

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter F. METERING.

§25.125. Adjustments Due to Non-Compliant Meters and Meter Tampering in Areas Where Customer Choice Has Not Been Introduced.

- (a) **Applicability.** This section applies to an electric utility in an area in which customer choice has not been introduced and shall take effect July 1, 2010.
- (b) **Back-billing and meter tampering charges.** If any meter is found not to be in compliance with the accuracy standards required by §25.121(e) of this title (relating to Meter Requirements), readings for the time the meter was in service since last tested shall be corrected only as allowed below, and adjusted bills shall be rendered, except that previous readings shall not be corrected for any period in which the current customer was not the customer. The utility shall also bill the customer for any tampering, meter repair, or restoration charges due to meter tampering, if the current customer was the customer when the meter tampering began. Eligibility for an extended payment plan for back-billed amounts relating to meter tampering shall be determined under the applicable commission rules provided that, for back-billed amounts exceeding double the amount of a deposit permitted under §25.24 of this title (relating to Credit Requirements and Deposits), the utility shall offer repayment over no less than six equal monthly installments.
- (c) **Calculation of charges.** The charge for any period in which the meter was not in compliance with the accuracy standard shall be based on an estimate of consumption under conditions similar to the conditions when the meter was not registering accurately, during a prior or subsequent period for that location or a similar location, to the extent such information is available.
- (d) **Burden of proof.** If a customer challenges the utility's determination of meter tampering or the imposition of charges based on any such determination in a contested case proceeding before the commission, the utility bears the burden of proof that meter tampering occurred.
- (e) **Additional requirements.** By April 1 of each calendar year, each utility shall file with the commission a report detailing the following for the previous calendar year concerning meter tampering:
 - (1) Total number of customers for which meter tampering was determined by the utility;
 - (2) The number of customers back-billed and the average of the following charges per customer:
 - (A) utility delivery and energy charges, and
 - (B) meter tampering, repair, and restoration charges; and
 - (3) Total number of cases referred to law enforcement for prosecution that included photographs, a descriptive incident report, affidavit, and notification to law enforcement of the availability of physical evidence in the case.