Law Office of Richard A. Finnigan 2112 Black Lake Blvd. SW Olympia, Washington 98512

Richard A. Finnigan (360) 956-7001 rickfinn@localaccess.com Candace Shofstall
Legal Assistant
(360) 753-7012
candaces@localaccess.com

July 1, 2014

VIA HAND DELIVERY

Mr. Steven V. King, Executive Director and Secretary Washington Utilities and Transportation Commission 1300 South Evergreen Park Drive SW Olympia, Washington 98504-7250

Re:

UW-140616 - Rainier View Water Company, Inc.

Dear Mr. King:

Enclosed you will find a request for hearing and application for mitigation ("Request") in the above-referenced Docket. Portions of the attachment to the Request contain detailed customer information and, as a result, are designated as confidential per WAC 480-07-160. There is both a redacted (public) version of the attachment and a confidential version of the attachment. The confidential version is in a separate envelope marked confidential.

Thank you for your immediate attention to this matter.

Sincerely

RICHARD A. FINNIGAN

RAF/cs

cc: Client (via e-mail)

2014 JUL -1 PH 4: 50

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PENALTY ASSESSMENT UW-140616

PLEASE NOTE: You must complete and sign this document, and send it to the Commission within 15 days after you receive the penalty assessment. Use additional paper if needed.

I have read and understand RCW 9A.72.020 (printed below), which states that making false statements under oath is a class B felony. I am over the age of 18, am competent to testify to the matters set forth below and I have personal knowledge of those matters. I hereby make, under oath, the following statements.

- [] 1. Payment of penalty. I admit that the violation occurred and enclose \$______ in payment of the penalty.
- [X] 2. Request for a hearing. I believe that the alleged violation did not occur for the reasons I describe below, and I request a hearing based on those reasons for a decision by an administrative law judge:

The company agrees that there was one violation. However, the bulk of the alleged violations grow out of disagreements on how to interpret the language of Commission rules and those matters deserve further review and discussion. A more detailed analysis is attached.

[X] 3. **Application for mitigation.** I admit the violation, but I believe that the penalty should be reduced for the reasons set out below:

As to the violation that the company agrees occurred, a more detailed presentation is attached.

- [X] a) I ask for a hearing to present evidence on the information I provide above to an administrative law judge for a decision
- OR [] b) I ask for a Commission decision based solely on the information I provide above.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing, including information I have presented on any attachments, is true and correct.

Dated: 07/01/2014, at Olympia, WA

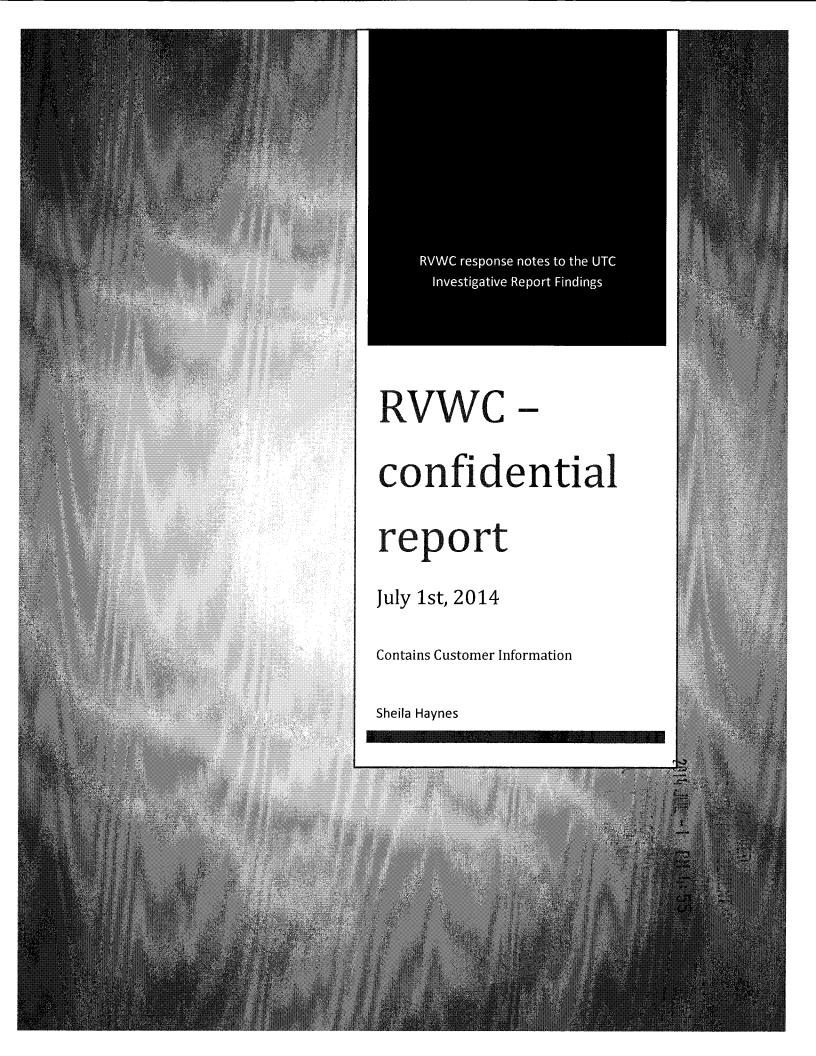
Rainier View Water Company, Inc.

