

476.20 Disconnection limited — notice — moratorium — deposits.

1. *a.* A utility shall not, except in cases of emergency, discontinue, reduce, or impair service to a community, or a part of a community, except for nonpayment of account or violation of rules and regulations, unless and until permission to do so is obtained from the board.

b. (1) A public utility described in [section 476.1, subsection 3](#), paragraph “c”, may enter into an agreement with the governing body of a city utility, combined city utility, city enterprise, or combined city enterprise to discontinue water service to a property or premises if an account owed the city utility, city enterprise, or combined city utility or city enterprise for wastewater service or services of sewer systems, storm water drainage systems, or sewage treatment provided to that customer’s property or premises becomes delinquent pursuant to [section 384.84, subsection 3](#). An agreement entered into under this paragraph shall not negate any obligations of a city utility, combined city utility, city enterprise, or combined city enterprise under [section 384.84](#).

(2) A public utility that has entered into an agreement under this paragraph shall not be liable for damages related to the discontinuance of water service under this paragraph. The customer shall be responsible for all costs associated with discontinuing and reestablishing water service disconnected pursuant to this paragraph.

(3) The board shall adopt rules for the discontinuance of water service under this paragraph. A public utility shall only discontinue water service under this paragraph in accordance with the rules adopted pursuant to this subparagraph.

2. The board shall establish rules requiring a regulated public utility furnishing gas or electricity to include in the utility’s notice of pending disconnection of service a written statement advising the customer that the customer may be eligible to participate in the low income home energy assistance program or weatherization assistance program administered by the division of community action agencies of the department of human rights. The written statement shall list the address and telephone number of the local agency which is administering the customer’s low income home energy assistance program and the weatherization assistance program. The written statement shall also state that the customer is advised to contact the public utility to settle any of the customer’s complaints with the public utility, but if a complaint is not settled to the customer’s satisfaction, the customer may file the complaint with the board. The written statement shall include the address and phone number of the board. If the notice of pending disconnection of service applies to a residence, the written statement shall advise that the disconnection does not apply from November 1 through April 1 for a resident who is a “head of household”, as defined in [section 422.4](#), and who has been certified to the public utility by the local agency which is administering the low income home energy assistance program and weatherization assistance program as being eligible for either the low income home energy assistance program or weatherization assistance program, and that if such a resident resides within the serviced residence, the customer should promptly have the qualifying resident notify the local agency which is administering the low income home energy assistance program and weatherization assistance program. The board shall establish rules requiring that the written notice contain additional information as it deems necessary and appropriate.

3. *a.* The board shall establish rules which shall be uniform with respect to all public utilities furnishing gas or electricity relating to disconnection of service. [This subsection](#) applies both to regulated utilities and to municipally owned utilities and unincorporated villages which own their own distribution systems, and violations of [this subsection](#) subject the utilities to civil penalties under [section 476.51](#).

b. A qualified applicant for the low income home energy assistance program or the weatherization assistance program who is also a “head of household”, as defined in [section 422.4, subsection 7](#), shall be promptly certified by the local agency administering the applicant’s program to the applicant’s public utility that the resident is a “head of household” as defined in [section 422.4, subsection 7](#), and is qualified for the low income home energy assistance program or weatherization assistance program. Notwithstanding [subsection 1](#), a public utility furnishing gas or electricity shall not disconnect service from November

1 through April 1 to a residence which has a resident that has been certified under this paragraph.

c. The rules established by the board shall provide that a public utility furnishing gas or electricity shall not disconnect service to a residence in which one of the heads of household is a service member deployed for military service, as defined in [section 29A.1, subsection 3](#), prior to a date ninety days after the end of the service member's deployment, if the public utility is informed of the deployment.

4. A public utility which violates a provision of [this section](#) relating to the disconnection of service or which violates a rule of the board relating to disconnection of service is subject to civil penalties imposed by the board under [section 476.51](#).

5. a. The board shall establish rules which shall be uniform with respect to all public utilities furnishing gas or electricity relating to deposits which may be required by the public utility for the initiation or reinstatement of service. [This subsection](#) shall not apply to municipally owned utilities, which shall be governed by the provisions of [section 384.84](#) with respect to deposits and payment plans for delinquent amounts owed. Municipally owned utilities and electric utilities that are not required to be rate-regulated shall not be subject to the board's rules in regards to deposits and payment plans for delinquent amounts owed and repayment of past due debt. Municipally owned utilities and electric utilities that are not required to be rate-regulated shall be subject to the board's rules in regards to payment plans made prior to the disconnection of services.

(1) The deposit for a residential or commercial customer for a place which has previously received service shall not be greater than the highest billing of service for one month for the place in the previous twelve-month period.

(2) The deposit for a residential or a commercial customer for a place which has not previously received service or for an industrial customer shall be the customer's projected one month's usage for the place to be serviced as determined by the public utility according to rules established by the board.

b. [This subsection](#) does not prohibit a public utility from requiring payment of a customer's past due account with the utility prior to reinstatement of service.

c. The rules shall allow a person other than the customer to pay the customer's deposit. Upon termination of service to such a customer, the deposit plus accumulated interest less any unpaid utility bill of the customer, shall be reimbursed to the person who made the deposit.

6. [This section](#) shall not apply to telecommunications service providers registered pursuant to [section 476.95A](#).

[C66, 71, 73, 75, §490A.26; C77, 79, 81, §476.20]

[83 Acts, ch 127, §31; 84 Acts, ch 1131, §1; 84 Acts, ch 1273, §1; 2010 Acts, ch 1170, §4; 2011 Acts, ch 25, §143; 2011 Acts, ch 47, §9; 2014 Acts, ch 1085, §2; 2015 Acts, ch 30, §152; 2017 Acts, ch 62, §5; 2018 Acts, ch 1135, §15; 2018 Acts, ch 1160, §13](#)

Referred to in [§384.84, 476.1A, 476.1B, 476.1C](#)