**Section 280.190 Treatment of Illegal Taps**

a) Intent: The purpose of this Section is to require the utility to investigate high bills resulting from an abnormal or unexplained increase in consumption alleged by a customer. The utility shall investigate the allegation, to the extent customer-owned facilities are readily visible or accessible, to determine the reason and whether the consumption is caused by an illegal tap or diversion of service.

b) Utility Investigation: When, within 30 days after receipt of a utility's bill, a customer alleges that the level of consumption is unreasonably high, the public utility furnishing natural gas, electricity or water to that customer shall investigate the allegation.

c) Notice of Investigation Results: If, as a result of the investigation, the public utility determines that a tap has been constructed on the pipes and/or wires of the customer, the utility shall attempt to notify the landlord, property owner or his or her agent and instruct that the tap be removed immediately. The customer shall also be provided with notice of the investigation results.

d) Disconnection of Service: This Section shall in no way prohibit a utility from disconnecting service if the utility determines that an unsafe condition exists.

e) Utility Determination of Benefitting Party: The utility shall also attempt to determine the identity of the party benefitting from the tapped service. The following procedures shall apply once the tap has been removed:

1) The customer whose pipes and/or wires had been tapped by a third party shall be billed by the utility according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.

2) If the utility identifies the third party and finds that the third party is currently a customer of the utility on another account, the utility is authorized to bill that third party's account for the excess usage that is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility.

3) If the utility identifies the third party and finds that the third party is not a customer of the utility, the utility is authorized to bill that third party for the excess usage that is not attributable to the customer whose line had been tapped plus all related expenses incurred by the utility using the procedures established for the billing of unauthorized use of utility service.

4) In cases when the utility cannot determine the identity of the party benefitting from the tap, the utility may assign the dollar amount representing the excess usage and expenses to its bad debt account.

f) Construction Error: When the diversion of gas, electricity or water is the result of a construction error in the pipes and/or wires that is not the responsibility of the public utility, the accounts of the customers involved may be adjusted according to the newly established usage pattern and/or degree day analysis, whichever is appropriate.

g) When the customer of record benefitted from, cooperated in or acquiesced to the tap, the utility may collect all related expenses from the customer of record for the services associated with the tap.