



# Fremont Department of Utilities Customer Service Policy Packet



Action	Date	Resolution	Item(s)
Original Policies Approved	Prior to 2017	Board of Public Works and City Council	
Affirm and Amend	4/9/2024	2024-087	Affirm: Original policies Amend to Include: Inaccessible Meter Fee, Disconnect Fee, Meter Tampering Fee, Minimum Deposit amounts

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## I-1 SUPPLYING UTILITY SERVICE

### 1.1 General

Fremont Department of Utilities is a department of the City of Fremont and is publicly owned and revenue supported. The General Manager of the Utilities directs the administrative, supervisory, operational, and long-term planning functions for the municipal utilities. The Utility and Infrastructure Board is a five-member advisory board which is appointed by the Mayor and confirmed by the City Council of the City of Fremont and offers guidance and recommendations for utility affairs requiring Fremont City Council approval.

Fremont Department of Utilities shall supply gas, electric, water and sanitary sewer service, subject to availability, to all customers in its service area, upon approval of application for such service.

### 1.2 Continuity of Service

Fremont Department of Utilities will use all reasonable care and diligence to provide continuous service but does not assume responsibility for irregularities and interruptions of utility service, and it shall not be liable to customers for any injury, loss or damage resulting from the use of service or arising from the interruption or irregularity of utility service.

### 1.3 Suspension of Service

Fremont Department of Utilities shall have the right to suspend utility service to customers under planned interruptions for temporary periods that may be necessary for the inspection, maintenance, alteration, change, replacement or repair of service facilities or for the preservation or restoration of system operations. Whenever possible, planned interruptions shall be made at a time that will not cause unreasonable inconvenience to customers and shall be preceded, if feasible, by adequate notice to those who will be affected.

### 1.4 Inaccessible Meter

In the event a meter is determined to be inaccessible either by physical barrier or missed appointments, an Inaccessible Meter Fee shall be applied to the account. Fees shall be as shown in the Master Fee Schedule.

## I-2 PROCEDURE FOR SERVICE

### 2.1 Application for Service

The Fremont Department of Utilities requires all customers requesting utility service in their name to complete and sign an Application for Service form and pay a non-refundable service fee. An Application for Utility Service for each separate address shall be maintained for all customers.

Application forms may be completed;

1. Online at [www.fremontne.gov](http://www.fremontne.gov); or
2. In person at the Municipal Building during normal business hours (Monday-Friday, 8:00 a.m.- 4:30 p.m.).

Customers must be 19 years of age.

A driver's license or other state or federal issued photo ID is required for each applicant.

A Power of Attorney (POA) agent must provide a copy of the POA paperwork to be included with the Application for Service when requesting service in the principal's name.

In cases of new construction where the Fremont Department of Utilities does not currently serve the address concerned, an Application for Temporary Service may be completed with the Customer Service Department.

Applications for service will be processed within two business days of receipt (excludes weekends and holidays). All past due accounts and accounts turned over for collection shall be paid in full prior to eligibility for service.

A non-refundable service fee shall apply when a meter is reset after the temporary removal of a meter performed per the customer's request.

Where existing meters serve more than one residential dwelling unit (ex: duplex or multi-family building), the meter shall be maintained in the name of the property owner and billed accordingly. In all new construction, separate dwelling units shall be metered individually.

## 2.2 Residential Service Fee and Deposit

See Appendix I-2-A

## 2.3 Commercial Service Fee and Deposit

See Appendix I-2-B

## 2.4 Deceased Customer

Upon the death of a customer, utility service must be taken out of their name as soon as possible.

In the event there is a surviving spouse, a new Application for Service is required to transfer service into their name. The deposit and service fee will be waived, subject to compliance with Appendix I-2-A.

## 2.5 Information Requests

Customers may grant access to their account information to a third party that is not a signer on the application for service by completing an Access to Account Information (AAI) form. The AAI form does not obligate the third party as responsible for the customer's bill.

Account information shall only be distributed to customers who have signed for service, authorized individuals under the AAI form, and qualified agents.

## 2.6 Third Party Notification

Customers may request third-party notification of a designated third party of any proposed discontinuance of service due to delinquency. The Third-Party Designation form must be signed by both the customer who has signed for the service and their designated third party. The Third-Party Designation form does not obligate the third party as responsible for the customer's bill, nor is Fremont Department of Utilities liable if the additional notice is not received by the third party. The Third-Party Designation form does not grant permission to the third party to receive additional information regarding the account.

