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§ 533.1 Exceptions

This Part does not apply to residential customers of any waterworks corporation that is covered by Part 14 of this Title.

§ 533.2 Notice of discontinuance--time

(a) No waterworks corporation shall discontinue the supply of water for nonpayment of bills rendered for service or failure to post a required deposit until either:

(1) at least 15 days after written notice has been served personally upon the proper person or persons as hereinafter defined;

(2) at least 18 days after mailing written notice in postpaid wrapper to the address of such proper person or persons; or

(3) at least 15 days after the proper person or persons has either signed for or refused a registered letter containing written notice, mailed to the address of such proper person or persons.

(b) As used in this Part:

(1) The term proper person means:

(i) either the owner of the premises where service is rendered, or in lieu thereof, the person, firm or corporation to whom or which the last preceding bill has been rendered and from whom or which the waterworks corporation has received payment therefor; and

(ii) the superintendent or other person in charge of the building or premises where service is rendered, if it can be readily ascertained that there is such superintendent or other person in charge.

(2) The term address of such proper person or persons as that term relates to the persons indicated in subparagraph (1)(i) of this subdivision means the address where service is rendered, except that if the proper person has specified to the company in writing an alternate address for billing purposes, such term shall refer to such alternate address.

§ 533.3 Notice of discontinuance--format

(a) Every notice indicating discontinuance of service shall:

(1) clearly indicate in nontechnical language:

(i) the reason for service discontinuance;

(ii) the total amount required to be paid by the customer to avoid discontinuance of service, indicating the amount for which the customer's account is in arrears or the required deposit, if any, which must be posted by the customer, or both;

(iii) a method whereby the customer may tender payment of the full sum due and owing, including any required deposit, to avoid the discontinuance of his service;

(iv) the availability of company procedures to consider customer complaints prior to discontinuance, including the address and phone number of the office of the waterworks company the customer may contact in reference to his account; and

(v) the earliest date on which discontinuance may be attempted; and

(2) have printed on the face thereof in a size type capable of attracting immediate attention the following:

"THIS IS A FINAL DISCONNECT NOTICE. TO AVOID INCONVENIENCE,  
BRING THIS NOTICE TO THE ATTENTION OF THE COMPANY  
WHEN PAYING THIS BILL."

(b) Where full compliance with subdivision (a) of this section is found by the commission to be infeasible or to impose an unreasonable burden upon the company, the commission may grant a waiver of the requirements of such subdivision upon approval by the commission of an alternate arrangement which accomplishes the basic purposes of this section.

#### § 533.4 No discontinuance without verification of delinquent account

(a) No waterworks corporation shall discontinue service for nonpayment of bills rendered or for failure to post a required deposit unless:

(1) it shall have verified that payment has not been received at any office of the company or at any office of an authorized collection agent through the end of the notice period required by this Part; and

(2) it shall have verified on the day disconnection occurs that payment has not been posted to the customer's account as of the opening of business on that day, or, shall have complied with procedures established pursuant to section 533.4(b) of this Part.

(b) In the case of a company which serves a geographical area of this State involving more than six counties, the commission may grant a waiver of the requirements of subdivision (a) of this section upon approval by the commission of an alternate procedure for verification of payments which accomplishes the basic purposes of that subdivision.

#### § 533.5 Rapid posting of payments in response to notices of discontinuance

Every waterworks corporation shall take reasonable steps to establish procedures to insure that any payments made in response to notices of discontinuance, when the customer brings the fact that such a notice has been issued to the attention of the company or its collection agents, shall either:

(a) be posted to the customer's account on the day payment is received; or

(b) be processed in some manner so that discontinuance will not occur.

#### § 533.6 No discontinuance on Saturday, Sunday, public holiday, or day on which the main business office of the company is not open for business

No waterworks corporation shall discontinue service to any person for nonpayment of bills or for failure to post a required deposit on a Saturday, Sunday, public holiday, or day on which the main business office of the company is not open for business. For purposes of this section, "public holiday" shall refer to those holidays enumerated in the General Construction Law.

