

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES
RULES AND REGULATIONS**



CITY OF SANTA CLARA

TABLE OF CONTENTS

1. GENERAL STATEMENT AND DEFINITIONS	1
1.A GENERAL STATEMENT	1
1.B DEFINITIONS	1
2. NOTICES.....	7
2.A NOTICES TO THE CUSTOMER.....	7
2.B NOTICES TO THE CITY.....	7
3. APPLICATION FOR UTILITY SERVICE	8
3.A UTILITY SERVICES APPLICATION	8
3.B LIABILITY FOR JOINT SERVICE.....	9
3.C CUSTOMER LIABLE FOR MASTER METER SERVICE	9
3.D UTILITY SERVICES WHERE SERVICE CONNECTION IS NOT INSTALLED	9
3.E USE OF UTILITY SERVICES.....	9
3.F START-UP OF SERVICE.....	10
3.G CHANGE OF NAME AND/OR OWNERSHIP STATUS.....	10
4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT	11
4.A ESTABLISHMENT OF CREDIT	11
4.B WHEN CREDIT MUST BE RE-ESTABLISHED	12
4.C FAILURE TO ESTABLISH OR RE-ESTABLISH CREDIT.....	13
4.D WAIVER OF ESTABLISHMENT OR RE-ESTABLISHMENT OF CREDIT.....	14
4.E USE OF DEPOSIT	14
4.F RETURN, RELINQUISHMENT OR INCREASE OF DEPOSIT	14
4.G REFUNDS.....	15
5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY SERVICES	16
5.A ADMINISTRATIVE PENALTY	16
5.B DENIAL OF SERVICE	16
5.C DISCONTINUANCE OF SERVICE.....	17
5.D RESTORATION	20
6. RENDERING AND PAYMENT OF BILLS	22
6.A RENDERING OF BILLS	22
6.B PAYMENT OF BILLS	22
6.C CUSTOMER-GENERATOR.....	22
6.D ORDER OF APPLICATION OF PAYMENT	23
6.E LATE PAYMENTS.....	24
6.F NONPAYMENT OF BILLS.....	25
6.G DISPUTED BILLS	25
6.H BILLING ERRORS	26
6.I REQUEST BY A CUSTOMER FOR A METER TO BE RE-READ	27
6.J UNPAID CHECK.....	27
6.K UNPAID DIRECT PAYMENT SERVICE	27
6.L CLOSED ACCOUNT COLLECTION ACTIVITY – WRITE OFF.....	28
6.M MISCELLANEOUS COLLECTION ACTIVITY – WRITE OFF	28
7. ACCESS, INTERFERENCE, RESPONSIBILITY FOR EQUIPMENT TAMPERING AND THEFT OF UTILITY SERVICES	29
7.A RIGHT OF ACCESS	29
7.B INTERFERENCE	29
7.C RESPONSIBILITY FOR EQUIPMENT	29
7.D TAMPERING; THEFT OF UTILITY SERVICES	29
7.E METER READING BY APPOINTMENT	30
8. REQUEST FOR RECONSIDERATION OF THE APPLICATION, REQUIREMENTS, OR INTERPRETATION OF THE UTILITY SERVICES RULES AND REGULATIONS.....	31
9. TEMPORARY SERVICE	33
9.A TIME LIMIT	33
9.B INSTALLATION CHARGES AND DEPOSITS	33

9.C REFUNDS..... 33

MUNICIPAL SERVICES DIVISION

UTILITY SERVICES

RULES AND REGULATIONS



CITY OF SANTA CLARA

1. GENERAL STATEMENT AND DEFINITIONS

1.A GENERAL STATEMENT

This document shall be referred to as the City of Santa Clara Municipal Services Division, Utility Services Rules and Regulations (“Utility Services Rules and Regulations”). These Utility Services Rules and Regulations, concurrently with all other City of Santa Clara resolutions and ordinances, are applicable to any Customer and govern the establishment of credit, rendering and payment of Bills and discontinuance of any City service including, but not limited to, electric, water, sewer and refuse service (“Utility Services”), provided by the City of Santa Clara within its corporate limits and to areas outside City limits, as the City may designate. The Municipal Services Division of the Department of Finance, and other City departments as circumstances may require, jointly and singly retain the authority to enforce these Utility Services Rules and Regulations.

1.B DEFINITIONS

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in these Utility Services Rules and Regulations Section 1.B shall govern the construction, meaning, and application of words and terms used in these Utility Services Rules and Regulations. The singular of a word or term shall include the plural and the plural shall include the singular. In any reference to gender, the masculine gender shall include the feminine and neuter. Such words or terms as defined in these Utility Services Rules and Regulations Section 1.B shall be initially capitalized when used in context of these Rules and Regulations.

Administrative Penalty: A penalty assessed by an Enforcement Officer for violation of the City Code or any rules and regulations of an Applicable Department, as permitted by Chapter 1.10 [entitled “Administrative Penalties-Citation”] of the City Code.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 1**

1. GENERAL STATEMENT AND DEFINITIONS (Continued)

Applicable Department: That City Department which is responsible for providing the particular service to the Customer including, but not limited to, the Electric Department, Water Department, Sewer Department, Street Department, and Finance Department.

Applicable Fees: A charge assessed by the City for the late payment or non-payment of amounts due or any other fees included in the City of Santa Clara Municipal Fee Schedule. Applicable Fees currently include (but are subject to change by the City Council or by other applicable laws) the following:

- **Late Charge:** On Bills of twenty-five dollars (\$25.00) or more, a Late Charge as set forth in Utility Services Rules and Regulations Section 6.E. This Late Charge shall be assessed against each amount owed by a Customer on the day that amount becomes overdue, which is the day following the Past Due Date.
- **48-Hour Notice Charge:** A charge against a Customer when a 48-Hour Notice is issued, as set forth in the City of Santa Clara Municipal Fee Schedule.
- **Other Fees and Charges:** Other fees and charges against a Customer as provided for in the City of Santa Clara Municipal Fee Schedule.

Applicant: A Person, group of persons, business or agency requesting the City of Santa Clara to furnish one or more Utility Services.

Application: An oral or written request to the Municipal Services Division for a Utility Service as distinguished from an inquiry as to the availability of charges for such Utility Service.

Bill: A written statement of how much money has to be paid for services provided or fees assessed. This includes, but is not limited to, any charge for a service, whether in written or electronic form.

Billing Period: The period of time for which the charges for a Utility Service are computed. For electric or water service, meters may not be read on the same day each month due to weekends, holidays, scheduling and/or inclement weather. The Billing Period is as follows:

- **Monthly:** The standard time for billing and is approximately one calendar month or thirty (30) days.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 1**

1. GENERAL STATEMENT AND DEFINITIONS (Continued)

- **Semi-Monthly:** Approximately every fourteen (14) days, but determined at the discretion of the Director of Finance.
- **Weekly:** Approximately every seven (7) days, but determined at the discretion of the Director of Finance.

