



CITY OF SANTA FE

UTILITY BILLING ADMINISTRATIVE MANUAL

SUBJECT

Utility Billing Appeals Procedure	Policy Number	# Pages
	3.0.0	00
	Effective Date	Revision Date
	07-18-2003	11-05-2003

1.0 PURPOSE:

- 1.1 To define procedures for reaching a final resolution with utility customers who are disputing utility readings, charges or other complaints relating to their utility services and utility billing.

2.0 APPLICABLE TO:

- 2.1 Water, Wastewater, Solid Waste, Storm Water, and Utility Billing Division Staff.

3.0 REFERENCES:

- 3.1 Policy 2.0.0 – Dispute Resolution Policy & Procedure.
- 3.2 City Code – Chapter 13 – Storm Water.
- 3.3 City Code – Chapter 15 – Utility Billing.
- 3.4 City Code – Chapter 21 – Sanitation.
- 3.5 City Code – Chapter 22 – Sewers.
- 3.6 City Code – Chapter 25 – Water.

4.0 DEFINITIONS:

- 4.1 Hearing Officer – Employee or contractor selected by the City Manager to hear appeals.
- 4.2 Director – Utility Billing Division Director.
- 4.3 Payment Arrangement – an arrangement made with the Utility Billing Collection’s Unit to make payment on delinquent accounts.

5.0 PROCEDURES:

- 5.1 Water, Wastewater, Solid Waste and Storm Water customer service staff are to ensure that all steps of Policy and Procedure 2.0.0 – Dispute Resolution, are completed prior to initiating an appeal under this procedure.
- 5.2 The Director or his or her designee is to review the customer's complaint as the last step of Policy and Procedure 2.0.0 – Dispute Resolution. He/She will advise the customer, in writing, the findings of his/her investigation and recommended resolution.
- 5.3. If the customer is unsatisfied with the resolution, the Director or his or her designee will forward to the customer a Request for Formal Appeal form.
 - 5.3.1 He/she will indicate on the Request for Formal Appeal form the deadline in which the form must be returned to him/her.
 - 5.3.1.2 The deadline date is 30 days from the date of mailing of the form.
 - 5.3.2 The customer will be advised of the following:
 - 5.3.2.1 The request for an appeal must be submitted no later than 30 days after the occurrence. In general, retroactive adjustments will be limited to a period of no more than two (2) years.
 - 5.3.2.2 In general, specific direction provided for in the utility ordinances cannot be appealed.
 - 5.3.2.3 They will forfeit their right to appeal if they do not return the completed form within the designated time frame.
 - 5.3.2.4 Discontinuance of service will be delayed until the City Manager has made his/her decision (if applicable).
 - 5.3.2.5 The right to appeal will be forfeited if they do not appear at the scheduled hearing.
 - 5.3.2.6 The Rules of the Proceedings.
 - 5.3.2.6.1 The customer will not attempt to contact the hearing officer prior to or following the hearing.
 - 5.3.2.6.2 The customer may have legal or other representation present.
 - 5.3.2.6.3 The customer will present their appeal first.
 - 5.3.2.6.4 The Director or his or her designee will present the city's findings.

5.3.2.6.5 The Hearing Officer may ask questions of either party.

5.3.2.6.6 Limited rebuttals may be allowed by the Hearing Officer.

5.3.2.7 If the customer's appeal is not supported by the City Manager, the customer will have two weeks from the date of the City Manager's decision to pay the balance due on their account or make payment arrangements or their service will be discontinued (if applicable).

