**Section 280.90 Past Due Bills and Late Payment Charges**

a) A utility shall not consider a customer's bill, when paid in person, past due unless the payment is made after the due date printed on the bill. When a customer mails any payment in the net amount of a bill for service, and such payment is received at the utility's office not more than two full business days after the due date printed on the bill, the customer shall be deemed to have made timely payment. In determining whether a bill is past due, a utility may rely on the postmark of the payment, in which case, the payment shall be considered past due if the payment is postmarked after the due date printed on the bill.

b) Each utility shall choose one of the above methods for determining when a bill is past due and shall apply this method to all customers. For utilities which choose the postmark method, in instances where the postmark is illegible or absent, the customer's payment shall be deemed timely made if the payment is received at the utility's office not more than two full business days after the due date printed on the bill.

c) For residential service, the due date printed on the bill may not be less than twenty-one days after the date of the postmark on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means. For non-residential service, the due date printed on the bill may not be less than fourteen days after the date of the postmark on the bill, if mailed, or the date of delivery as shown on the bill if delivered by other means.

d) If a utility elects to assess a late payment charge and files a tariff in accordance with the rules set forth herein, such charge shall be set at an amount equal to 1 ½% per month on any amount, including amounts previously past due, for utility service which is considered past due under this Section.

e) A utility shall waive the assessment of a late payment charge for residential customers one time per twelve month period if it bills on a monthly or bi-monthly basis, and for residential customers one time per twenty-four month period if it bills on a quarterly or semi-annual basis. The utility may assess a charge if the amount on which the late payment charge was waived remains unpaid 30 days following the due date. At its discretion, a utility may waive more than one late payment charge for residential customers. However, a utility is not obliged to waive any late payment charges for units of government.

f) A utility may not continue to assess a late payment charge on any final bill which has been outstanding for more than 12 months.

g) No utility shall assess a late payment charge bill for a budget or levelized payment plan or for any amount billed which is not for utility service.

h) No late payment charges shall be assessed on the amounts owing on units of Federal, State, County, and local government (including, but not limited to, townships, municipalities and school districts) until 45 days from the date of the issuance of the bill for utility service, except that the provisions of "An Act to require prompt payments by the State of Illinois for goods or services" (Ill. Rev. Stat. 1981, ch. 127, par. 132.401 et seq.), as amended, control in the situations to which that Act applies.

i) Nothing in this Section shall deny a utility the ability to disconnect service for nonpayment of a bill for utility service in accordance with the provisions of the utility's tariffs and this Part.

j) Preferred Payment Date – When an eligible residential customer who is billed on a monthly basis for utility service shows the company that he receives funds which comprise the primary source of his income during the 10 day period following the due date of one utility bill and the date of issuance of his next utility bill, the company will, upon the customer's request allow that customer to:

1) Enter into a levelized payment plan or budget billing arrangement with a preferred date agreed upon by both the company and the customer which shall not be more than 10 days subsequent to the customer's regular due date, or

2) Establish a preferred payment date on which to make payment for utility service, which shall not be more than 10 days subsequent to the customer's regular due date.

k) The company shall inform the customer that he may accept either option, based upon his own assessment of his personal finances and living situation.

l) Only those residential customers who fall into the following categories are eligible for a preferred payment date:

1) Persons receiving Aid to Families with Dependent Children (AFDC) or Aid to the Aged, Blind and Disabled (AABD) benefits from the Illinois Department of Public Aid.

2) Persons receiving benefits from General Assistance or Supplemental Security Income.

3) Persons receiving their primary source of income from Social Security benefits or Veterans Administrative benefits.

4) Persons receiving unemployment compensation.

m) If the customer fails to pay by the preferred payment date more than four times in a twelve month period, the original due date may be re-established and the company may decline to offer a preferred payment date to the customer for a period of twelve months.

(Source: Amended at 7 Ill. Reg. 13221, effective November 1, 1983)