City: The City of Santa Clara, California, acting through its elected officials or its duly authorized officers, employees, agents and/or fictitious business names.

City Code: The Code of the City of Santa Clara, California.

City Employee: Any authorized City employee, agent or representative.

City Equipment: Any property, facility, apparatus, or material associated with providing one or more Utility Services including, but not limited to the following: the City's electric distributions system, water distribution system, pipes, ducts, conduits, valves, meters, backflow prevention devices, transformers, protective devices, wiring, switches, meters and other appurtenances required to provide a Utility Service to Customer's Premises.

City Systems: (1) The water supply and distribution system and all appurtenances thereto owned and operated by the City, including all service connections to the City's water mains, (2) all sanitary sewer collection systems located within the City's property and easements and (3) all overhead and/or underground equipment used to supply electricity to the Utility Connection Point.

Corrected Bill: A Bill issued to a Customer when errors in a previously rendered Bill are discovered or reported.

Credit Rating: Credit Rating is the method by which the City determines whether it will require a Customer to re-establish credit by providing a deposit, or other satisfactory credit or payment assurance. The criteria for Credit Rating are available upon request from the Municipal Services Division.

Customer: The Person, firm, association, governmental agency, corporation or other legal entity who use, are entitled to use, or benefit from the use of Utility Services.

Customer-Generator: A Customer who has entered into an agreement with the City to operate a generating facility on its Premises and is interconnected and operating in parallel with SVP's grid.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 1**

1. GENERAL STATEMENT AND DEFINITIONS (Continued)

Discontinue or Discontinued: To stop the delivery of a Utility Service to a Customer or physically limit or disconnect the Service Connection in such a way that only the City of Santa Clara can make full Restoration.

Due Date: The date on which the Customer receives the Bill is the Due Date. Unless the Customer can prove otherwise, Bills are presumed received three (3) days after the date on the Bill if sent by U.S. Mail, and one (1) day after the date on the Bill if sent by electronic mail.

Electric Service: Service including, but not limited to, the provision of electricity and other related services by Silicon Valley Power for which fees or rates are charged.

Enforcement Officer: Any City employee or agent of the City with the authority to enforce any provision of the City Code or as otherwise defined by Chapter 1.10, entitled “Administrative Penalties-Citations,” of the City Code.

Director of Finance: Is the Director of Finance or his/her designee.

48-Hour Notice of Service Discontinuance: A notice issued to the Customer indicating that one or more Utility Services will be Discontinued, if the Past Due Amount plus all Applicable Fees and any current charges due is not received in hand by the Municipal Services Division before the Shut-Off date specified on the 48-Hour Notice of Service Discontinuance.

Municipal Services Division: The Municipal Services Division of the Finance Department that is responsible for the billing and collection of fees and charges for Utility Services.

Past Due Amount: That amount of charges for Utility Services for a Billing Period not paid by the Past Due Date.

Past Due Date: That date which is set forth on the Bill is the Past Due Date. Late Charges begin to accrue the day following the Past Due Date. For most Customers, the Past Due Date is twenty-one (21) days from the date on the Bill. The Director of Finance has authority to shorten both the Billing Period and the time within which a non-creditworthy Customer may pay its Bill to as little as seven (7) calendar days, such that the Bill is rendered every seven (7) days and the Past Due Date is seven (7) days from the date on the Bill, following consultation with the Customer as set forth in Section 4.B.5.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 1**

1. GENERAL STATEMENT AND DEFINITIONS (Continued)

Person: Any individual, partnership, corporation, trust, public agency, or other organization operating as a single entity.

Premises: Any building, lot, parcel, real estate, land, or portion of land, whether improved or unimproved, occupied or unoccupied, including adjacent streets, sidewalks, pathways, parking strips, all structures, electrical equipment or portions thereof occupied or operated by a Customer or tenants of Customer and situated on an integral parcel of land undivided by a public highway, street or railway to which one or more Utility Services is or could be provided.

Refuse Service: Service including, but not limited to, the collection and disposition of refuse, recyclables, yard green waste and household hazardous waste.

Restoration: The reconnection of a full Service Connection or other resumption of Utility Service that has been Discontinued.

Service Connection: The connection of City of Santa Clara water, sewer or electric equipment to Customer equipment for the purpose of providing Utility Services. This includes, but is not limited to, all or any portion of the water pipe and appurtenances, including the meter, between the City distribution line and an individual Customer's system.

Sewer Service: Service including, but not limited to, the conveyance, collection, treatment and disposal of water-carried wastes from residences, business buildings, institutions, and industrial establishments. Sewer Service does not include the following types of discharge, which require a permit from the City: ground, surface or storm waters, subsurface drainage or industrial waste.

Shut-Off Notice Bill: A Bill issued to a Customer indicating that the Customer has an outstanding balance for the immediately preceding Billing Period. The Shut-Off Notice Bill is typically the next Bill sent to a Customer, following the Bill that is Past Due. A Shut-Off Notice Bill advises the Customer of the following items:

- The Past Due Amount plus all Applicable Fees;
- Any current charges due;
- The date on which one or more Utility Services will be discontinued if payment is not received;
- The Municipal Services Division telephone number;
- The procedure by which the Customer may dispute the Bill.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 1**

1. GENERAL STATEMENT AND DEFINITIONS (Continued)

If payment is not received a 48-Hour Notice of Service Discontinuance will be issued.

Silicon Valley Power or SVP: The fictitious business name through which the City of Santa Clara operates its Electric Department.

Solar: Service including, but not limited to, the provision of solar energy equipment by the City for the heating of water, under a lease or rental agreement between the user of the equipment and the City.

Temporary Utility Service: The provision of Utility Service for an enterprise or activity that is temporary in character, where it is known in advance that service will be of limited duration, or the permanency of which has not been established.

Utility Connection Point: The point of delivery of water, sewer or electricity to a Customer's Premises as determined by the City of Santa Clara.

Utility Service: A utility or other service provided by the City of Santa Clara, directly or through a contractor including, but not limited to, electric, water, sewer, solar, storm drain, fiber optic, recycling or refuse.

Water Service: Service including, but not limited to, the provision of water, either potable or recycled, to Premises through a Service Connection.

2. NOTICES

2.A NOTICES TO THE CUSTOMER

- 2.A.1 Notice, the City may give to a Customer, shall be given in writing, and either delivered in person or properly enclosed in a sealed envelope and deposited in the United States Mail, postage prepaid, addressed to the Customer's last known address.
- 2.A.2 For persons over the age of sixty-five (65) years or a dependent adult, a request may be made in writing to the Municipal Services Division of the Finance Department that notices also be given to a third party on behalf of the Customer.
- 2.A.3 If a Customer provides the City with a facsimile number or an electronic mail ("e-mail") address, the City may provide notices to that Customer by facsimile or e-mail.