5.3.3 The appeal must be in writing and must clearly state:

5.3.3.1 The factual basis for the appeal.

5.3.3.2 The legal basis for the appeal.

5.3.3.3 The desired or requested action or outcome.

5.4 The Director or his or her designee will:

5.4.1 Schedule an appeal date and time with the Hearing Officer.

5.4.2 Inform all customers seeking appeal of the date, time and place of the appeal.

5.4.2.1 All customers will be notified by registered mail, return receipt requested.

5.4.3 Present to the Hearing Officer:

5.4.3.1 A list of customers requesting an appeal.

5.4.3.2 A photocopy of the customer's completed Request for Formal Appeal form.

5.4.3.3 The City's response to the customer's complaint.

5.4.3.4 The City's response to the customer's appeal.

5.4.3.5 All documentation received from the customer.

5.4.3.6 All documentation supporting the City's position.

5.5 The Hearing Officer:

- 5.5.1 Will work with the Director or his or her designee to schedule a timely hearing.
- 5.5.2 Will review all documentation submitted by the customer and the City.
- 5.5.3 Will preside over the hearing.
- 5.5.4 Will follow and administer the Rules of Proceedings.
- 5.5.5 Will ensure that the proceedings are kept brief and to the point.
- 5.5.6 Shall make a recommendation for resolution, in writing, to the City Manager.
- 5.6 The City Manger will meet with the Director to review the City Manager's decisions.
- 5.7 The Director or his or her designee will put the City Manager's decision in writing for his signature and will forward the findings to the customer.
 - 5.7.1 Notice of the City Manager's decision will be sent to the customer via registered mail, return receipt requested.
 - 5.7.2 The decision of the City Manager is final.
- 5.8 All documentation, findings and decisions will be placed in the customer's file.
- 5.9 The City Manager's decision will be recorded as a memo on the customer's account.

6.0 APPENDIXES:

- 6.1 Request for Formal Appeal Form.

7.0 REVIEW AND APPROVALS:

- 7.1 PREPARED BY: Dave Schmiedicke 11-5-03
Dave Schmiedicke, Utility Billing Division Director DATE
- 7.2 REVIEWED BY: Kathryn Ravelling 11/5/03
Kathryn Ravelling, Finance Director DATE
- 7.3 APPROVED BY: Jim Romero 11/10/03
Jim Romero, City Manager DATE

Please Note

- 1. Your request for appeal must be postmarked or returned to the Utility Billing Division Director's Office no later than _____ or you will forfeit your right to appeal.**
- 2. Discontinuance of your utility services will be delayed until the City Manager has made his/her decision.**
- 3. You will be notified, in writing, by registered mail, of the date, time and place of your hearing.**
- 4. You will forfeit your right to appeal if you do not appear at your scheduled hearing date.**
- 5. You will be notified, in writing, by registered mail, of the City Manager's decision.**

Instructions

- 1. Please keep your information brief and to the point.**
- 2. Please type or print your request.**
- 3. Use additional paper as necessary.**
- 4. Question 1: As briefly as possible, please state all of the facts of your case, what the problem is and state why you are asking for an appeal.**
- 5. Question 2: State any city ordinances that may support your appeal. (Contact the City Clerk's Office, 955-6520 for copies of the utility ordinances.)**
- 6. Question 3: State what action you would like to see as a result of your appeal.**
- 7. Mail this completed form to: -OR- Bring the form in-person to:**

**Utility Billing Division Director
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909**

**Utility Billing Division Director
Sangre de Cristo Water Div.
801 W. San Mateo
Santa Fe, NM 87505-3923**

Rules of the Proceedings

- 1. The customer will not attempt to contact the hearing officer prior to or following the hearing.**
- 2. The customer may have legal or other representation present.**
- 3. The customer will present their appeal first.**
- 4. The verbal appeal will be limited to the pertinent facts.**
- 5. The Utility Billing Division Director or his/her assigned designee will present the city's findings.**
- 6. The presentation of the findings will be limited to the pertinent facts.**
- 7. The Hearing Officer may ask questions of either party.**
- 8. Limited rebuttals may be allowed by the Hearing Officer.**
- 9. The hearing officer will not make a ruling at the hearing. He/she will make a recommendation to the City Manager for final disposition.**