Name of Respondent (company) – please print

Signature of Applicant

RCW 9A.72.020:

"Perjury in the first degree. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law. (2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section. (3) Perjury in the first degree is a class B felony."



Response to Commission Staff Report

- Executive Summary The Staff Report references increased violations against RVWC in 2012 and 2013.
 Overall complaints filed and Consumer Complaints upheld vs. RVWC are down more than 50% from the prior 5 years 2004-2008 and even more from the preceding years 2000-2003.
 - Source http://www.utc.wa.gov/consumers/Pages/ComplaintsByCompany.aspx

Company / Year	Total Complaints	Consumer Upheld	Company Upheld	Company with Arrangements	Othe
RABANCO CONNECTIONS INTERNATIONAL.	11	4	3	2	
RABANCO LTD	216	99	60	39	18
RABANCO LTD & RABANCO RECYCLING INC	44	28	7	6	2
RABANCO LTD & RABANCO RECYCLING, INC.	71	29	27	11	4
Radiant Telecom, Inc.	1	0	0	1	
Radiant Telecom, LLC	1	0	0	0	2
Rainier Cable, Inc.	2	0	1	1	
RAINIER MOVING SYSTEMS, INC.	. 7	0	3	2	
Rainier View Water Company, Inc.	157	29	109	15	
2000	21	3	17	1	
2001	12	5	6	0	
2002	8	4	4	0	
2003	12	2	9	1	
2004	11	1	9	1	
2005	11	2	8	1	
2005	30	5	22	1	
2007	11	3	5	3	
2008	9	0	7	2	
2009	6	0	4	2	
2010	10	1	В	1	(
2011	5	1	4	0	
2012	7	1	5	1	(
2013	4	1	1	1	

As we look at the various procedural changes suggested by UTC, my focus is on what I believe is the WAC intent,
what is practical and clear for the customer to understand and company to administer, and cost efficiency to
keep the water affordable for the customers.

Minor item to note: Mr. and Mrs. Richardson do not own Richardson Well Drilling.