#### § 533.7 No additional notice required when payment by check is subsequently dishonored

Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of the customer's account, and no waterworks corporation shall be required to issue additional notice prior to discontinuance.

#### § 533.8 Discontinuance of service to entire multiple dwellings

(a) No waterworks corporation shall discontinue service to an entire multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law) where the owner, person, firm or corporation to whom or which the last preceding bill has been rendered, or from whom or which the waterworks corporation has received payment therefor, has failed to pay such utility bills, until it has complied with the following procedure:

(1) The waterworks corporation must give 15 days' written notice of its intention to so discontinue by personally serving such notice on the owner of the premises affected or on the person, firm, or corporation to whom or which the last preceding bill was rendered, or from whom or which the utility has received payment therefor, and on the superintendent or other person in charge of the building, if it can be readily ascertained that there is such superintendent or other person in charge.

(2) The waterworks corporation must give 18 days' written notice to the owner, person, firm or corporation specified in paragraph (1) of this subdivision if such notice is mailed in a postpaid wrapper to the address of such person, firm or corporation.

(3) In addition to the notice prescribed by paragraphs (1) and (2) of this subdivision, 15 days' written notice shall be posted in the public areas of such multiple dwelling, and 18 days' notice shall be mailed to the "Occupant" of each unit in that multiple dwelling, to the local health officer and director of the social services district for the political subdivision in which the multiple dwelling is located; if the multiple dwelling is located in a city or village, to the mayor thereof, or if there be none, to the manager; or, if the multiple dwelling is located in a town, then to the town supervisor; and to the county executive of the county in which the multiple dwelling is located, or if there be none, then to the chairman of such county's legislative body. Notice to the mayors, managers, town supervisors, county executives, and chairmen of county legislatures may be mailed to the persons specified therein or to their designees. Notice to health officers, directors of social services, mayors, managers, supervisors, county executives and chairmen of county legislatures shall be repeated not more than four working days nor less than two working days prior to such discontinuance.

(4) Whenever a notice of intention to discontinue water service has been made pursuant to the provisions of this section and obligations owed the waterworks corporation have been satisfied, the waterworks corporation shall notify, in the same manner as it gave such notice of intention, the occupant of each unit that the intention to discontinue water service no longer exists.

(b) Notwithstanding the provisions contained in subdivision (a) of this section, no waterworks corporation shall discontinue services to a multiple dwelling, where the owner, person, firm or corporation responsible for making payment fails to pay utility bills, as long as occupants of such multiple dwellings continue to make timely payments for such service in accordance with procedures filed by the utility and approved by the Public Service Commission. All notices referred to in subdivision (a) of this section shall contain the intended date of discontinuance of service and a utility contact, including a telephone number, who will advise occupants of the amount due for water service and who will arrange meetings with occupants to attempt to work out a mechanism for avoiding discontinuance of service in the event that the owner continues to fail to make requisite payments or arrangements for such payments. The notice shall also refer to the provisions contained in *section 235-a of the New York Real Property Law* authorizing occupants to setoff, against their rent, payments to utilities in such circumstances.

(c) A waterworks corporation, following the procedure outlined in subdivision (b) of this section, may require occupants in a multiple dwelling to pay no more than the current water charges incurred by the owner, person, firm or corporation to whom or which the last preceding bill has been rendered or from whom or which the utility has received payment therefor. A current charge, for purposes of this section, means the amount properly billed the owner, etc., for water used during the most recent billing period covered by the first bill rendered on or after the date when the disconnect notice is issued. The current charges will not include any arrears for earlier billing periods that may appear on such a bill.

(d) If occupants in a multiple dwelling find they are unable to reach an agreement with the utility to avoid discontinuance of service, they may contact the commission's water division. After such a request is received, a representative of the water division will attempt to work out such an agreement and will, if necessary, arrange a meeting with occupant representatives, the utility, and the owner, person, firm or corporation responsible for making payment for water service; provided, however, that such a meeting will be required only if the water division receives a written petition signed by at least 25 percent of the occupants in a multiple dwelling.