2.B NOTICES TO THE CITY

Notice from a Customer to the City may be given by one or more of the following methods:

- 2.B.1 In person or by an authorized agent, at the Municipal Services Division of the Finance Department, City of Santa Clara;
- 2.B.2 By written notice properly enclosed in a sealed envelope, postage prepaid, and deposited in the United States Mail addressed to:
- City of Santa Clara
Municipal Services Division
1500 Warburton Ave.
Santa Clara, CA 95050;
- 2.B.3 By facsimile to the current facsimile number provided by the Municipal Services Division to Customer; or
- 2.B.4 By electronic mail to the current e-mail address provided by the Municipal Services Division to Customer.

3. APPLICATION FOR UTILITY SERVICE

3.A UTILITY SERVICES APPLICATION

- 3.A.1 An Application is required to be filed with the Municipal Services Division for each Premises on which one or more Utility Services are to be provided. By applying for Utility Services, Applicants indicate their willingness and intention to comply with all applicable City rules and regulations, and to make payment for such Utility Services when due and in accordance with applicable rate schedules or special agreements. Application for Utility Services does not itself bind the City to serve any Applicant except under reasonable conditions as determined by the City, nor does it bind the Applicant to accept Utility Services for a longer period than the minimum requirements as set forth in the appropriate rate schedule(s).
- 3.A.2 Applications for Utility Services are accepted in person, by mail, by telephone, by facsimile or by any other methods of communication accepted by the City of Santa Clara.
- 3.A.3 The following information may be required by the Municipal Services Division when an Applicant applies for Utility Service:
- 3.A.3.(a) Name of Applicant, including any fictitious business name, d.b.a., or names of Person requesting Utility Services if different than Applicant;
 - 3.A.3.(b) Address where Utility Services will be delivered, if different than mailing address, and previous Santa Clara address, if any;
 - 3.A.3.(c) Status of Applicant as Customer, agent or tenant of the Premises at the Utility Services address;
 - 3.A.3.(d) Effective date for commencement or discontinuance of Utility Services;
 - 3.A.3.(e) Description of the type of business or residence, and service requirements installed or contemplated;
 - 3.A.3.(f) Home and business telephone numbers;

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 3**

3. APPLICATION FOR UTILITY SERVICE (Continued)

- 3.A.3.(g) For residential service, Applicant's place of employment, social security number, drivers license number, a description of any dogs, or other pets, located at the Premises (including number of pets, names, breeds, sizes and demeanor), and any other impediments to access (e.g., locked gates, special routes, etc.) ;
- 3.A.3.(h) For business Applicants, a federal and/or state tax ID number, and legal owners' and/or officers' names, addresses and home telephone numbers, and any information related to physical access and/or personal security for City of Santa Clara Applicable Department personnel; and/or
- 3.A.3.(i) Such other information as Municipal Services Division may reasonably require to provide the appropriate Utility Services, rate schedule(s), billing, and overall Customer service.

3.B LIABILITY FOR JOINT SERVICE

In any case where two or more parties join in one Application, such parties shall be jointly and severally liable thereunder, and only one Bill shall be rendered for Utility Services furnished in accordance therewith.

3.C CUSTOMER LIABLE FOR MASTER METER SERVICE

Where business establishments or residential units on the same Premises or on adjoining Premises, under single control or management, are served through an electric Master Meter Service and/or a single metered water service connection, the Customer is liable for all Utility Services delivered by the City to the Premises.

3.D UTILITY SERVICES WHERE SERVICE CONNECTION IS NOT INSTALLED

If Application is made for Utility Services to a Premises where no Service Connection is installed, the Applicant, in addition to making an Application for Utility Services, shall comply with the applicable provisions of the City Code and rules and regulations of the Applicable Department governing the installation of Service Connections.

3.E USE OF UTILITY SERVICES

3. APPLICATION FOR UTILITY SERVICE (Continued)

A Customer shall not resell or otherwise use Utility Services from the City for any purpose other than those specified in the Application or as otherwise provided for in these Utility Services Rules and Regulations.

3.F START-UP OF SERVICE

Whenever service connections are provided to a new Customer, main circuit breakers/house valves must be turned off before meters are activated. For safety reasons, responsibility for turning on main circuit breakers/house valves lies with the Customer or occupant. Whenever a meter is activated the Customer will be notified in person or in writing. If necessary, assistance in locating main circuit breakers/house valves will be provided by an authorized City Employee.

3.G CHANGE OF NAME AND/OR OWNERSHIP STATUS

As a condition for continuing receipt of Utility Services by a Customer, in the event that a Customer undergoes a name change and/or a change in ownership or legal status, that Customer shall notify the Municipal Services Division within five (5) business days of such change and inform the Municipal Services Division of such ownership status change(s) so that the proper billing records and deposits can be maintained. Failure to do so shall subject such Customer to a fee not to exceed one thousand dollars (\$1,000), to be assessed at the sole discretion of the Director of Finance.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 4**

4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT

Every Applicant shall be required to establish credit in accordance with these Utility Services Rules and Regulations before one or more Utility Services will be provided.

4.A ESTABLISHMENT OF CREDIT

In general, all Applicants are required to establish credit upon commencing a Utility Service with the City of Santa Clara. Notwithstanding the above, Applicants who request service for a location which serves as their primary residence are not required to establish credit prior to commencement of their utility services. Credit will be deemed to have been established if the Applicant:

- 4.A.1 Makes a cash deposit in the amount set forth in the applicable resolution of the Santa Clara City Council, which amount shall be three (3) times the estimated average monthly Bill unless Customer meets and fully complies with one of the other criteria set forth in this Section 4.A, such compliance to be determined in the sole discretion of the Director of Finance. Deposit shall be held in an interest bearing account and for the time period set forth in Section 4.F; or
- 4.A.2 Agrees to pay one month in advance for its usage of one or more of its Utility Services as required by the Director of Finance. Typically, such a prepayment will require an initial up-front payment equivalent to two (2) times the monthly load survey estimate; or
- 4.A.3 Furnishes a satisfactory letter of credit, passbook account, security interest in a bank account, or other security acceptable to the Director of Finance; or
- 4.A.4 Has previously been a Utility Service Customer of the City of Santa Clara, other than residential, within eighteen months from the date of the new Application for Utility Service with the City and maintained a good Credit Rating during the last eighteen (18) consecutive months of prior Utility Service with the City; or
- 4.A.5 If the immediately preceding service is or has been provided to the Customer by another utility, electric service provider (“ESP”), or other than by or through the City, the Customer must provide the Municipal Services Division with (1) proof of good payment history for the immediately preceding eighteen (18) months in the form of a letter from its prior provider and (2) financial documentation sufficient to demonstrate the Customer’s solvency to the satisfaction of the Director of Finance.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 4**