## 2.7 Landowner Agreement

Landowners may choose to have their properties revert back to their name automatically in lieu of the utility service being shut off between tenants by completing the Landowner Agreement.

In cases of non-payment by the tenant, the utilities will be disconnected for a short period of time prior to reverting back to the landowner's name.

Landowners must complete and sign a landowner agreement to ensure that service is automatically put into their name between tenants. The service fee is then waived each time service is transferred from the tenant to the landowner. It is the responsibility of the landowner to notify the Department of Utilities should they sell or no longer own the property.

## I-3 BILLING FOR SERVICE

### 3.1 Billing

Fremont Department of Utilities shall use the cycle billing method whereby meters are read and billings produced and mailed throughout the month. No changes can be made to the cycle billing schedule.

Accounts shall be billed each month based upon the reading obtained from the meter. If no reading is received for an account, the consumption to be billed shall be estimated.

Where a meter reading instrument is in use, and there is a difference between the captured reading and the meter index, the reading on the

meter index shall be used to bill an account, where applicable.

Minimum monthly charges shall apply. Where no service is consumed, a minimum charge to include the customer charge for each service shall be billed monthly.

3.2 Budget Billing

See Appendix I-3-A

3.3 Bill Routing

Bills may be routed to an address other than the service address if requested by the person who has signed for the service. All bills for said customer with multiple accounts must be routed to one single mailing address.

3.4 Delinquency Period

Bills for utility service are due and payable the day they are placed in the mail. Payment in full is allowed until 4:30 p.m. on the 21<sup>st</sup> day after the bill is mailed, after which time the bill is delinquent and late fees are applied.

A delinquent notice, titled Notice of Proposed Disconnection of Utility Service, will be mailed after the delinquent date to customers with a balance remaining on the account.

If the bill remains delinquent seven (7) working days after the delinquent notice is mailed, utility service will be disconnected.

Late fees may be waived once every twenty-four (24) months.

3.5 Delinquent Notice

A delinquent notice will be sent on all past due accounts in accordance with current Nebraska State Statutes and shall contain at least the following information:

- A. The reason for the proposed disconnection.
- B. A statement of intention to disconnect unless the customer either pays the bill or reaches a payment agreement with the Fremont Department of Utilities.
- C. The date the service will be disconnected if the customer does not take appropriate action.
- D. The name, address, and telephone number of the Fremont Department of Utilities department to whom a customer may address an inquiry of complaint.
- E. A statement of the customer's right, prior to the disconnection date, to request a conference regarding any dispute over the proposed disconnection.
- F. A statement that the Fremont Department of Utilities may not disconnect utility service until the conference is concluded.

- G. A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician's assistant, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice, excluding holidays and weekends, and will prevent the disconnection of the utility service for a period of at least thirty days from such filing. Only one (1) postponement of disconnection shall be required for each incidence of nonpayment of any past-due account.
- H. A list of all payments and costs that must be remitted for reconnection, including any reconnect charges and payment of all post due accounts.
- I. A statement that the customer may arrange with the Fremont Department of Utilities an installment payment plan.
- J. A statement to the effect that Health and Human Services recipients should contact their caseworker regarding qualifying for assistance in payment of their utility bill.

### 3.6 Final Bills

A final bill will be issued upon a customer's application for termination of service, upon a new tenant making application for services at a specified location, upon extended non-payment of account or by contact with a qualified agent.

### 3.7 Billing Adjustments

No adjustment to a bill shall be made until the reading has been verified by Fremont Department of Utilities personnel.

#### **Residential Sewer Service Charge:**

**Different residence:** When a current residential customer has sewer service in their name and requests service at a different address (whether an additional address or a transfer of existing service) within the Fremont Department of Utilities service territory, the sewer average at the current address will be transferred to the new address. This average at the new address shall remain in effect until sewer averages are recalculated. If the customer retains service in their name at the old address, the old sewer average shall remain in effect.

**New Customer:** When a new customer moves into the Fremont Department of Utilities service territory, they will be billed an average of 8 ccf for sewer until the sewer average is updated based upon the average of the water use billed during January, February, and March.

