

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



February 24, 2011

**Advice Letter 4189**

Rasha Prince, Director  
Regulatory Affairs  
Southern California Gas  
555 W. Fifth Street, GT14D6  
Los Angeles, CA 90013-1011

**Subject: Revision of Tariff Rules for Small Business Customers  
Pursuant to D.10-10-032**

Dear Ms. Prince:

Advice Letter 4189 is effective December 27, 2010.

Sincerely,

A handwritten signature in blue ink that reads "Julie A. Fitch".

Julie A. Fitch, Director  
Energy Division



**Rasha Prince**  
Director  
Regulatory Affairs

555 W. Fifth Street, GT14D6  
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Tel: 213.244.5141  
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*RPrince@semprautilities.com*

December 27, 2010

Advice No. 4189  
(U 904 G)

Public Utilities Commission of the State of California

**Subject: Revision of Tariff Rules for Small Business Customers Pursuant to D.10-10-032**

Southern California Gas Company (SoCalGas) hereby submits for filing with the California Public Utilities Commission (Commission) revisions to its Rule No. 01, Definitions; Rule No. 06, Establishment and Re-Establishment of Credit; Rule No. 16, Adjustment of Bills; and tariff forms, applicable throughout its service territory, as shown on Attachment B.

**Purpose**

This filing is made in compliance with Decision (D.) 10-10-032 and proposes to:

1. Clearly define small business customers<sup>1</sup> by adding the definition of Small Nonresidential Service;
2. Revise the adjustment of bills for a billing error resulting in undercharges to the small business customer not to exceed three months;
3. Revise the adjustment of bills for a meter error resulting from a fast meter not to exceed three years;
4. Revise the adjustment of bills for a meter error resulting undercharges to the small business customer for a slow meter or gas used but not registered not to exceed three months;
5. Add that small business customers are entitled to receive one warning letter per 12-month period prior to any deposit request for a late payment;
6. Add that the re-establishment of credit for small business customers shall not apply when failure to pay results from charges that are back-billed; and
7. Add an affidavit to inform nonresidential customers subject to back-billing that they may self-certify as a small business customer by qualifying as a micro-business.<sup>2</sup>

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<sup>1</sup> For gas utility service, a small business is defined as a nonresidential customer with an annual consumption of 10,000 therms of gas or less. Alternatively, a small business customer is a customer who meets the definition of "micro-business" in California Government Code Section 14837 (Section 14837).

## **Background**

On May 6, 2010, the Commission issued Order Instituting Rulemaking (R.) 10-05-005 to determine whether revisions or updates are necessary to electric and gas utility tariff rules governing adjustments of small business customer bills due to meter and/or billing errors and whether deposit rules need to be revised. R.10-05-005 was initiated by complaints from small business customers that were unexpectedly faced with large utility back-bills for service dating back several years. These customers could not pay such large bills in the short timeframes that the utilities demanded, nor could they recover these funds from their customers. The Commission concluded that small business customers suffer the same problems as residential customers and thus should be treated the same way for billing and metering errors and back-billing purposes.

On November 2, 2010, the Commission issued D.10-10-032<sup>3</sup>, ordering the utilities to revise their tariff rules for small business customers of electric and gas utilities as follows:

1. Reduce the back-billed period from three years to three months for undercharges resulting from billing and metering errors;
2. Reduce the deposit requirements to twice the average monthly bill<sup>4</sup> and permit the utilities to offer alternative credit mechanisms in lieu of deposits if customers select this option;
3. Establish that refund periods for overcharges resulting from metering and billing errors be a maximum of three years;
4. Specify that re-establishment of service deposits shall not apply when failure to pay results from charges that are back-billed;
5. Establish that a small business customer, as specified above, shall receive a warning letter after at least one late payment before the utility assesses a re-establishment of credit deposit during any twelve-month period, which informs that a deposit to re-establish credit may be required if another late payment occurs within the same twelve-month period. Clearly define the small business customers which qualify for these tariff revisions; and
6. Inform nonresidential customers subject to back-billing that they may self-certify as a micro-business customer under Section 14837.<sup>5</sup>