4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT (Continued)

4.B WHEN CREDIT MUST BE RE-ESTABLISHED

Re-establishment of credit may be required of any Applicant (including, but not limited to, a residential Applicant or a Customer described in Section 4.A.4) when:

- 4.B.1 A Customer is issued a Shut-Off Notice Bill and a 48-Hour Notice of Service Discontinuance within the last eighteen (18) months. The Utility Services Rules and Regulations apply regardless of whether or not the Utility Service has been discontinued for such non-payment;
- 4.B.2 A Customer is issued four (4) Shut-Off Notice Bills within an eighteen (18) month period;
- 4.B.3 A Customer has defaulted on a payment arrangement agreement with the Municipal Services Division;
- 4.B.4 A Customer's account has been disconnected for non-payment; or
- 4.B.5 A Customer receives or has previously received Utility Service from the City or had any previous financial transactions with the City and has had one or more of the following situations occur on their account during the last sixty (60) months:
 - 4.B.4.(a) A Utility Service account balance write-off,
 - 4.B.4.(b) Bankruptcy, or
 - 4.B.4.(c) Meter tampering;
- 4.B.5 The City of Santa Clara receives information, which in the City's opinion indicates that the City is at risk of the Customer not paying for all or part of the Utility Services delivered to the Customer, the Director of Finance, shall arrange for a prompt meeting with a representative of the Customer authorized to speak on the Customer's behalf. The Director of Finance shall have authority to demand and require adequate assurance from the Customer demonstrating that the Customer will pay for Utility Services delivered to the Customer. The parties will meet, and shall mutually agree upon adequate assurance that may include one or more of the following:

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 4**

4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT (Continued)

- 4.B.5.(a) Customer financial documents demonstrating to the satisfaction of the Director of Finance that the Customer is not at risk and can and will pay for all of its Utility Services;
 - 4.B.5.(b) A parental guarantee or letter of credit from a company whose financial strength is satisfactory to the Director of Finance or the City Attorney's Office;
 - 4.B.5.(c) A deposit of money by the Customer with the City;
 - 4.B.5.(d) A shorter Past Due Date, such that payment is due to the City in less than the standard twenty-one (21) days;
 - 4.B.5.(e) A shorter time within which Utility Services may be terminated if the Customer fails to make payment by agreed Past Due Date;
 - 4.B.5.(f) Pre-payment of account with periodic reconciliation; or
 - 4.B.5.(g) Any other solution upon which the parties can mutually agree and which satisfies the Director of Finance that the City is adequately protected from the threat of non-payment by the Customer.
- 4.B.6 If a Customer that is considered "at risk" under Section 4.B.5 above, fails or refuses to meet with the Director of Finance or if, upon meeting, the Customer fails to agree upon adequate assurance, then the Director of Finance has authority to implement Sections 4.B.5.(d) and/or 4.B.5.(e) unilaterally. Said meeting and agreement shall be reached within thirty (30) days of the Director of Finance's initial request for a meeting with the Customer, otherwise Sections 4.B.5.(d) and/or 4.B.5.(e) shall be automatically implemented until such an agreement is reached.

4.C FAILURE TO ESTABLISH OR RE-ESTABLISH CREDIT

If the City provides or continues one or more Utility Services before credit is established or re-established and the Customer fails to establish or re-establish credit upon notice of not less than fifteen (15) days, the City may Discontinue one or more Utility Services, as is applicable.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 4**

4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT (Continued)

4.D WAIVER OF ESTABLISHMENT OR RE-ESTABLISHMENT OF CREDIT

If extenuating circumstances exist, the Customer may make application to the Director of Finance for consideration of alternative means of meeting these requirements as stated in the Utility Services Rules and Regulations Section 4.A and Section 4.B. The Director of Finance may consult with the Director of any Applicable Department rendering Utility Service to that Customer, prior to waiving any credit requirements for that Customer.

4.E USE OF DEPOSIT

A deposit held by Municipal Services Division shall not be applied to any outstanding balance, including Past Due Amounts, nor used to circumvent the discontinuance of one or more Utility Services resulting from non-payment. Deposits can be applied to outstanding balances only as stated in Utility Services Rules and Regulations Section 4.F.3.

4.F RETURN, RELINQUISHMENT OR INCREASE OF DEPOSIT

4.F.1 Director of Finance may, at his/her discretion, return the deposit where the Customer meets the following conditions:

4.F.1.(a) If the account has maintained a good Credit Rating for the immediately preceding thirty-six (36) consecutive Billing Periods; and

4.F.1.(b) Customer provides the Director of Finance with financial documentation, which in the opinion of the Director of Finance, adequately demonstrates the solvency of Customer to pay all Utility Service Bills in the future.

4.F.2 If the estimated average monthly Bill for any one or more Utility Service increases significantly and for a prolonged period of time, the Director of Finance, may at his/her discretion, require that the deposit be increased to accurately reflect average usage.

4.F.3 If the account is closed, the deposit will be applied against any outstanding charges due for the applicable Utility Services. Any remaining deposit balance and/or credits shall be returned to the Customer of record.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 4**

4. ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT (Continued)

4.G REFUNDS

- 4.G.1 Upon closing an account for Utility Services, a refund of a deposit, plus simple interest less Applicable Fees or charges, will be applied to the Customer's closing Bill. Any funds on deposit that remain following complete payment of the closing Bill shall be remitted to the Customer.
- 4.G.2 When a Customer ceases operating at his/her Premises and has made an Application with the City for Utility Services at a new Premises, Municipal Services Division and/or Applicable Department may in its sole discretion transfer any residual deposit balance to the Customer's new account in lieu of remitting a payment to the Customer which would otherwise be due the Customer pursuant to Utility Services Rules and Regulations Section 4.G.1.

5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY SERVICES

5.A ADMINISTRATIVE PENALTY

- 5.A.1 The Municipal Services Division has the authority, and the Enforcement Officer shall have the discretion, to impose an Administrative Penalty as permitted by Chapter 1.10, entitled “Administrative Penalties—Citation,” of the City Code for any violation of these Utility Services Rules and Regulations or for any violation of the rules and regulations of the Applicable Department.
- 5.A.2 Each day a Customer fails to remedy a condition constitutes a separate violation of the Applicable Department’s rules and regulations.
- 5.A.3 Violations include, but are not limited to, the conditions set forth below in Section 5.B.

