

**CENTRAL VALLEY ELECTRIC COOPERATIVE, INC.  
FOURTH REVISED RULES AND REGULATIONS NO. 10  
CANCELLING THIRD REVISED RULES AND REGULATIONS NO. 10**

**DISPUTED BILLS**  
**Application – All Customers**

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**I. GENERAL (per 17.5.410.36 & 37 NMAC):**

A customer may advise Central Valley Electric Cooperative, Inc. (CVEC) by written notice, by telephone, by email, or in person that electric utility charges are in dispute.

**II. DETERMINATION OF DISPUTED AMOUNT:**

If a customer disputes the amount of electric utility charges, the customer shall pay an amount equal to that part of the electric utility charges not in dispute. The amount not in dispute shall be mutually determined by both parties. The parties shall consider the customer's prior consumption history, weather variations, the nature of the dispute, and any other pertinent factors in determining the amount not in dispute. In the event CVEC and a customer cannot agree on the amount not in dispute, the customer shall pay CVEC an amount equal to 90% of the average monthly consumption for the customer's consumption during the preceding year for the three-month period which brackets the month in controversy or an amount equal to 90% of the average monthly consumption during the preceding year for a three-month period which brackets the month in controversy for a customer with similar characteristics of utility consumption.

Failure of a customer to pay CVEC the non-disputed amount of electric utility charges as provided in II above, shall constitute a waiver of the customer's right to continued service.

**III. SETTLEMENT OF DISPUTED AMOUNTS:**

A. When the dispute is resolved, if applicable, any excess amount paid by the customer shall promptly be credited to the customer's account, and if the amount is in excess of twenty-five dollars (\$25) and if so requested by the customer the excess amount shall promptly be refunded.

B. If there is an outstanding amount due when the dispute is settled, this amount can be paid in full at settlement time, unless the parties agree to an extension for payment. If the terms of the settlement agreement extend

X  
X

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REPLACED BY NMPRC  
Operation of Law

BY

Signature:



Executive Vice President

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beyond forty-five (45) days, it shall be considered an installment agreement and shall be subject to the requirements of CVEC Rules and Regulations #9.

- C. If a residential customer fails to comply with the settlement agreement, CVEC shall notify the residential customer at least seven (7) days before discontinuing service, that service will be discontinued.
- D. A settlement agreement to pay an outstanding past due balance does not relieve the residential customer of the obligation to pay future bills on a current basis.

**IV. ADJUSTMENT OF BILLS DUE TO METER OR BILLING ERRORS:**

- A. When the accuracy of a meter is questioned, or upon request from the consumer, CVEC will test the meter by comparing it with a standard test meter. If the meter has been tested within the preceding twelve (12) months, and is tested at the request of the consumer, and found to be accurate within plus or minus 2%, CVEC may charge the consumer for performing the test. If the meter is found to be inaccurate more than plus or minus 2%, no charge will be made for testing. If the date when the error in registration began can be determined, such date shall be the starting point for the determination of the amount of the adjustment. If the date when the error in registration began cannot be determined, it shall be assumed that the error has existed for a period equal to one-half (1/2) the time elapsed since the meter was installed, or one-half (1/2) the time since the last previous test whichever is later.
- B. Errors in the meter's measurement of a consumer's electricity will be adjusted by CVEC with a charge or credit to the consumer's account.
- C. Residential customers that have received a bill with no usage or no bill has been rendered may receive back-billing for up to 6 months. Customers shall be given a time period to pay back-billing equal to the period of time of back-billing.
- D. Non-Residential customers are limited to 12 months back-billing and 12

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months of refund for over billing. Customers shall be given a time period to pay back-billing equal to the period of time of back-billing.

- E. Back-billing of all customers is limited to 72 months for under-billing that was caused by tampering or fraud by the customer.
- F. Notwithstanding the above time limits, The NMPRC may determine a different time limit for back-billing or refunding in order to achieve a reasonable, fair, and just result. X

**V. COMPLAINTS:**

A. If CVEC and the customer are unable to resolve a dispute, the CVEC representative shall:

- 1. Advise the customer that if the complaint cannot be resolved to the parties' satisfaction, each has a right to register an informal or formal complaint with the NMPRC;
- 2. Give the customer the address and telephone number where the customer may file a complaint with the NMPRC; and
- 3. If the residential customer is a member of a New Mexico tribe or pueblo, CVEC shall advise the customer that he or she can request help with translation or other assistance by contacting the commission's consumer relations division, who will contact the appropriate tribal or pueblo official for assistance. X

B. Informal Complaints by Native Americans. The commission's consumer relations division, to the extent practicable and consistent with applicable law, should process informal complaints filed by Native Americans in accordance with any applicable guidelines or directives established by the complainant's tribe or pueblo.

**VI. INSTALLMENT AGREEMENTS:**

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*Charles T. Senior Jr.*

Executive Vice President

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When CVEC and a residential customer settle a dispute or when a residential customer does not dispute liability for an outstanding bill or bills but demonstrates an inability to pay the outstanding bill or bills then due, CVEC and the residential customer may enter into an installment agreement to pay the amount of the bill. As per CVEC Rules and Regulation #9, the term of an installment agreement reached by telephone, which extends beyond forty-five (45) days, shall be confirmed by CVEC in writing and mailed or delivered to the residential customer. CVEC is not required to enter into an installment agreement with a chronically delinquent residential customer.

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