For residences where the water readings for the three billing months of January, February, and March, do not properly reflect the indoor usage of

water during the winter period, a sewer service charge using the prior year's average will be charged.

Adjustments may be made to the sewer service charge upon written request of the customer if water consumption was caused by a leak in the plumbing. A receipt for plumbing materials or an invoice of work performed will be requested for verification that a leak in the plumbing has been resolved. Upon review by the Customer Service Director, if the water usage correlates with repairs, adjustments to the sewer service charge will be made for the month the request was made.

Sewer charges for new construction in the contractor's name will be charged at 1 ccf.

Sewer charges for landowners who are not occupying the property will be charged at 1 ccf.

**Commercial Sewer Service Charge:**

Sewer charges for commercial customers (other than churches, apartments and new construction contractors) are based on the water usage each month.

Churches and apartments will be charged based on the average of the water use billed during January, February, and March. For instances of a new customer, the sewer average from the previous customer will be charged.

3.8 Billing Errors

Notice of any billing error should be presented in writing to the Department of Utilities within six months of the date of the error in order for the correction to be considered. Bill corrections are made retroactively for no more than one year from the date of notification.

I-4 PAYMENT FOR SERVICE

4.1 Locations for Payment

Payments may be made by automatic payment, online, by phone, by text, by mail, via drop box, via drive-through, in person, or at the Walmart Customer Service counter.

4.2 Automatic Bank Draft

Customers may sign up for Automatic Bank Draft (ACH) with the Fremont Department of Utilities to have their utility bill automatically paid on their due date through their bank account.

4.3 Automatic Recurring Payment

Customers may schedule recurring payments via the online payment portal utilizing the available payment methods listed and have their utility bill automatically paid on their due date.

#### 4.4 Returned Payment

A returned payment charge is levied when a payment is returned to Fremont Department of Utilities.

When a customer has two (2) returned payments in a twelve (12) month period, that payment method will be blocked for a period of twelve (12) months.

After the twelve (12) month period, the Fremont Department of Utilities will again accept the said payment method so long as the customer has not been disconnected for non-payment during this time. If the customer has another payment returned, that payment method will immediately be blocked for a period of two (2) years.

#### 4.5 Discontinuance of Service

Customers requesting the utility service be taken out of their name must sign a Termination Request Form. Customers are required to give at least two (2) business days written notice (excludes holidays and weekends). Where such notice is not received by Fremont Department of Utilities, the customer will be liable for service until final reading of the meters.

Fremont Department of Utilities may disconnect utility service and charge appropriate fees for any of the following reasons:

- A. Failure to comply with applicable provisions of federal, state, or municipal law, statute, ordinance, regulation of policy.
- B. Violation of the ordinances or regulations pertaining to utility service.
- C. Nonpayment of past or present utility bills.
- D. Willful or negligent waste of service due to improper or imperfect pipes, fixtures, and appliances or otherwise.
- E. Tampering with any meter, seal or other equipment controlling or regulating the supply of utility service.
- F. Theft or diversion and/or use of service without payment.
- G. Vacancy or abandonment of premises.

#### 4.6 Reconnection of Service

In the event service is disconnected by Fremont Department of Utilities as the result of nonpayment of any sum due for utility service, service will not be reinstated until customer pays all current and past due charges billed plus the appropriate disconnect fee. Disconnect fees shall be as shown in the Master Fee Schedule. Payment must be in cash, credit card, or cash instrument.

Utility service is typically restored during regular business hours, Monday-Friday, 8:00 a.m. – 4:30 p.m. After-hours fees apply for services restored

outside of this time and on weekends and holidays as shown in the Master Fee Schedule.

4.7 Meter Tampering

In the event a meter has been tampered with, service shall be disconnected by Fremont Department of Utilities. Service shall not be reinstated until the customer pays all current and past due charges, the appropriate disconnect fee(s), meter tampering fee(s), and it is safe to reinstate services as determined by the Fremont Department of Utilities. Fees shall be as shown in the Master Fee Schedule. Payment must be in cash, credit card, or cash instrument.

4.8 Customer Conference and Appeal Procedures

(See Appendix I-4-A)

4.9 Final Bill Collection

Final Bills for utility service are due and payable the day they are placed in the mail. Payment in full is allowed until 4:30 p.m. on the 21<sup>st</sup> day after the bill is mailed, after which time the bill is delinquent and late fees are applied.

