

**NOTICE TO OUT-OF-CITY CUSTOMERS OF FORT COLLINS ELECTRIC
UTILITY OF PROPOSED UTILITY BILLING ERRORS RULES**

NOTICE IS HEREBY GIVEN that the City of Fort Collins Electric Utility has proposed that rules regarding utility billing errors should be added to the Municipal Code and that such rules will govern billing errors related to out-of-city electric utility customers. Such rules are more particularly described in proposed ordinance language maintained by the Fort Collins City Clerk at 300 LaPorte Avenue in Fort Collins, and also available on the City's website at www.fcgov.com/publicnotices. The new billing errors rules are proposed to go into effect ten days after second reading of City Council approving an ordinance containing the rules.

PUBLIC HEARINGS for consideration of the proposed new billing rules by the Fort Collins City Council are scheduled for 6:00 p.m. on Tuesday, November 3, 2009, and Tuesday, November 17, 2009, in the City Council Chambers at 300 LaPorte Avenue, in Fort Collins. Each municipal electric customer and all members of the general public shall have the right to appear, personally or through counsel, at said PUBLIC HEARINGS for the purpose of providing testimony regarding the proposed billing rules.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for person with disabilities. Please call 221-6515 for assistance.

**THE PROPOSED BILLING ERRORS RULES TO BE ADDED TO THE
MUNICIPAL CODE IMMEDIATELY FOLLOW THIS NOTICE.**

Sec. 26-721 Billing errors.

(a) When an error has been made in an account, the following shall apply:

- (1) When the utility determines that a utility customer has overpaid for utility service and the overpayment occurred six years or less preceding the date the error is made known to the utility, the utility will issue to the customer a credit or a refund, without interest, in reimbursement for the overpayment if each of the following conditions is met:
 - (i) the customer could not have discovered the error with reasonable inquiry prior to the date of discovery; and
 - (ii) documentation evidencing a past overpayment is available in utility records or has been identified as evidencing a past overpayment or has been provided to the utility to establish the overcharge; and
 - (iii) the utility confirms the accuracy and sufficiency of the documentation based on utility records.

- (2) When the utility determines that a current utility customer has been undercharged and has underpaid for utility service, the customer shall be billed

for the undercharges unless the undercharges occurred more than six years before the date the error is discovered and either of the following conditions is met:

- (i) the undercharges are for a minimal amount based on a threshold established by the administrative rules and regulations adopted by the Financial Officer pursuant to 26-720; or
- (ii) the customer could not have discovered the error with reasonable inquiry.

(b) Any attempt or action by a utility customer to mislead the utility with regard to a billing error shall be a violation of the Code, punishable as provided in §1-15. Each day upon which any violation shall continue shall constitute a separate offense, punishable as such.

(c) Each utility customer is responsible for using reasonable diligence to review billing statements and for immediately notifying the utility of a billing error.