## **Tariff Revisions**

In compliance with Ordering Paragraphs (OP) 1 and 2 of D.10-10-032, SoCalGas proposes the following tariff revisions:

### **Rule No. 1:** Amend to add definition for Small Nonresidential Service.

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<sup>2</sup> Section 14837 defines a "micro-business" as a business, together with affiliates, that has average annual gross receipts of \$3,500,000 or less over the previous three years, or is a manufacturer, as defined in Section 14837 subdivision (c), with 25 or fewer employees.

<sup>3</sup> On November 18, 2010 the Commission issued D.10-11-037 which made corrections to OPs 1(e) and 3 of D.10-10-032.

<sup>4</sup> SoCalGas' Rule No. 07, Deposits, indicates that the amount of deposit required to establish or re-establish credit for both residential and nonresidential accounts may be twice the average monthly bill, thus already complying with the order for deposit requirements to be twice the average monthly bill.

<sup>5</sup> D.10-10-032, OP 3, and D.10-11-037, OP 3.

**Rule No. 6:** Amend Section C Re-establishment of Credit – All Classes of Service.

**Rule No. 16:** Amend Section C. 2 Adjustments of Bills for Billing Error and Section D.2 Adjustment of Bills for Meter Error.

### **Forms**

Add a new affidavit form, Affidavit in Support of Customer Claim as Qualifying as a Micro Business Customer (Form REG-9998), to inform nonresidential customers subject to back-billing that they may self-certify as a small business customer by qualifying as a micro-business pursuant to California Government Code Section 14837 (Section 14837).

### **Protest**

Anyone may protest this Advice Letter to the California Public Utilities Commission. The protest must state the grounds upon which it is based, including such items as financial and service impact, and should be submitted expeditiously. The protest must be made in writing and received within 20 days of the date of this Advice Letter, which is January 16, 2011. There is no restriction on who may file a protest. The address for mailing or delivering a protest to the Commission is:

CPUC Energy Division  
Attention: Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102

Copies of the protest should also be sent via e-mail to the attention of both Maria Salinas ([mas@cpuc.ca.gov](mailto:mas@cpuc.ca.gov)) and Honesto Gatchalian ([jnj@cpuc.ca.gov](mailto:jnj@cpuc.ca.gov)) of the Energy Division. A copy of the protest should also be sent via both e-mail and facsimile to the address shown below on the same date it is mailed or delivered to the Commission.

Attn: Sid Newsom  
Tariff Manager - GT14D6  
555 West Fifth Street  
Los Angeles, CA 90013-1011  
Facsimile No. (213) 244-4957  
E-mail: [snewsom@SempraUtilities.com](mailto:snewsom@SempraUtilities.com)

### **Effective Date**

SoCalGas believes that this filing is subject to Energy Division disposition and should be classified as Tier 1 (effective pending disposition) pursuant to GO 96-B.<sup>6</sup> SoCalGas

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<sup>6</sup> D.10-10-032, OP 2, directed Alpine Natural Gas Operating Company, Golden State Water Company, Mountain Utilities, PacifiCorp, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Sierra Pacific Power Company, Southern California Edison Company, Southern California Gas Company, Southwest Gas Company, and West Coast Gas Company to file Tier 1 Advice Letters implementing the revised tariff rules specified herein within 60 days of the effective date of this order. The Advice Letters shall be effective on the date filed, pending disposition by the Energy Division staff pursuant to General Order 96-B.

respectfully requests that this filing be approved and made effective on December 27, 2010, the date filed.

**Notice**

A copy of this advice letter is being sent to the parties listed on Attachment A, which includes parties in R.10-05-005.