A final delinquent notice, titled Department of Utilities Collection Notice, will be mailed after the delinquent date to customers with a balance remaining on the account.

If the bill remains delinquent eleven (11) calendar days after the final delinquent notice is mailed, the account is forwarded to a collection agency if no active account exists. If an active account exists, the balance due on the final bill will be transferred to the active account.

Any credit balance remaining after the final bill is paid will be transferred to an active account or refunded to the account holder if no active account exists.

4.10 Requests for Credit Information

Fremont Department of Utilities shall honor the request of an outside entity to obtain credit information of a current or former customer so long as a release of information form signed by the customer is executed.

## Residential Customer Utility Service Fee & Deposit

An Application for Utility Service for each separate address shall be maintained for all customers. All customers are required to pay a non-refundable service fee for each application. New residential customers must provide a security deposit. Minimum deposit and fee amounts are listed in the Master Fee Schedule. No interest will be paid on security deposits.

An account with more than one name (who are not married) will require a deposit from each person named on the account.

- New customers are defined as customers with less than twelve (12) months of continuous service which complied with the security deposit terms.
- Existing customers are defined as customers with past service in their name during the previous six (6) months and more than twelve (12) months of continuous service which complied with the security deposit terms.
- If a customer with a security deposit moves to a different address, the deposit will be transferred to the new service location.
- Customers with an account turned over to a collection agency are required 1) to make a cash security deposit equal to twice the highest bill at the address where service is requested or the minimum deposit amount, whichever is greater and 2) to pay the old account balance in full before service is rendered, so long as no bankruptcy is involved.
- Customers who have filed bankruptcy and named the Fremont Department of Utilities as a creditor, shall be subject to a deposit in the amount of twice the highest bill or the minimum deposit amount, whichever is greater, for both residential and commercial accounts. Per U.S. Bankruptcy law, attempts to collect the old bill shall not be made.

Residential security deposits are retained for twelve (12) months. The deposit will be applied to the customer's account after twelve (12) months of satisfactory payment history based upon the following criteria:

1. An account received no more than one (1) delinquent notice.
2. An account was not disconnected for non-payment.
3. An account was not turned over to a collection agency.
4. An account did not have returned payments.

Any credit remaining after application of the deposit toward the final bill will be refunded.

## Commercial Customer Utility Service Fee and Deposit

An Application for Utility Service for each separate address shall be maintained for all customers. All customers are required to pay a non-refundable service fee for each application. New commercial customers must provide a security deposit. They may alternately provide an Irrevocable Letter of Credit. Minimum deposit and fee amounts are listed in the Master Fee Schedule. No interest will be paid on security deposits.

- New customers are defined as customers with less than twelve (12) months of continuous service which complied with the security deposit terms.
- Existing customers are defined as customers with past service in their name during the previous six (6) months and more than twelve (12) months of continuous service which complied with the security deposit terms.
- If a customer with a security deposit moves to a different address, the deposit will be transferred to the new service location.
- Customers with an account turned over to a collection agency are required 1) to make a cash security deposit equal to twice the highest bill at the address where service is requested or the minimum deposit amount, whichever is greater and 2) to pay the old account balance in full before service is rendered, so long as no bankruptcy is involved.
- Customers who have filed bankruptcy and named the Fremont Department of Utilities as a creditor, shall be subject to a deposit in the amount of twice the highest bill or the minimum deposit amount, whichever is greater, for both residential and commercial accounts. Per U.S. Bankruptcy law, attempts to collect the old bill shall not be made.
- An irrevocable letter of credit guaranteeing payment from the customer's bank will be accepted instead of a cash deposit for commercial accounts. It must be written for one (1) year and renewable annually. No interest will be paid on an irrevocable letter of credit. Any customer disconnected for non-payment or with an account turned over to a collection agency may not provide an irrevocable letter of credit. If the customer has an irrevocable letter of credit on file when disconnected, a cash deposit must be collected. Upon receipt of the cash deposit, the irrevocable letter of credit will be cancelled.

Commercial security deposits shall be applied to the customer's account after forty-eight (48) months of satisfactory payment history based upon the following criteria:

1. An account received no more than one (1) delinquent notice.
2. An account was not disconnected for non-payment.
3. An account was not turned over to a collection agency.
4. An account did not have returned payments.

Irrigation service shall be classified as commercial and follow the policies for commercial accounts.