5.B DENIAL OF SERVICE

- 5.B.1 The Municipal Services Division may deny an Application for Utility Service or an Application for Temporary Utility Service for any of the following reasons:
 - 5.B.1.(a) Failure of the Applicant to establish credit pursuant to Utility Services Rules and Regulations Section 4, or failure of an Applicant for Temporary Utility Service to provide security for payment of Bills in accordance with Utility Services Rules and Regulations Section 8.B; or
 - 5.B.1.(b) If the Municipal Services Division or Applicable Department determines that an unsafe or hazardous condition exists at the Premises, pursuant to Utility Services Rules and Regulations Section 5.C.2.(c); or
 - 5.B.1.(c) If the Municipal Services Division or Applicable Department determines that the connection to any new or existing equipment may interfere with the quality of Utility Service to its Customers; or
 - 5.B.1.(d) If the Municipal Services Division or Applicable Department determines that the use or condition of equipment or the Premises is unsafe, in violation of applicable laws, ordinances, rules or regulations of public authorities, or poses a risk to City Equipment.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 5**

**5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY
SERVICES (continued)**

5.B.2 Upon denial of an Application, Utility Services shall inform the Applicant in writing of the reason for the denial, and his/her right to appeal the denial pursuant to Utility Services Rules and Regulations Section 8.

5.C DISCONTINUANCE OF SERVICE

5.C.1 Only authorized City Employees are allowed to Disconnect the Service Connection from City Systems. A Customer desiring termination of one or more Utility Services must give Municipal Services Division not less than two (2) working days notice and state the date on which the termination is to become effective. The Customer will be responsible for all charges associated with all Utility Services furnished at the Premises until such time as that Utility Service has been Discontinued.

5.C.2 The Municipal Services Division or Applicable Department may Discontinue Electric Service or Water Service for any one or more of the following reasons:

5.C.2.(a) Noncompliance with any of these Utility Services Rules and Regulations, or any schedule or ordinance of the City, now in effect or hereafter enacted if, after notice of at least fifteen (15) days, the Customer has not cured such noncompliance;

5.C.2.(b) For nonpayment of any undisputed Bill, following issuance by the City to the Customer of a Shut-Off Notice Bill and a 48-Hour Notice of Service Discontinuance. Relief from discontinuance of Electric Service for any Customer still owing more than \$50,000 following receipt of a 48-Hour Notice of Service Discontinuance must be obtained from the Director of Finance;

5.C.2.(c) An unsafe or hazardous condition exists on the Premises;

5.C.2.(d) Failure of the Customer to establish or re-establish credit pursuant to Utility Services Rules and Regulations Section 4;

5.C.2.(e) Customer fails to pay the undisputed amount of the Bill disputed pursuant to Utility Services Rules and Regulations

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 5**

**5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY
SERVICES (continued)**

Section 6.G, or if the Customer's claim filed pursuant to Section 6.G is denied and the Customer fails to pay the Past Due Amount plus Late Charges;

- 5.C.2.(f) If a Customer fails to comply with an amortization/ payment arrangement agreement. However, the Municipal Services Division shall not terminate service without giving notice of the conditions the Customer is required to meet to avoid termination at least 48 hours prior to termination. Such notice shall not entitle the Customer to further investigation by the Municipal Services Division and/or Applicable Department. A Customer shall not have Utility Services discontinued for nonpayment if they are complying with an amortization/ payment arrangement agreement entered into with the Municipal Services Division, provided the Customer also keeps current their account for utility services as charges accrue in each subsequent billing period.
- 5.C.2.(g) Electric Service or Water Service is tampered with or stolen, as outlined in the rules and regulations for the Applicable Department and the Utility Services Rules and Regulations;
- 5.C.2.(h) Expiration of the three-year time limit for Temporary Electric Service as described in the Utility Services Rules and Regulations Section 9.A;
- 5.C.2.(i) In the case of Master Meter Service to multiple tenants/units, the electricity or water is resold in a manner other than as provided for in the rules and regulations for the Applicable Department;
- 5.C.2.(j) Access to the Premises is insufficient to permit meter reading and inspection of City Equipment or any access to Customer-owned electric generators connected for parallel generation with the Silicon Valley Power distribution system, and/or is not immediate and unhindered, as required by the rules and regulations of the Applicable Department;
- 5.C.2.(k) When it is necessary for the City or one of its Departments to construct, install, maintain, repair, replace or inspect City Equipment, and for emergencies, forced outages, and for

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 5**

**5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY
SERVICES (continued)**

any reason related to operating conditions, as outlined in the rules and regulations of the Applicable Department, the City or the Applicable Department may temporarily Discontinue one or more Utility Services. As circumstances permit, notice will be given to a Customer affected thereby, and the repairs or improvements will be completed as promptly as possible during normal City working hours, and where possible, with the least inconvenience to the Customer; or

5.C.2.(l) The Customer fails to select and install appropriate protective devices or to properly coordinate said equipment with City protective devices in violation of the rules and regulations of the Applicable Department; or

5.C.2.(m) The Municipal Services Division or the Applicable Department determines that connection to any new or existing equipment may interfere with the quality of one or more Utility Services to its Customers; or

5.C.2.(n) In the sole judgment of the Municipal Service Division or the Applicable Department, the use or condition of equipment or Premises is unsafe, in violation of applicable laws, ordinances, rules or regulations of public authorities, or poses a risk to City Equipment; or

5.C.2.(o) A Customer or Customer-Generator interconnects or attempts to interconnect an electrical generating facility located on its Premises with Silicon Valley Power's grid, without an Interconnection Agreement in effect or without the permission of Silicon Valley Power.

5.C.3 The Municipal Services Division or Applicable Department shall not Discontinue Electric Service or Water Service if the Customer meets the following conditions:

5.C.3.(a) On the certification of a licensed physician or surgeon that to Discontinue electric services would be life-threatening to the Customer and the Customer is financially unable to pay for service within the normal payment period; and

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 5**

**5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY
SERVICES (continued)**

- 5.C.3.(b) The Customer described in Section 5.C.3.(a) above agrees to a payment schedule amortizing the unpaid balance of the Bill over a period not to exceed twelve (12) months;
- 5.C.3.(c) If the Customer fails to make payments pursuant to the agreed upon payment schedule established under Section 5.C.3.(b) then Customer shall be required to re-apply for a special payment schedule and shall be required to again obtain the certification set forth in Section 5.C.3.(a) above; and
- 5.C.3.(d) The agreement to amortize the unpaid balance or to any special payment schedule or discount is personal to the Customer that has provided the certification described in Section 5.C.3.(a) and is not transferable to any other Person or entity occupying the same Premises. Upon relocation, recuperation or death of the Customer exhibiting the life-threatening circumstance, the Person occupying the Premises shall so advise the City and all unpaid balances shall become due and payable and all special payment plans shall cease. Any Person not entitled to the benefits of said agreement shall be liable for the cost of Utility Services at the City's standard rates from the Due Date plus any Applicable Fees.

