

**Rule 20 – HEARINGS**

- A. Customers and consumers shall have the right to request a hearing orally or in writing for questions or disputes about: application disputes; a termination or proposed termination; a billing question; payment requirements; or other department requirements for obtaining or maintaining water service. The request for a hearing shall be made by the customer, consumer, or person acting on their behalf at the Water Office to an employee during regular business hours. The City reserves the right to require that the applicant sign a request for a hearing form (Addendum 6). Whenever a customer or consumer timely requests a hearing, regarding the right of the City to terminate water service to a unit, the City shall not terminate the water service pending the hearing, nor unless and until authorized to do so by the decision of the Hearing Officer (Public Service Director or his designate) or upon prior settlement of the dispute. A consumer who is not a customer may not dispute at a hearing the City's claim of a delinquency in the water service account of the customer.
- B. The customer/consumer shall be informed, in writing by the City, of all standards and procedures pursuant to which the hearing will be conducted; i.e., all of the standards and procedures set forth in this section. The written notice shall be provided on the Termination Notice (Addendum 6), and shall be served upon the customer/consumer by the City within 14 days of the date on which the customer/consumer requested the hearing.
- C. The customer/consumer shall be informed by the City of the date of the hearing which shall be held within fourteen working days of the date on which the customer/consumer requested the hearing, unless the customer/consumer requests a continuance of the original hearing date and there is good cause shown for this request. When such continuances are granted, the original hearing date shall be continued to a second date, which shall be within thirty days of the original hearing date.
- D. During regular business hours of the Water Office the customer/consumer may, at any time prior to the hearing, inspect and copy at his expense any records in the possession of the City which are relevant to the issue about which a hearing has been requested. At least two working days prior to the hearing date, the customer/consumer also may request of the Water Office that the City test and/or read the water meter in issue, and if so requested, the City shall honor the request, provided the customer/consumer pays the test charge.
- E. If both the City and the customer/consumer desire to have an informal conference for the purpose of resolving the dispute for which a hearing has been requested, the City and customer/consumer may hold such a conference, at a mutually agreeable time and location, at any time prior to the hearing. Any agreement reached by the City and the customer/consumer during an informal conference shall be reduced to writing by the City and shall include, among other things, the terms of the agreement, the signature of a representative from the City and the customer/consumer, and if appropriate, a waiver of the hearing requested by the customer/consumer. The Director of Public Service or an authorized representative may correct, adjust or reduce a disputed bill at an informal conference. In no such case shall such correction, adjustment or reduction be in excess of the minimum charge for the billing period. Any adjustment correction or reduction shall be documented in writing setting forth the specific reasons in support of the adjustment, correction or reduction.
- F. The Hearing shall be conducted by the Director of Public Service or a designated representative, who has not been previously involved in the issue being decided, and shall be authorized to determine the amount of money, if any, owed to the City under the water service account in issue, and any other relevant issues in dispute; and shall be authorized to order continuation or termination of water service or any other appropriate action within the authority of the City.
- G. At the hearing, the customer/consumer shall have the right to be represented by counsel, to be heard in person, to present witnesses and documentary evidence, and to confront and cross-examine the City's witnesses.
- H. The Director of Public Service or a designated representative's decision shall be made in writing within five working days of the hearing date. It shall be based solely on the evidence introduced at the hearing and shall state the rule(s) and evidence relied upon to make the decision, and shall include the reasons for the decision. A copy of the decision shall be served immediately upon the customer/consumer.
- I. No person shall knowingly make a false statement or representation of any fact on any application or document provided for in this chapter. Whosoever violates this provision is guilty of a misdemeanor of the fourth degree.

Approved:

David Rhodes  
David Rhodes, Director of Public Service

7-23-15  
Date