident is physically disabled, frail or elderly. Such information shall be immediately reported in writing to a Company employee authorized to prevent discontinuance. That employee shall either delay the discontinuance order if it is apparent that the forms provided for in Paragraph C.(2)(b)(v) or (E) below will be received or shall state in writing why such delay is not effected. The Company employee sent to discontinue utility service shall be empowered to receive payment of delinquent bills and upon receipt of payment, said employee shall be empowered to cancel discontinuance order.
 - (b) The fifteen (15)-day written notice shall state that the Company will discontinue service to the residential customer, and each of the rights the residential customer may have relating to discontinuance of service, budget payment plans and installment agreements.

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Such notice shall be in writing, in English and Spanish, and shall be in simple language. Such notice shall be delivered to the affected residential customer in person or by depositing a copy of the notice in the U.S. Mail, postage prepaid, addressed to the residential customer at the address of the affected residential customer known to the Company, or by electronic mail if a residential customer has elected to receive electronic billing. Such notice shall also contain:

- (i) The title(s), address, telephone number(s) and working hours of the personnel at the Company responsible for carrying out the customer's rights.
- (ii) The statement "To avoid disconnection we must receive your past due balance of (\$_._) no later than (month/day/year), or payment arrangements must be made. Please see the enclosed notice for more information."
- (iii) A statement in both English and Spanish of "Customers' Rights and Responsibilities" set forth in 17.5.410.42 NMAC,
- (iv) Notice of winter moratorium protection. During the heating season the Company will notify residential customers who have not been previously qualified for protection under the provisions of the winter moratorium of their rights set forth as required in 17.5.410 NMAC.
- (v) A specific notice that the Company will not discontinue utility service if the residential customer provides the Company either of the following:
 - a) Documentation for winter moratorium protection in accordance with 17.5.410 NMAC; or
 - b) A valid medical and financial certificate form pursuant to 17.5.410 NMAC.
- (vi) During the heating season will contain "Your service will not be disconnected from November 15, (year), through March 15, (year), if you meet the qualifications of the Low Income Home Energy Assistance Program (LIHEAP) and have no past due amounts, or you remain current on any settlement or installment agreement for amounts due as of November 15, (year). For information call New Mexico Human Services Department at 1-800-283-4465, or the tribal or pueblo entity that administers a tribe's or pueblo's LIHEAP."

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D. The Company may not discontinue service for:

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- (1) The failure of a residential customer to pay for special services.
- (2) 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 C.(2) above.
- (3) The failure of the residential customer to pay for a different class of service received at the same or different location.
- (4) Non-payment of the disputed amount of a bill.
- (5) 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.
- (6) Failure of a residential customer to pay the bill of another customer as guarantor thereof.
- (7) Failure of a residential customer to pay an estimated bill rendered in violation of NMAC 17.5.410.
- (8) Failure of a residential customer to pay for services received during the heating season if the residential customer qualifies for winter moratorium protection.
- (9) Failure of a residential customer to pay for service received if the Company has received a signed medical certification form and a financial certification form as provided for by 17.5.410 NMAC.
- (10) Failure of a residential customer to post a security deposit.

- E. Unless requested, the Company shall not discontinue service to any residential customer for nonpayment during the period from November 15 to March 15 until at least fifteen (15) days after the date scheduled for discontinuance of service if, prior to that date, the Human Services Department contacts the Company and certifies to the Company that the customer is eligible for utility payment assistance under LIHEAP and the Low Income Utility Assistance Act and that payment for the service provided to the customer will be made within the fifteen (15) day period following the date scheduled

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for discontinuance. Discontinuance of service may occur if the second fifteen (15) day period expires without receipt of payment for the service designated in the disconnect notice.

- F. 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 agreement for the payment of past due utility charges. While an installment agreement is being negotiated the Company shall not discontinue service to such residence. The Company is not required to enter into an installment agreement with a chronically delinquent residential customer. However, if the customer can demonstrate to the Company that the customer has inadequate financial resources to pay the outstanding bill without participation in an installment agreement because the customer meets the qualifications of LIHEAP, or is subject to other special circumstances, the Company shall give special consideration to such residential customer in determining whether to offer an installment agreement.
- G. The Company shall provide a procedure for reviewing residential customer allegations that a proposed installment agreement 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.
- H. Utility service to a residential customer may be discontinued only during the hours from 7:30a.m. to 4:00 p.m. on Monday through Thursday and may not be discontinued 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.
- I. Service shall be restored promptly when the residential customer requests restoration of utility service, and the cause for discontinuance has been eliminated.
- J. The Company shall advise 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.
- K. 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 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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- L. Whenever the Company shall permanently discontinue the delivery of utility service to any 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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