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Rasha Prince  
Director – Regulatory Affairs

Attachments

# CALIFORNIA PUBLIC UTILITIES COMMISSION

## ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No. **SOUTHERN CALIFORNIA GAS COMPANY (U 904G)**

Utility type:

ELC     GAS  
 PLC     HEAT     WATER

Contact Person: Sid Newsom

Phone #: (213) 244-2846

E-mail: SNewsom@semprautilities.com

### EXPLANATION OF UTILITY TYPE

ELC = Electric                      GAS = Gas  
PLC = Pipeline                      HEAT = Heat    WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: 4189

Subject of AL: Revision of Tariff Rules for Small Business Customers Pursuant to D.10 10-032

Keywords (choose from CPUC listing): Billings; Credit; Deposits; Forms

AL filing type:  Monthly  Quarterly  Annual  One-Time  Other

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #:

G-3316

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL No

Summarize differences between the AL and the prior withdrawn or rejected AL<sup>1</sup>: N/A

Does AL request confidential treatment? If so, provide explanation: No

Resolution Required?  Yes  No

Tier Designation:  1     2     3

Requested effective date: December 27, 2010

No. of tariff sheets: 10

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: Rule Nos. 01, 06, and 16; and TOCs

Service affected and changes proposed<sup>1</sup>: N/A

Pending advice letters that revise the same tariff sheets: \_\_\_\_\_

**Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:**

**CPUC, Energy Division**

**Attention: Tariff Unit**

**505 Van Ness Ave.,**

**San Francisco, CA 94102**

**mas@cpuc.ca.gov and jnj@cpuc.ca.gov**

**Southern California Gas Company**

**Attention: Sid Newsom**

**555 West 5<sup>th</sup> Street, GT14D6**

**Los Angeles, CA 90013-1011**

**SNewsom@semprautilities.com**

<sup>1</sup> Discuss in AL if more space is needed.

**ATTACHMENT A**

**Advice No. 4189**

**(See Attached Service List)**

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ATTACHMENT B  
Advice No. 4189

Cal. P.U.C. Sheet No.	Title of Sheet	Cancelling Cal. P.U.C. Sheet No.
Revised 46710-G	Rule No. 01, DEFINITIONS, Sheet 16	Revised 45828-G
Revised 46711-G	Rule No. 01, DEFINITIONS, Sheet 17	Revised 45829-G
Revised 46712-G	Rule No. 06, ESTABLISHMENT AND RE- ESTABLISHMENT OF CREDIT, Sheet 2	Revised 46344-G
Revised 46713-G	Rule No. 16, ADJUSTMENT OF BILLS, Sheet 2	Revised 36874-G
Revised 46714-G	Rule No. 16, ADJUSTMENT OF BILLS, Sheet 3	Revised 36875-G
Original 46715-G	SAMPLE FORMS: BILL FORMS, Affidavit in Support of Customer Claim as Qualifying as a Micro Business Customer, Form REG-9998	
Revised 46716-G	TABLE OF CONTENTS	Revised 46345-G
Revised 46717-G	TABLE OF CONTENTS	Revised 46386-G
Revised 46718-G	TABLE OF CONTENTS	Revised 45145-G
Revised 46719-G	TABLE OF CONTENTS	Revised 46709-G

Rule No. 01  
DEFINITIONS

Sheet 16

(Continued)

Recreational Vehicle Park: Area or tract of land within an area zoned for recreational use; or a separate designated section within a mobilehome park. Lots are customarily occupied for temporary purposes (less than 30 days), and there is displayed in plain view a sign indicating that the recreational vehicle may be removed from the premises, for the reason specified in the Civil Code "Recreational Vehicle Park Occupancy Law". Sign must also contain the number of the local traffic law enforcement agency.