- Deposit Return Discussion regarding when service is terminated. The examples given are customers whose service was temporarily disconnected for non-payment. Our historical interpretation of WAC 480-110-335 (9)(b) was that it pertained to services that were permanently terminating and closing their account, not active accounts that were temporarily disconnected for non-payment etc. Please note that WAC 480-110-335 (9)(a) uses the term "disconnection." This points to disconnection being something different than termination.
- The section of WAC noted by Staff only referenced section (9)(b) Termination of Service and excluded (9)(a) which I believe bears consideration also as the impact of applying the deposit to the customers outstanding bill functions as a refund to the customer for which the past due bill is paid. Note: RVWC has had for many many years a monthly process to refund deposits plus interest less any amounts due for closed accounts or apply deposits plus interest to active account when satisfactory payment, according to WAC, has been made.
 - (9) When refund of deposits is required. A company must refund deposits plus accrued interest when there has been satisfactory payment, as defined in (a) of this subsection, or when service is terminated.
 - (a) "Satisfactory payment" means a customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:
 - (i) The company has not started a disconnection process against the customer, and
 - (ii) The company has sent no more than two delinquency notices to the customer.

o Investigation Yes those are basically the facts and consistent with our process and interpretation of the WAC, with a few clarifications:

Unfortunately, in both of these cases a deposit did not incent timely payment and based on our interpretation of the rule, since we had started disconnection process the customer was not due a refund of the deposit and accrued interest.

• Discontinuing Service – Company initiated Investigation Customer Satterwhite; the stated facts in the Staff Report are incomplete and an explanation of circumstances is needed before determining violation in respect to the 10 day issue.

- RVWC has historically worked under the guideline that returned payments for NSF was a form of fraud or illegal action. We do not take a NSF disconnection action on accounts that are not past due, but do take action when payment is made to avoid disconnection or initiate reconnection. If that is incorrect, we will change our procedure to follow standard disconnection notification guidelines. However, we would like a discussion of the rule language.
 - According to WAC 480-110-355 (1)(c) Service obtained by fraud: no notice required before termination A water company may terminate service without notice when it discovers that a customer has obtained service fraudulently. Examples of fraud include: When service is connected without the company's knowledge, when service is obtained by fraudulent means or representations, or when service is used to provide service to other persons who are required to obtain their own service.
 - Also mentioned under 480-110-355(3) Required notice prior to disconnecting service.
 Each water company must notify customers before disconnecting their service except in case of danger to life or property, fraudulent use, impairment of service, or violation of law.

• Reconnecting Service Customers who are disconnected and contact us the same day are reconnected the same day if they pay in the office or at the door before 5:00. Customers who are disconnected and do not contact us until a later date are reconnected the following business day after contact or sooner if staff available. We do not monitor payments of already disconnected accounts on a daily basis. There are no triggers when electronic payment has been received on a disconnected account. We do have other monthly processes that help us identify such situations. However, sometimes that is our indication that the home has been vacated/abandoned. We have over 600 disconnected customers at any given time for a multitude of reasons. Some are customer directed, some are company directed. We encourage our customers to contact us if they are making payment electronically and have a possibility of being disconnected. Our disconnect notices request customers contact us if electronic payment is going to be made or they run the risk of disconnection.

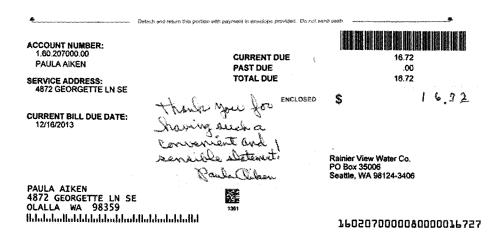
URGENT MESSAGE FOR PAYMENTS VIA MAIL OR ON-LINE

Please call our Billing Department if you have already mailed, will be mailing, or will be making an on-line payment in regards to this notice. Without prior notification to the Billing Department you run the risk of having your water service disconnected. If you need other payment arrangements please call or visit the office.

We will look for ways to receive an alert that an electronic payment has been received on a delinquent account.

•	Reconnecting service — Prior obligation As noted before, we interpret the WAC to apply to the prior obligation on closed accounts not active accounts. Additionally, the WAC refund (apply to customer account) deposit specifically states a deposit is not returned when disconnection process has begun nor if payment han not been satisfactory for 12 consecutive months. Technically, the process utilizing the deposit as payment option recommended by the UTC Staff will be very manual and near impossible to administer consistently, confusing for staff and customer, and may require additional staffing.	