5.D RESTORATION

Only authorized City Employees are allowed to restore the Service Connection to a City System.

5.D.1 When Utility Service has been Discontinued for noncompliance under any of these Utility Services Rules and Regulations, Utility Service will be restored only upon payment, in cash or certified funds, of all amounts then due and payable, including required deposits, Utility Service charges, and other related charges as permitted in the schedule of fees established and adopted by resolution of the City Council.

5.D.2 In the event Utility Services are Discontinued for reasons other than for City required repairs and non-payment of any Bills or deposits, Utility Service will not be restored until such time as the conditions on the

**5. DENIAL, DISCONTINUANCE AND RESTORATION OF UTILITY
SERVICES (continued)**

Premises have been corrected by the Customer, at Customer's sole cost, and to the satisfaction of the City, the Municipal Services Division and/or the Applicable Department.

6. RENDERING AND PAYMENT OF BILLS

6.A RENDERING OF BILLS

Bills for Utility Services will be rendered at regular intervals as defined in the Billing Period. Opening and closing Bills will be based on meter registration except as otherwise provided in the Utility Services Rules and Regulations or associated rate schedules.

In the case of financial difficulty, insolvency or bankruptcy, Bills may be rendered on a Semi-Monthly or Weekly basis as agreed upon with the Customer or at the discretion of the Director of Finance. In such cases, service charges and flat rate charges will be applied on the order of frequency of the billing.

6.B PAYMENT OF BILLS

6.B.1 Except as provided in Section 6.C below, Customers are responsible for payment of Bills on payment Due Date.

6.B.2 Municipal Services Division may elect, but is not obligated, to transfer the outstanding account balance of any Customer with an unpaid closing Bill to any existing or future Utility Service account of that Customer. In no event shall a Customer transfer their outstanding balance to any other party.

6.C CUSTOMER-GENERATOR

6.C.1 Customer-Generator Under 10 kW.

6.C.1.(a) A Customer-Generator will receive a monthly Bill from the Municipal Services Division for various services supplied by the City to the Customer, including but not limited to Water, Sewer and Refuse Service. Said Bill is due and payable on the Due Date.

6.C.1.(b) The Bill shall advise the Customer-Generator of the amount Customer owes for Water, Sewer and Refuse Service, as applicable. The Bill shall also advise the Customer-Generator of its electric net kilowatt-hour consumption since the last 12-month period ended, the balance owed the City for that net electricity consumed, and the balance owed the City for all other electric retail rate components based on that net kilowatt-hour consumption since the last 12-month period ended.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

- 6.C.1.(c) Payment for Water, Sewer and Refuse Services is due on the Due Date. Payment for net electricity and for electric retail services based on the Customer-Generator's net consumption, is not due or payable to the City until the end of the 12-month period, at which time the City shall issue a Bill to the Customer-Generator for any amounts that are due and payable to the City. Payment of the Bill issued at the conclusion of the 12-month period is due on the Due Date.
- 6.C.1.(d) The Customer-Generator may pay monthly for net energy consumed and for other electric retail rate components, if request is made by the Customer-Generator in writing to Utility Services. Such payment will be due on the same Due Date as that for all other Utility Services for that monthly Bill.
- 6.C.1.(e) If, at the end of a 12-month period the Customer-Generator's production of energy exceeds the amount of energy it consumed, then in accordance with PUC §2827, the Customer-Generator will not be owed any compensation by the City for those excess kilowatt-hours generated by the Customer-Generator.

6.C.2 Customer-Generator Over 10 kW

A Customer-Generator that generates more than 10 kW shall enter into an agreement with the City as required by the Silicon Valley Power Rules and Regulations, Section 11, and shall be billed in accordance with that agreement.

6.D ORDER OF APPLICATION OF PAYMENT

The order in which the payment is applied shall be at the sole discretion of the Director of Finance. When a payment is received from a Customer, the payment shall be applied, but not limited to, the following items or services:

- 6.D.1 Late Charges;
- 6.D.2 Urban Runoff;
- 6.D.3 Household Hazardous Waste;
- 6.D.4 Annual Clean Up Campaign;
- 6.D.5 Excise Tax;
- 6.D.6 Solar Utility;

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

- 6.D.7 Sewer Service;
- 6.D.8 Refuse;
- 6.D.9 Recycled Water;
- 6.D.10 Water Service;
- 6.D.11 Electric Service;
- 6.D.12 Replenish a Deposit; and
- 6.D.13 Any voluntary payment made by a Customer.

6.E LATE PAYMENTS

On Bills of twenty-five dollars (\$25) or more, if payment of a Bill is not received in hand at the Office of Municipal Services Division at the City on or before the Past Due Date stated on the Bill then a Late Charge shall be applied as follows:

- 6.E.1 One and one half percent (1.5%) of the Past Due Amount or five dollars (\$5), whichever is greater;
- 6.E.2 The foregoing Late Charge, shall be applied to the Past Due Amount on the day following the Past Due Date;
- 6.E.3 Payments deposited in the drop box are collected at 8 a.m.; any payment left in the drop box after 8 a.m. is not deemed accepted until the next business day;
- 6.E.4 The Late Charge shall not be prorated;
- 6.E.5 The Customer's account shall not be considered current unless and until all current charges and the entire Past Due Amount plus all Applicable Fees are paid;
- 6.E.6 Late Charges shall not be assessed against pre-existing Late Charges, but any other amounts that become a Past Due Amount shall be assessed a Late Charge;
- 6.E.7 If the Past Due Amount plus all Applicable Fees remains unpaid beyond the Past Due Date on the Shut-Off Notice Bill, then the City shall send the Customer a 48-hour Notice of Service Discontinuance;
- 6.E.8 To prevent service discontinuance, or to restore service following receipt of a 48-hour Notice of Service Discontinuance, Customer must pay in hand to the Municipal Services Division, the Past Due Amount plus all Applicable Fees and any current charges due shown on the Shut-off Notice Bill by cash, credit card or money order.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

6.E.9 In the event extenuating circumstances exist, a Customer may request a waiver of the Late Charge. Such a request shall be made in writing to the Director of Finance, detailing the extenuating circumstances. The Director of Finance, upon review of the extenuating circumstances and determination that a waiver is justified, may waive the Late Charge.

6.F NONPAYMENT OF BILLS

6.F.1 The City may Discontinue Electric Service and reduce Water Service, in that order of priority, for non-payment of a Bill;

6.F.2 Any reconnection charge shall be reflected on the next monthly Bill following restoration of Electric Service or Water Service per the Utility Services Rules and Regulations Section 5.D;

6.F.3 The Director of Finance may require establishment or re-establishment of credit, as stated in the Utility Services Rules and Regulations Section 4 or a shorter Billing Period;

6.F.4. Electric Service or Water Service at one Premise will not be Discontinued for nonpayment of Bills rendered for Utility Service at another Premise owned or occupied by the same Customer.