Red Team: Term referring to a California State-sponsored economic development effort whose principal goal is the creation and/or retention of business within the State of California. Red Teams typically consists of State and local governments, utilities and businesses who mobilize individuals and resources to negotiate, streamline and expedite the business retention, expansion or development process; identify and propose incentives; and recommend resolution of regulatory issues and requirements. Separate Red Teams are usually created for each project under the leadership or coordination efforts of the California Trade and Commerce Agency.

Refinery: (1) Establishments primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation or straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes. Establishments of this industry also produce aliphatic and aromatic chemicals as byproducts; and (2) Establishments primarily engaged in hydrogen manufacturing for sale in compressed, liquid, and solid forms.

Residential Dwelling Unit: Group of rooms, such as a house, a flat, an apartment, or a mobilehome which provides complete single-family living facilities in which the occupant normally cooks meals, eats, sleeps, and carries on the household operations incident to domestic life.

Residential Hotel: Hotel establishment which provides lodging as a primary or permanent residence and has at least 50% of the units or rooms leased for a minimum period of one month and said units are occupied for nine months of the year. Residential hotels do not include establishments such as guest or resort hotels, resort motels or resort ranches, tourist camps, recreational vehicle parks, half-way houses, rooming houses, boarding houses, dormitories, rest homes, convalescent or care facilities, military barracks, or a house, apartment, flat or any residential unit which is used as a residence by a single family or group of persons.

Residential Use: Gas service for use at dwelling units, which includes service to residential units and mobile home units but does not include enterprises such a rooming houses, boarding houses, dormitories, rest homes, convalescent or care facilities, military barracks, stores, restaurants, service stations and other similar establishments. Also excluded are central heating plants serving a combination of residential and commercial uses where the commercial portion of the use is in excess of 100 Mcf per day or is more than 15% of the total natural gas requirements.

Rules: Tariff sheets which set forth the application of all rates, charges and service when such applicability is not set forth in and as a part of the rate schedules.

Seasonal Service: Permanent natural gas service to a facility which is utilized seasonally or intermittently, such as a seasonal resort, cottage or other part-time establishment.

(Continued)

(TO BE INSERTED BY UTILITY)  
 ADVICE LETTER NO. 4189  
 DECISION NO. 10-10-032

ISSUED BY  
**Lee Schavrien**  
 Senior Vice President  
 Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)  
 DATE FILED Dec 27, 2010  
 EFFECTIVE Dec 27, 2010  
 RESOLUTION NO. \_\_\_\_\_



ESTABLISHMENT AND RE-ESTABLISHMENT OF CREDIT

(Continued)

B. ESTABLISHMENT OF CREDIT – NON-RESIDENTIAL SERVICE

Before receiving such service, each applicant shall be required to establish credit as follows:

1. By making a cash deposit as prescribed in Rule No. 7; or
2. By furnishing a qualified guarantor to secure payment of bills as prescribed in Rule No.7; or
3. By having been a non-residential customer for a similar type of service within the last two years and having paid all bills for gas service in accordance with the provisions of Rule No. 9 for the most recent 12 consecutive months of such service, provided, however, that the credit of the applicant is unimpaired in the opinion of the Utility. The billing for gas consumed at the applicant’s former service location shall have been equal to at least 50 percent of billing estimated for the new service location; or
4. By otherwise establishing credit to the satisfaction of the Utility.