- Forms of Bills Rainier View Water Company has utilized tiered usage water rates for many years. The method of presentation has historically been to present the single service WATER as a single billed charge and has been accepted method by UTC Staff until late 2013. We, again, believe our current method of presentation is appropriate under the rules and effective for customers. However we did fully investigate what we could do to comply with the recent Commission Staff interpretation of bill presentation.
 - Our utility billing software does not support the printing of calculation components of the tiered usage rate for the service water. We explored with our billing software provider the possibility of special programming to accommodate your recommendation. Unfortunately, they are not accepting special programming requests on this software version, nor do they have plans to add that capability in their next version cycle due out in a few years.
 - We are, however, able to print a "memo field" depicting the formula calculation generated by the software when the water service is billed. Please note, although it will meet the Commission Staff interpretation, Rainier View Water Company does not recommend this alternative for multiple reasons:
 - We are not able to manipulate this "memo field" as it is one field and non-dissectible.
 - Maximum field size requirements vary depending on customer individual situation and in many cases will
 extend a one page billing to two pages increasing cost. As costs play an important role in rate making,
 the cost/benefit is questionable on basic water service.
 - In a case when multiple months usage are being billed (causes ranging from snow, standing water, obstruction, etc.) the space requirement could becomes excessive.
 - For a majority of customers this is more information than they want on a regular basis. We often received customer compliments of our clear statement presentation.



- The cost to implement the above changes is estimated to be between \$7,500 \$9,500 which includes 50-60 hours of programming by our statement providers, as well as new blank form template development and stock replacement.
- As multiple UTC Consumer Protection and Communication Department's staff have previously reviewed our current statements with no indication of WAC non-compliance, we specifically ask the UTC Consumer Protection and Communication section to authorize the associated cost expenditure on behalf of our ratepayers.
- o Example attached.
- Responsibility for complaints and disputes Additional guidance requested. What does the Commission categorize as complaints? Is there a guideline for degree of complaint? Would logging only the escalated complaints regarding I)Water quality 2) Billings for leak or unusual situation exceeding normal usage range, or 3) extreme billing/process disagreements that can not be resolved by a Customer Service Representative and require escalation to a manager, meet the objective? It would be a labor intensive duplication of effort to record every customer concern or complaint to a separate log and shift our limited resources away from assisting customer by answering questions, initiating service order action, resolving customer concerns. The customer service agents currently document customer issues and resolution on the customer account in our billing software so that anyone in the department can assist the customer further if needed and get quickly up to speed on the customer's account.
 - What about complaints regarding service disconnections. Very few of our customers that call in are delighted they were disconnected (althought some are quite nice and applogize for not sending payment sooner). Below are examples of every day complaints we might receive for which an extensive log would be of little value on many of the concerns but logging on the customer account is very beneificial.
 - Water is too expensive.
 - Filling out an application is a waste of time and I already filled one out. You people must have lost it.
 - No my name isn't on the account but I live with the account holder and want to know my balance.
 - You people have no right to enter my yard.
 - How come you didn't give me a call that I was late.
 - There are people in my pipes listening to every word I speak (Ms. Romney calls seveal times a year).
 - My water is brown.
 - My water tastes awful.
 - My bill is wrong.
 - I moved and you still mailed my bill to the house.

I could not have used that much water.

Are any of these complaints that need to be recorded?