6.G DISPUTED BILLS

6.G.1 When there is a dispute concerning the correct amount of any Bill rendered by Municipal Services Division, then, prior to the Past Due Date, the Customer shall: (1) notify the Municipal Services Division of the dispute at the telephone number listed on the back of the Bill and (2) at his/her election, pay to Municipal Services Division either (a) the entire amount, to avoid imposition of a Late Charge under Section 6.E., or (b) pay the undisputed portion of the disputed Bill. Notifying Municipal Services Division of a dispute or filing a written claim with the City Clerk shall operate to halt issuance of a 48-Hour Notice of Service Discontinuance with regard to that outstanding amount.

6.G.2 The Municipal Services Division shall render its decision in writing no later than thirty (30) calendar days following notification of the dispute by the Customer. After the investigation, if adjustments are warranted, the Customer's account will be adjusted by credit or charge. If agreement cannot be reached regarding the dispute, then Municipal Services Division shall notify the Customer of denial of the claim in writing, advising the

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

Customer of the total charges due and providing the Customer with information regarding the right to appeal the decision.

- 6.G.3 If the Customer concurs with the decision of Municipal Services Division, then the Customer shall pay the Past Due Amount, including all Applicable Fees, within seven (7) calendar days of the date on the denial on the letter from Municipal Services Division.
- 6.G.4 If following receipt of the decision by Municipal Services Division, the Customer still disputes the amount of the rendered Bill, the Customer may appeal the decision and seek a hearing on the matter as set forth in Utility Services Rules and Regulations Section 8.
- 6.G.5 If Customer does not pay the Past Due amount, including Applicable Fees within two (2) business days of the date of the City Council's decision, then 48-Hour Notice of Service Discontinuance shall be issued. If the Customer fails to pay the full amount set forth in the City Council's decision, plus Applicable Fees, within 48-hours of the date on the 48-hour Notice, then the City may Discontinue Electric Service, Water Service or both, as set forth in Utility Services Rules and Regulations Section 5.C.

6.H BILLING ERRORS

- 6.H.1 When errors in a previously rendered Utility Service Bill are discovered or reported, the Municipal Services Division will make necessary adjustments (credit or charge) to correct the errors.
- 6.H.2 The scope of any adjustment shall be limited to billing errors occurring within the twelve (12) months prior to the date of discovery for residential, commercial or industrial Customers.
- 6.H.3 Adjustments to accounts with errors resulting from misread or inaccurate meters will be calculated based on the average usage from the same period in a prior year and/or the average daily usage from a two-week period following the replacement of the inaccurate meter, or a combination of both.
- 6.H.4 All adjustments will be based on the billing rates in place at the time of occurrence.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

6.I REQUEST BY A CUSTOMER FOR A METER TO BE RE-READ

A Customer may request Municipal Services Division to re-read the electric or water meter and make adjustments, if necessary, to render an accurate billing in accordance with the limits set by Utility Services Rules and Regulations Section 6.H. Municipal Services Division shall respond to requests for meter re-reads once every six (6) months at no charge. Municipal Services Division shall levy a charge set forth in the City of Santa Clara Municipal Fee Schedule, adopted by resolution of the City Council, for each additional request within the same six (6) month period, unless the re-read indicates that a read error has resulted in an incorrect billing to the Customer.

6.J UNPAID CHECK

When a check is received in payment of charges due for Utility Service and returned unpaid by a bank:

- 6.J.1 The Municipal Services Division will add a charge to the Customer's Bill as permitted in the City of Santa Clara Municipal Fee Schedule established by resolution of the City Council;
- 6.J.2 For a period of one (1) year from the last date on which any check is returned, the City will not accept a check [other than a certified check or cashier's check] from that Customer that has been issued a "Shut-Off Notice Bill"; and
- 6.J.3 Where Electric Service or Water Service is subject to be Discontinued due to a returned check, the returned check charge shall be included in the total amount payable upon presentation.

6.K UNPAID DIRECT PAYMENT SERVICE

Where a Customer has arranged to have utility Bills paid through a direct payment service by either debits to a bank account or charges to a credit card, and a direct payment is denied by the applicable bank or credit card company due to insufficient funds or credit, then for a period of one (1) year from the date of the denial, the City may not accept a check or direct payment for any amount shown on a Shut Off Notice Bill [other than a certified check or cashier's check]. If an automatic credit card payment or debit to a bank account is returned unpaid twice in one twelve month period, then the Customer will not be permitted to pay his/her utility Bills through a direct payment service.

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 6**

6. RENDERING AND PAYMENT OF BILLS (Continued)

6.L CLOSED ACCOUNT COLLECTION ACTIVITY – WRITE OFF

6.L.1 The outside collection agency may deem an account uncollectible after a two (2) year collection period has expired. Any unpaid charges will be flagged by the collection agency as uncollectible and the Director of Finance or his/her designee will simultaneously e off the Utility Billing System.

6.L.2 In the event charges are collected on a closed account deemed uncollectible, the account will be reinstated for the amount of payment.

6.M MISCELLANEOUS COLLECTION ACTIVITY – WRITE OFF

6.M.1 An account with a credit balance < \$5.00 will be written off by the Director of Finance or his/her designee.

6.M.2 An account with a debit balance of < \$5.00 will be written off by the Director of Finance or his/her designee.

6.M.3 The Director of Finance or his/her designee may waive Municipal Service-related NSF fees and/or late fees if sufficient evidence has been presented to warrant extenuating circumstances.

**7. ACCESS, INTERFERENCE, RESPONSIBILITY FOR
EQUIPMENT TAMPERING AND THEFT OF UTILITY SERVICES**

7.A RIGHT OF ACCESS

7.A.1 Customer shall provide the City of Santa Clara personnel with immediate and unhindered access, without notice, to and from the Customer's Premises for any purpose reasonably connected with the supply of Utility Services including, but not limited to, inspection, reading, testing, maintenance, removal, and replacement of the City of Santa Clara Equipment.

7.A.2 The Customer is responsible for maintaining unobstructed access to all Utility owned facilities located on the premises.

7.A.3 When access to Customer's Premises is not immediate and unhindered, Municipal Services Division may take any enforcement actions permitted by Section 1.05.070 of the City Code, and in addition, any civil or criminal remedies available to the City of Santa Clara under state law or the City Code.

7.B INTERFERENCE

Any Person preventing or interfering with any City Employee in the lawful discharge of his/her duties is subject to arrest, prosecution, and punishment in accordance with California Penal Code Section 71, as such section may be amended from time to time by the State Legislature.