(e) The water division may stay a threatened disconnection of service to an entire multiple dwelling where it concludes that good faith efforts are being made by the occupants to arrange for the payment of current water bills.

(f) Whenever an owner of a multiple dwelling, or the person, firm or corporation responsible for making payment for water service, fails to pay two consecutive bills for utility service by the time the third bill has been prepared, the utility must notify the commission within 15 days that it has invoked the procedures outlined in subdivisions (a) and (b) of this section. Unless otherwise authorized, the notification should be in the form of a semimonthly report filed with the water division. Such report should be cumulative, specify the total amount due for each overdue account, the period of arrearage, and indicate if a notice of discontinuance has been sent. If these reports demonstrate a need for changes in collection procedures, the division shall advise the commission.

(g) Sections 533.3 through 533.6 of this Part shall be applicable with respect to the discontinuance of service to entire multiple dwellings.

#### § 533.9 Billing disputes

(a) Every waterworks corporation shall establish procedures whereby any complaint filed with such corporation by any customer thereof in regard to any bill for service rendered or any deposit required will be promptly investigated in an appropriate and fair manner, with the result of such investigation being promptly reported to the complaining customer. Such procedures shall allow the acceptance and processing of complaints submitted in simple manner and form. Regardless of whether a notice of discontinuance has previously been sent, the utility's procedures shall provide that pending the utility's investigation it shall not discontinue service or issue a notice of discontinuance; provided, however, the consumer may be required to pay the undisputed portion of a disputed bill or deposit to prevent discontinuance or the issuance of a notice of discontinuance.

(b) If, after the completion of such an investigation, the utility determines that the disputed service has been rendered, or that the disputed charge or deposit is proper, in whole or in part, the utility may require the full bill or deposit or the appropriate portion thereof to be paid; in such event, appropriate notice of the determination shall be given to the customer, and where notice of discontinuance of service has previously been sent, or is served with the determination, such notice shall include a statement advising the customer of the availability of the commission's complaint handling procedures. The utility's procedures may provide for discontinuance of service if the customer fails to pay such required amount after receipt of proper notice, provided that a customer's service will not be discontinued until at least five days after notice of the utility's determination, where personal service is made upon the person supplied, or at least eight days after mailing of such a notice; and provided further that a customer's service shall not be discontinued, nor shall a notice of discontinuance be issued, if a complaint regarding a bill or deposit has been made to the commission and the customer pays the undisputed portion of any bill for service, including bills for current usage, during the commission's investigation of such complaint, unless the commission shall otherwise order.

(c) The utility's procedures shall provide that, where the complaint procedures of the commission have been invoked and it is determined that the disputed service has been rendered, or that the disputed charge or deposit is proper, in whole or in part, a customer's service will not be discontinued for failure to pay the amount found appropriate until at least 15 days after notice of the commission's determination.

(d) The procedures required to be established under this section shall be filed with the commission for review. The commission shall be advised of any substantial changes in such procedures 30 days prior to their proposed implementation to permit commission review.

#### § 533.10 Publicizing complaint procedures

(a) Every waterworks corporation shall, by a notice accompanying a regular bill or otherwise, advise each of its customers annually, unless otherwise directed by the commission, of the procedures available to the customer to register complaints in regard to service or disputed bills. Such notice shall clearly state the means by which a complaint can be made to the company and shall also advise the customer that, if after contacting the company the customer remains dissatisfied, he may contact the New York State Public Service Commission. Such notice shall further state that the Public Service Commission has a staff available to give assistance in such matters, and shall also specify an appropriate address of the Public Service Commission.

(b) Prior to circulating the notice required by subdivision (a) of this section, each utility shall submit to the commission for its approval the form of such notice and the intended program for its distribution.