- Rate Discrimination
 - Investigation
- Summary of Recommendation There are issues that need clarification and consideration. A blanket
 acceptance of the Staff report without clarifying facts would misrepresent our general operating procedure and
 could lead to further misunderstanding and violations. Additionally, RVWC previously requested to meet with
 Consumer Protection staff to discuss discontinuance of service and deposit rules but were not granted a
 meeting.
 - O Disagree Claim of uncooperative and unresponsive on initial data request:
 - Object We would like to note that from initial Data Request (June 19, 2013) until receipt of the Investigative Report (June 17th, 2014) took right up to 1 year. Rainier View was quite reponsive to providing the data requested by July 12th, 2013, as agreed, and in answering subsequent questions and information. Rainier View's part, answering additional followup questions, was completed on October 18th 2013.
 - Object We provided the customer account notes which serve as our log of complaints, it was just not in the form that Commission Staff prefers and included other information. UTC Staff was notified of the size and nature of the log prior to shipment. Note: the Customer Care Review Committee log referred to by UTC Staff as acceptable but not a complete years' worth of information, was developed for committee use only, as a means of ensuring consistency of decisions on exceptional circumstance complaints that fell outside of norms or escalated issues/concerns. It was not intended to be or represent an exhausive log of all complaints and therefore was not originally offered to the UTC Staff as the customer complaint log.
 - Disagree Of the \$2600 in fines:
 - Object 2 @ \$100 on Deposit Return are related to fundemental differences in interpretation of WAC and need possible Commission Review.
 - Accept 1 @ \$100 on 2 disconnection notices was a timing fluke due to 2 NSF returns but is accurate.
 - Void I @ \$100 on within 10 days disconnect window is inaccurate was due to NSF not disconnect notice.
 - Object 19 @ \$100 on reconnecting service after payment. In the 1st case the customer was reconnected but turned off at meter due to spinning meter (leak) and home was unoccupied. Turing off a meter when there is a leak is our responsibility as a water company. We turned on meter when customer called. In the next two cases, we reconnected as soon as was possible after contact with customer or discovery of payment.
 - Object 2 @ \$100 on reconnecting prior obligation are related to fundemental differences in interpretation of WAC and need possible Commission Review.
 - Object I @ \$100 on Form of Bills are related to fundemental differences in interpretation of WAC and need possible Commission Review.
 - Agree Will change our deposit practice to collecting a deposit from customers who routinely
 pay their water bills late and receive more than two delinquent or disconnect notices in a 12-month
 period.

- Agree Change Tariff to include Non-sufficient electronic credit card, debit card, or other types of on-line payment.
- O Disagree as already in effect must ensure their bills clearly identify and show each separate charge as a line item. We contend Water is one charge per service no mater what the calculation components. However, have prepared quote and format example for discussion with Commission Staff.
- Agree <u>with modification</u> to keep readily available for commission review, a copy of complaints
 of concerns regarding service or rates for at least one year. Mutually acceptable criteria for what
 constitutes a complaint needs to be developed.

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Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

ACCOUNT NUMBER Pressure Zone -	SOUTHWOOD	Service Units - Billing Type	. 38 Arrears
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Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

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ACCOUNT NUMBER Service Units - 38
Pressure Zone - SOUTHWOOD Billing Type Arrears

ACCOUNT NUMBER CURRENT DUE

PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 09/16/12

								<u>cu. ft.</u>	
8	01/01/14	61097474	04/03/14	05/05/14	54,299	54,346	100	4,700	
5/8		3311134	04/03/14	05/05/14	1,267	1,274	100	700	
4		60774544	04/03/14	05/05/14	56	56	100	Ö	
5/8	******	33111133	04/03/14	05/05/14	3,710	3,710	100	0	
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1240	WATER		04/03/14	05/05/14	Base amount:	231.70			
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Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

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ACCOUNT NUMBER Service Units - 38
Pressure Zone - SOUTHWOOD Billing Type Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14

5/8

01/01/14 5686146

04/04/14 05/19/14 576

588

100

1,200

1105 WATER 04/04/14 05/19/14 Base amount: 13.90 Usage calculation:

Level 1: 600 @ 0.0094 = 5.64 Level 2: 600 @ 0.01 = 6.00 Usage calculation total: 11.64

Current Period Billing Total

Balance as of last billing **Billing Adjustments Payment Adjustments** Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options 06/16/14

ACCOUNT NUMBER

Pressure Zone -SOUTHWOOD Service Units -

1

Billing Type

Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14

> Rainier View Water Co. P.O. Box 35006 Seattle, WA 98124-3406

> > REDACTED

More- Finaled Account.