7.C RESPONSIBILITY FOR EQUIPMENT

The Customer shall exercise reasonable care to prevent City Equipment on the Customer's premises from being tampered or interfered with, damaged, or destroyed. The Customer shall be liable for damage to City Equipment arising from negligence, want of proper care, or wrongful act of the Customer or Customer's tenants, agents, employees or contractors. Any damage or tampering discovered must be promptly reported to the City.

7.D TAMPERING; THEFT OF UTILITY SERVICES

Tampering with City Equipment and/or theft of Utility Services is a violation of California Penal Code Section 498 and Section 13.15.070 (water) and Section 13.05.070 (electric) of the City Code. In addition to the penalties for theft of Utility Services set forth in California Penal Code Section 498 and Section 13.15.070 (water) and Section 13.05.070 (electric) of the City Code, as such section may be amended from time to time, such conduct shall constitute grounds

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 7**

**7. ACCESS, INTERFERENCE, RESPONSIBILITY FOR EQUIPMENT
TAMPERING AND THEFT OF UTILITY SERVICES (Continued)**

for the City to Discontinue Utility Services until arrangements satisfactory to the City are made to reimburse Municipal Services Division and/or the Applicable Department for the full value of Utility Services unlawfully obtained.

Municipal Services Division shall levy a charge set forth in the City of Santa Clara Municipal Fee Schedule, adopted by resolution of the City Council.

7.E METER READING BY APPOINTMENT

If access to the meter is not provided for any reason including, but not limited to, locked doors, fences, insufficiently restrained pets or vegetation, the respective Applicable Department personnel will require access to the meter by appointment or other arrangement for the purpose of reading the meter. If this is required more than once during any 12-month period, a charge may be made for each appointment thereafter.

**8. REQUEST FOR RECONSIDERATION OF THE APPLICATION,
REQUIREMENTS, OR INTERPRETATION OF THE UTILITY
SERVICES RULES AND REGULATIONS**

- 8.A** Unless California law, the City Code, or an ordinance or resolution of the City prescribes an alternative procedure, any Customer may request reconsideration of an interpretation, requirement or application of the Utility Services Rules and Regulations by submitting a written request for reconsideration to the Municipal Services Division of the Department of Finance, City of Santa Clara, (“Municipal Services Division”) in person or by mailing such written request to the Municipal Services Division, at 1500 Warburton Avenue, Santa Clara, CA 95050. The Director of Finance shall review the request and notify the Customer in writing of its decision within thirty (30) calendar days of the Customer’s request.
- 8.B** After receipt of the Director of Finance’s decision by the referred to above, a Customer may appeal the determination to the City Manager. Such an appeal must be made in writing and received by the City Clerk within seven (7) calendar days after receipt of the written decision from the Municipal Services Division. The City Manager shall review the request and notify the Customer in writing of his/her decision within twenty calendar days (20) of the Customer’s written appeal.
- 8.C** Within ten (10) calendar days of the date on the City Manager’s decision referred to above, a Customer shall either appeal the City Manager’s determination to the City Council or comply with the decision of the City Manager. Such an appeal must be made in writing and received by the City Clerk within ten (10) calendar days of the date on the written decision from the City Manager. The appeal to the City Council shall consist of: (1) a letter stating that it is an appeal, specifying the date of the City Manager’s decision, and providing a detailed explanation of the grounds on which the appeal is based, and (2) the payment of an appeal fee in such amount as may be set from time to time by resolution of the City Council.
- 8.D** The appeal to the City Council shall be heard as soon as reasonably possible. Upon request of the Customer, the City Clerk shall mail a written notice to the Customer informing him/her of the time and place of the City Council meeting at which the appeal will be heard. Such notice shall be mailed to the address indicated in the notice of appeal. If an address is not provided in the notice of appeal, notice of the time and place for such hearing shall be sent to the last known address of Customer.
- 8.E** At the hearing, an opportunity will be afforded to the Customer, Municipal Services Division and/or the Applicable Department to make statements for the

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 8**

**8. REQUEST FOR RECONSIDERATION OF THE APPLICATION,
REQUIREMENTS, OR INTERPRETATION OF THESE RULES AND
REGULATIONS (Continued)**

record regarding the facts in dispute and the circumstances surrounding the matter being appealed. A record of the hearing will be established.

- 8.F** The City Council shall render its decision within forty-five (45) calendar days after the conclusion of said hearing. In its decision, the City Council may reverse, set aside, affirm, amend or modify the decision of the City Manager or Director of Finance. The decision of the City Council shall be final and conclusive and shall not be subject to further appeal.

9. TEMPORARY SERVICE

9.A TIME LIMIT

Temporary Utility Services connections may be Discontinued within the following time limits:

9.A.1 For Electric Service, within three (3) years after installation unless an extension of time is granted in writing by the Municipal Services Division.

9.A.2 For Water Service, within 12 months after installation unless an extension of time is granted in writing by the Municipal Services Division.

9.B INSTALLATION CHARGES AND DEPOSITS

9.B.1 The Applicant for Temporary Utility Services shall be required to pay the Municipal Services Division, in advance, the estimated net cost of installing and removing any City Equipment necessary to furnish Electric or Water Services, unless other arrangements are approved in advance by the City Council. If service is supplied through a fire hydrant and hydrant meter, the Applicant will be charged in accordance with the established rate schedule in effect at the time Application is made.

9.B.2 Each Applicant for Temporary Electric Service may be required to deposit with the Municipal Services Division a sum of money sufficient to cover the estimated amount of the Bills for both electric and water equal to the value of three (3) months of projected use, in a manner satisfactory to Municipal Services Division, and as set forth in the City of Santa Clara's Municipal Fee Schedule service deposits in effect at the time. Contractors applying for Temporary Electric Service shall pay a deposit equaling the estimated amount of three (3) months of usage, unless the contractor meets the criteria set forth in the Utility Services Rules and Regulations Section 4.A.

9.B.3 Nothing in the Utility Services Rules and Regulations shall limit or affect the right of Municipal Services Division to collect from the Customer any other or additional sums of money which may become due and payable to Municipal Services Division from the Customer by reason of the Temporary Utility Services furnished or to be furnished.

9.C REFUNDS

A refund of the Temporary Utility Service deposit less Applicable Fees and/or charges will be applied to the Temporary Utility Service closing Bill. Municipal Services Division may elect, but is not obligated, to transfer the outstanding

**MUNICIPAL SERVICES DIVISION
UTILITY SERVICES RULES AND REGULATIONS No. 9**

9. TEMPORARY SERVICE (Continued)

account balance of any Customer with an unpaid closing Bill to any existing or future Utility Service account of that Customer. In no event shall a Customer transfer their outstanding balance to any other party.

S:\Attorney\Rules and Regulations\Municipal Services Rules & Regs (final 11-10-03).doc