

ORDINANCE NO. 121, 2009
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 ARTICLE XII OF THE CODE OF THE CITY OF FORT
COLLINS RELATING TO BILLING ERRORS

WHEREAS, the City maintains water, wastewater, stormwater and electric utilities, each with several thousand customers; and

WHEREAS, while City staff endeavors to accurately compute all billings to the City's utility customers, data errors and equipment failures do occur; and

WHEREAS, in 2000, City staff adopted an administrative policy to address billing errors; and

WHEREAS, City staff believes that formalizing the utility's administrative billing errors policy in the City Code will provide clarity with regard to the limitations and requirements associated with utility billing errors; and

WHEREAS, the City Council has determined that the amendments accomplished by this Ordinance are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 26-119 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-119. Charges in event of meter failure.

If any meter should fail to properly register a customer's water use in any billing period, the user shall be charged according to the average quantity of water used by such customer in a similar period as shown by the meter when performing properly. In the case of a discrepancy between the readings at the remote readout and the head of the meter, the amount of water registered at the head of the meter governs. Additional charges or customer refunds related to a meter or meter readout malfunction ~~may~~**will** be made in accordance with ~~§26-721 and~~ the administrative ~~policies~~**rules and regulations** adopted by the ~~Utilities~~**Financial Officer pursuant to §26-720.**

Section 2. That the title of Section 26-720 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-720. Administrative procedures~~rules and regulations~~

Section 3. That Chapter 26, Article XII of the Code of the City of Fort Collins is hereby amended by the addition of a new section 26-721 which reads in its entirety as follows:

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 no more than six (6) years before the date the error is made known to the utility, the utility will issue to the customer a credit or a refund, without interest, as 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;
- (ii) documentation evidencing the overpayment is available in utility records or has been provided to the utility; 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 (6) 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.

Introduced, considered favorably on first reading, and ordered published this 3rd day of November, A.D. 2009, and to be presented for final passage on the 17th day of November, A.D. 2009.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 17th day of November, A.D. 2009.

Mayor

ATTEST:

City Clerk