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2020	RECONNE	CT FEE			Created by serv	rice order 9052	2531		

Balance as of last billing **Billing Adjustments** Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

06/16/13

ACCOUNT NUMBER Service Units -1 SOUTHWOOD **Billing Type** Arrears Pressure Zone -

ACCOUNT NUMBER CURRENT DUE PAST DUE **TOTAL DUE**

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/13

ACCOUNT NUMBER

Pressure Zone -

SOUTHWOOD

Service Units -

1

Billing Type

Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 04/16/13

Usage calculation total: 9.64

Current Period Billing Total

Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

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ACCOUNT NUMBER
Pressure Zone - SOUTHWOOD

Service Units -Billing Type 1

Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14

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Balance as of lest billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

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AGCOUNT NUMBER
Pressure Zone - SOUTHWOOD Billing Type Arrears

Main FO. Sox 44127 - Taccorra + WA + 98445 Physical 5413 1896 St. E + Payallop + WA + 80375 Phone: 283-537-6835 cz 1-888-490-3741

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ACCOUNT NUMBER
CURRENT DUE
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5108 260TH ST É
GURRENT BILL DUE DATE/DELINQUENT AFTER
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505	FIREFLOW				Usage calcu Level 1:	ılation: 84822 @ 0.003 =	254.466		

Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

ACCOUNT NUMBER
Pressure Zone - SOUTHWOOD

Service Units -Billing Type 38 Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS
5108 260TH ST E
CURRENT BILL DUE DATE/DELINQUENT AFTER
09/16/12

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Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

ACCOUNT NUMBER Service Units - Pressure Zone - SOUTHWOOD Billing Type

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE 38

Arrears

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14

1105 WATER

04/04/14

05/19/14

Base amount: 13.90 Usage calculation:

Level 1: 600 @ 0.0094 = 5.64 Level 2: 600 @ 0.01 = 6.00 Usage calculation total: 11.64

Current Period Billing Total

Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options 06/16/14

ACCOUNT NUMBER

Pressure Zone -

SOUTHWOOD

Service Units -

Billing Type

Arrears

1

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14

Rainier View Water Co. P.O. Box 35006 Seattle, WA 98124-3406

REDACTED

More-Finaled Account
Revened Wail fall phone #5

5/8	01/01/14 2580336	05/17/13	05/01/13	866	866	100	<u>cu. ft.</u> 500
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2020	RECONNECT FEE			Created by se	ervice order 9052	2531	

Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options 06/16/13

ACCOUNT NUMBER Service Units - 1
Pressure Zone - SOUTHWOOD Billing Type Arrears

ACCOUNT NUMBER CURRENT DUE

PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/13

01/01/14 2580336

02/07/13 03/01/13

847

853

100

600

1105

WATER

02/07/13 03/01/13

Multiple month option activated: Multiple month option: 3 Periods between reads: 2 Base amount: 13.90

Usage calculation: Level 1: 600 @ 0.0095 = 5.70

Current Period Billing Total

Balance as of last billing Billing Adjustments Päyment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

ACCOUNT NUMBER

Pressure Zone -

SOUTHWOOD

Service Units -

Billing Type

1 Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 04/16/13

1105 WATER

₹

04/01/14 0

05/01/14

Base amount: 13.90 Usage calculation:

Level 1: 600 @ 0.0094 = 5.64 Level 2: 400 @ 0.01 = 4.00 Usage calculation total: 9.64

4,506

Current Period Billing Total

Balance as of last billing Billing Adjustments Payment Adjustments Thank you for your payment

Total Account Balance

Visit our website RAINIERVIEWWATER.COM for online statement and payment options

ACCOUNT NUMBER

Pressure Zone -

SOUTHWOOD

Service Units -

Billing Type

1 Arrears

ACCOUNT NUMBER

CURRENT DUE PAST DUE TOTAL DUE

SERVICE ADDRESS

CURRENT BILL DUE DATE/DELINQUENT AFTER 06/16/14