**Section 735.130 Discontinuance or Refusal of Service**

a) The company may discontinue or refuse service for any of the following reasons:

1) For failure to make or increase a deposit pursuant to Sections 735.100, 735.110, and 735.120;

2) For failure to pay a past due bill owed to the company, including one for the same class of service furnished to the applicant or customer at the same or another location, or where the applicant or customer voluntarily assumed, in writing, responsibility for the bills of another applicant or customer. For purposes of this subsection (a)(2), a company may discontinue service if the current customer is liable for a past due bill for telephone service pursuant to Section 15 of the Rights of Married Persons Act [750 ILCS 65/15], unless the customer, at the option of the company, pays any past due bill and/or provides a deposit pursuant to Section 735.120 and/or enters into a deferred payment agreement pursuant to Section 735.80;

3) For failure to provide company representatives with necessary access to company-owned service equipment, after the company has made a written request to do so;

4) For failure to make payment in accordance with the terms of a deferred payment arrangement;

5) When a company has reason to believe that a customer has used a device or scheme to obtain service without payment and where the company has so notified the customer prior to disconnection;

6) For violation of or noncompliance with a Commission order;

7) For violation of or noncompliance with any rules of the company on file with the Commission for which the company is authorized by tariff to discontinue service for violation or noncompliance on the part of the customer or user;

8) For violation of or noncompliance with municipal ordinances and/or other laws pertaining to service; or

9) The customer's use of equipment adversely affects the company's service to others. This disconnection may be done without notice to the customer or user.

b) The following shall not constitute sufficient cause for discontinuance or refusal of service:

1) Except as specified in subsection (a)(2), failure to pay the past due bill of a previous customer of the premises to be served, unless the applicant for service voluntarily signed a form agreeing to assume responsibility for the bills of the previous customer, or the previous customer is currently a member of the same household as the applicant;

2) Failure to pay charges for directory advertising;

3) Failure to pay the past due bill for a different class of service (residential or business); or

4) Failure to pay charges for terminal equipment or other telephone equipment purchased from the company, an affiliate, or a subsidiary.

c) Discontinuance procedures. The company may discontinue service to a customer only after it has mailed or delivered by other means a written notice of discontinuance, substantially in the form of Appendix A. Service shall not be discontinued until at least five days after the notice is delivered in person or eight days after the notice is mailed to the customer. If the notice is mailed, the company shall maintain and retain, for a two-year period, any documentation of the date of mailing that the US Postal Service requires for the mailing method used by the company. If the notice is mailed by the company and the envelope is postmarked by the US Postal Service, then the date of the postmark shall satisfy this documentation requirement.

1) The notice of discontinuance shall be delivered separately from any other written matter or bill.

2) Notice of discontinuance shall not be delivered or mailed before the third business day following the due date shown on the bill.

d) The notice required by subsection (c) shall remain in effect for 20 days beyond the date of discontinuance shown on the notice. The company shall not discontinue service beyond the 20 day period until at least five days after delivery of a new written notice of discontinuance or eight days after the postmark on a mailed notice.

e) In addition to the written notice, the company shall attempt to advise the customer when service is scheduled for discontinuance. The company shall not deliver more than two consecutive notices of discontinuance for past due bill without engaging in collection activity with the customer.

f) Timing of the discontinuance

1) Service shall not be discontinued for a past due bill after 12 noon on a day before or on any Saturday, Sunday, legal holiday recognized by the State of Illinois, or any day when the utility's business offices are not open for business. Services may be discontinued only between the hours of 8 a.m. and 2 p.m., unless the company is prepared to restore service within three hours after receipt of payment, at the standard restoral charge, if any.

2) Each company shall have personnel available until at least 5 p.m. on business days authorized to reconnect service if the conditions cited as grounds for discontinuance are corrected and any restoral charge specified by the company's tariff is paid.

g) Service shall not be discontinued, and shall be restored if discontinued, when a present customer who is indebted to the company enters into a payment arrangement pursuant to Section 735.80 and complies with the terms of the arrangement.

h) Service shall not be discontinued, and shall be restored if discontinued, for any reason that is the subject of a dispute or complaint pursuant to Section 735.190 and/or 735.200 while the dispute or complaint is pending and the complainant has complied with the provisions of those Sections.

i) Service shall not be discontinued for an amount due the company that has not been included in a discontinuance notice.

j) Nothing in this Section shall be construed to prevent immediate discontinuance of service without notice or the refusal of service for reasons of public safety or health.

(Source: Amended at 34 Ill. Reg. 3263, effective March 1, 2010)