C. RE-ESTABLISHMENT OF CREDIT – ALL CLASSES OF SERVICE

1. An applicant who is a former gas customer of the Utility and whose service was discontinued for nonpayment of bills at any time during the last 12 months of that service, may be required to re-establish credit by making a cash deposit in accordance with the provisions of Rule No. 7.
2. A current customer who fails to pay bills before becoming past due as set forth in Rule No. 9, may be required to pay such bills and to re-establish credit by making a cash deposit as prescribed in Rule No. 7. This rule will apply regardless of whether or not service has been discontinued for such nonpayment. Pursuant to D.10-10-032, small nonresidential service customers shall receive one warning letter per 12-month period prior to any deposit request after at least one late payment, which informs that a deposit to re-establish credit may be required if future payments are not made in a timely manner.
3. A customer using non-residential service may be required to re-establish credit at one or more of its locations in accordance with this Rule if the conditions of service or basis on which credit was originally established, in the opinion of the Utility, have materially changed or, the Utility believes, a condition of high risk exists.
4. Where the Utility has received information that a residential customer left another utility’s service territory with an unpaid closing bill, the customer may be required, as a condition of continued service, to re-establish credit in accordance with this Rule.
5. Pursuant to D.10-10-032, small nonresidential service customers, shall not be subject to a reestablishment of service deposit when failure to pay results from charges that were backbilled.

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(TO BE INSERTED BY UTILITY)  
 ADVICE LETTER NO. 4189  
 DECISION NO. 10-10-032

ISSUED BY  
**Lee Schavrien**  
 Senior Vice President  
 Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)  
 DATE FILED Dec 27, 2010  
 EFFECTIVE Dec 27, 2010  
 RESOLUTION NO. \_\_\_\_\_

Rule No. 16  
ADJUSTMENT OF BILLS

Sheet 2

(Continued)

C. ADJUSTMENT OF BILLS FOR BILLING ERROR (Continued)

Where the Utility overcharges or undercharges a customer as the result of a billing error, the Utility may render an adjusted bill for the amount of the undercharge, without interest, and shall issue a refund or credit to the customer for the amount of the overcharge, without interest, in accordance with the procedures and limitations set forth below. Such adjusted bills shall be computed as follows:

1. Billing Error Resulting in Overcharges to the Customer

If either a residential or nonresidential service is found to have been overcharged due to a billing error, the Utility shall calculate the amount of the overcharge, for refund to the customer, for a period of three years. However, if it is known that the period of billing error was less than three years, the overcharge shall be calculated for only those months during which the billing error occurred.

2. Billing Errors Resulting in Undercharges to the Customer

If either a residential or nonresidential service is found to have been undercharged due to a billing error, the Utility may bill the customer for the amount of the undercharge for a period of three months for residential service or small nonresidential service, as defined in Rule No. 1, and three years for all other nonresidential service. However, if it is known that the period of billing error was less than three months for residential service or small nonresidential service, as defined in Rule No. 1, and three years for all other nonresidential service, the undercharge shall be calculated for only those months during which the billing error occurred.

D. ADJUSTMENT OF BILLS FOR METER ERROR

A meter error is incorrect gas registration resulting from a malfunctioning or defective meter or pressure correction device. A meter error does not include billing errors, unauthorized use, or errors in registration caused by meter tampering by an unauthorized person. It also does not include conditions such as incorrect meter readings, meter dial overs, accounting errors, meter configuration errors, incorrect meter sizing, or switched meters.

Where as a result of a meter test, except for "Other Than Displacement Gas Meter" as described in Section 4 below, a meter is found to be nonregistering or incorrectly registering, the Utility may render an adjusted bill to the customer for the amount of the undercharge, without interest, and shall issue a refund or credit to the customer for the amount of the overcharge, without interest, computed back to the date that the Utility determines the meter error commenced. The period of adjustment for meter error shall not exceed three years and shall be computed in accordance with the following:

(Continued)

(TO BE INSERTED BY UTILITY)  
ADVICE LETTER NO. 4189  
DECISION NO. 10-10-032

ISSUED BY  
**Lee Schavrien**  
Senior Vice President  
Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)  
DATE FILED Dec 27, 2010  
EFFECTIVE Dec 27, 2010  
RESOLUTION NO. \_\_\_\_\_

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Rule No. 16  
ADJUSTMENT OF BILLS

Sheet 3

(Continued)