Any credit remaining after application of the deposit toward the final bill will be refunded.

## Budget Billing

The following Budget Billing plan is available to customers receiving any utility service. As a prerequisite for qualifying for the budget billing plan, the customer must have had service at their present address for a minimum of one year and received a minimum of twelve (12) utility statements by the month of April. The customer's account must be paid in full by the due date of the April bill.

The customer shall receive utility service under the budget billing plan under the following rules:

- Budget bills for utility service are due and payable the day they are placed in the mail. Failure to pay the monthly budget bill by 4:30 p.m. on the 21<sup>st</sup> day after the bill is mailed may be cause for termination of the budget billing plan with respect to the customer. The election to pay for service under the budget billing plan in no way modifies or revokes Fremont Department of Utilities' rules about penalties and disconnections for nonpayment of bills.
- The budget bill amount shall apply only to the premises then occupied by the customer and if such premises are vacated during the contract period covered by said budget billing period, the budget billing plan with respect to the customer at that address shall immediately terminate.
- If the budget billing plan is terminated, any amount payable by the customer on account of the metered service during the contract period covered by the plan shall be billed to the customer and is payable by the normal delinquent date associated therewith. If there is a credit balance on the account and the customer is continuing to receive utility service at the same address, the credit balance will remain on the account or be transferred to a new address and apply toward future utility bills.
- The budget billing accounts may be periodically reviewed by Fremont Department of Utilities and the monthly installment amount may be revised if it appears at the time of the review that the debit or credit balance at the end of the contract period will vary substantially from the estimate. With approval from the Customer Service Director, a customer with a large credit on their Budget Billing account may be allowed to skip a monthly payment in efforts to reach a zero balance during reconciliation.
- During the contract period each month's utility bill will show both the budget billing amount and the actual usage billing amount. If, at the end of the budget year there is a balance to be paid by the customer, this balance shall be paid during the 12<sup>th</sup> or settlement month (April). If the customer has overpaid during the first 11 months of the budget year, the amount of the overpayment (credit) shall be applied to their utility account and used to reduce their future budget payments.
- Until terminated by either Fremont Department of Utilities or the customer, either in writing or verbally, the plan will be renewed automatically, with the new monthly payment being calculated at that time for the next contract period.

### Customer Conference Procedure

A customer who has a dispute over a utility bill, or a portion of a utility bill, may file a request with the Fremont Department of Utilities prior to the disconnect date, stating the area of dispute and the relief requested. The Customer Service Director shall schedule a conference within fourteen (14) days of receipt of the customer's request for conference and notify the customer in writing by First Class Mail or in person of the time and place the conference will be held. No disconnect will be made until the conference is concluded.

If the employee designated to conduct the conference determines at the conference that the domestic customer did not receive proper notice or was denied any other right afforded under Nebraska Revised Statutes, Chapter 70, Sections 1605-1615, the employee shall recess and continue the conference at such time as the customer has been afforded his or her rights.

Failure by the customer to attend a scheduled conference shall relieve the utility from any further action prior to the disconnection of utility service.

If a customer shall contact the utility prior to the scheduled conference and demonstrate that failure to attend is for a legitimate reason, Fremont Department of Utilities shall make a reasonable effort to reschedule the conference.

The designated employee of the utility shall, based solely on the evidence presented at the conference, affirm, reverse, or modify the decision by the Fremont Department of Utilities that involves a disputed bill which results in a threatened termination of utility service.

### Customer Appeal Procedure

A customer may appeal the decision of the utility employee to a hearing by the General Manager of the Utilities or their assignee. If the domestic customer appeals the decision made at the conference, the Customer Service Director will schedule an appeal hearing date with the General Manager of the Utilities and notify the domestic customer of the time and place of the hearing by First Class Mail or in person.

At the hearing, a domestic customer may:

- a. Be represented by legal counsel or other representative or spokesperson.
- b. Examine and copy, not less than three business days prior to such hearing, the Utility's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the Utility in reaching the decision to propose termination or to take other action which is the subject of the hearing.
- c. Present witnesses and offer evidence.

- d. Confront and cross-examine such other witnesses as may appear and testify at the hearing.
- e. Make or have made a record of the proceedings at his or her own expense.

The Fremont Department of Utilities' General Manager shall be the final appeal tribunal within the Utility Department.