D. ADJUSTMENT OF BILLS FOR METER ERROR (Continued)

1. Fast Meter: If a meter is found to be registering more than two percent (2%) fast, the Utility shall refund to the customer the amount of the overcharge based on the corrected meter readings or the Utility's estimate of the gas usage either for the known period of meter error or, if the period of error is not known, for the period during which the meter was in use, not to exceed three years.
2. Slow Meter: If a meter for residential service is found to be registering more than 25% slow, or a meter for nonresidential service is found to be registering more than two percent (2%) slow, the Utility may bill the customer for the amount of the undercharge based on the corrected meter readings or the Utility's estimate of the gas energy usage either for the known period of meter error or, if the period of meter error is not known, for the period the meter was in use, not exceeding three months in the case of residential service or small nonresidential service, as defined in Rule No. 1, and three years for all other nonresidential service.
3. Nonregistered Usage: The Utility may bill the customer for the Utility's estimate of the gas used but not registered, not exceeding three months in the case of residential service or small nonresidential service, as defined in Rule No. 1, and three years for all other nonresidential service.
4. Other Than Displacement Gas Meter: For other than displacement gas meters, if the customer or the Utility shall at any time have reason to doubt the accuracy of any gauge, measuring device, other appliance, data, or method used in measuring or computing the amount of gas delivered through other than displacement meters, notification shall be given to the other party and, within a reasonable time, the accuracy of such gauge, measuring device, appliance, data, or method shall be determined (upon request, jointly in the presence of both parties) and if any of them shall be found inaccurate, the proper correction in billing shall be made as follows:

In the case of computation errors or inaccurate data, where the date can be fixed or agreed upon, such correction in billing shall begin, starting with the date of initial error.

In the case of a gauge, measuring device, or appliance found to be out of tolerance sufficient to cause a volume error greater than plus or minus two percent (2%), such correction in billing shall begin on a mutually acceptable date. In the absence of such mutual acceptance, the correction shall begin on a date equivalent to 50% of the elapsed period since the last valid calibration or test.

In all cases where corrections are to be made, the amount of the gas delivered during the established period of inaccuracy shall be recalculated and corrected. Thereafter, measurements shall be made in accordance with correct data and any inaccurate devices shall be recalibrated within published manufacturer's tolerances.

(TO BE INSERTED BY UTILITY)

ADVICE LETTER NO. 4189  
DECISION NO. 10-10-032

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ISSUED BY

**Lee Schavrien**  
Senior Vice President  
Regulatory Affairs

(TO BE INSERTED BY CAL. PUC)

DATE FILED Dec 27, 2010  
EFFECTIVE Dec 27, 2010

RESOLUTION NO. \_\_\_\_\_

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**SAMPLE FORMS: BILL FORMS**  
Affidavit in Support of Customer Claim as Qualifying as a Micro Business Customer  
Form REG-9998

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(See Attached Form)

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(TO BE INSERTED BY UTILITY)  
ADVICE LETTER NO. 4189  
DECISION NO. 10-10-032

ISSUED BY  
**Lee Schavrien**  
Senior Vice President  
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**Affidavit in Support of Customer Claim as Qualifying as a Micro Business Customer under Government Code Section 14837**



**I. Customer Declaration:**

I, \_\_\_\_\_, state as follows:

1. I am authorized to make this declaration as the Customer ("Customer") or as an authorized representative of the Customer \_\_\_\_\_ and
2. I have personal knowledge of the matters set forth herein and if called upon as a witness could and would testify competently thereto.
3. Customer warrants he qualifies as a "micro-business customer," as defined under California Government Code Section 14837.

I declare under penalty of perjury under the laws of the State Of California that the foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_ [City, State]

Signature: \_\_\_\_\_  
Customer or Authorized Representative of the Customer

Title: \_\_\_\_\_

**II. Required Customer Information (Please print)**

Name on Account: \_\_\_\_\_

Account Number \_\_\_\_\_ Service Address Street and City \_\_\_\_\_

\_\_\_\_\_

**Mail to:** \_\_\_\_\_

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