

General Rules and Regulations

13.0 POWER DIVERSION

13.1 GENERAL

Mountain View Electric Association, Inc. (Association) strictly prohibits any unauthorized use, tampering, or diversion of electricity. This policy outlines the definitions, procedures, and consequences associated with such actions.

13.2 DEFINITIONS

Association Electric Supply System: All poles, wires, transformers, conduits, cords, sockets, meters, instruments, and other devices whatsoever installed and maintained by the Association for the purpose of providing electric service.

Bypassing: The act of attaching, connecting or in any manner affixing any wire, cord, socket, motor, or other instrument, device or contrivance to the Association's supply system or any part thereof in such a manner to transmit, supply or use electric service without passing through an authorized meter or other device provided for measuring, registering, determining, communicating, or limiting, the amount of electricity consumed.

Electric Service: The provision of electricity or any other service furnished by the Association for compensation.

Person: Any recognized individual, firm, partnership, corporation, company, association, joint-stock association, or other legal entity.

Premises: Location(s) at which the Member receives electric service from the Association.

Tampering: The act of damaging, altering, adjusting, or in any manner interfering with or obstructing the action or operation of any meter or other device provided for measuring, registering, determining, communicating, or limiting the amount of electricity consumed.

Unauthorized Use of Electric Service: The act of removing, moving, installing, connecting, reconnecting, or disconnecting any meter or metering device for electric service by a Person other than an authorized contractor, employee, or agent of the Association, or the breaking of meter seals without prior approval and knowledge of the Association.



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13.3 GUIDELINES

1. Member Responsibilities
 - Members are encouraged to maintain awareness of and avoid contact with Association electric supply systems on their premises, and report to the Association any change in the appearance of such systems that may indicate tampering with or unsafe condition of any system devices.
2. Hazards of Tampering or Theft of Electricity
 - Theft of electricity is a crime punishable by law and may be extremely dangerous.
 - Attempts to unlawfully access Association-owned electrical equipment subjects perpetrators to high-voltage safety hazards including, but not limited to, risks of: electrocution resulting in severe bodily harm, death, fire, or damage to Member-owned property/electrical systems or Association-owned equipment.
3. Evidence of Tampering
 - The existence of electric energy consuming devices installed on the supply side of the meter or any tampering or interfering with wires, devices or equipment connected to the Association's distribution system as well as damage to, alteration, or obstruction of any meter (including the breaking of meter seals) is considered evidence of tampering and is strictly prohibited.
4. Diversion by Member, Tenant, or Occupant
 - Any of the aforementioned activities that will permit or make possible the use of electric energy without proper registration on the Association's meter shall constitute prima facie evidence of diversion of electric energy by the Member in whose name service is being rendered, or by the person benefiting from the use of such diverted electric energy.
 - Under the applicable Colorado statutes, there is a presumption that a Member, tenant, or occupant who controlled access to the relevant part of the Association's electric supply where bypassing, tampering or unauthorized metering has been proven to exist and


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was wholly or partially responsible for payment, either directly or indirectly, to the Association or to any other Person for electric service provided for the premises bears financial responsibility for all diversions of electricity associated with their respective accounts and will be charged the applicable fees, damages, and costs described in the following.

13.4 BILLING ADJUSTMENTS AND DAMAGES

- In any instance of energy diversion, the Association shall have the right to compute the amount of damages. Such computation of damages shall be made for the period beginning with the date on which the energy diversion is reasonably suspected to have occurred and ending with the date on which the diversion ceased.
- Bills for the amount of damages, plus costs and expenses for investigation, disconnection, reconnection, trip and crew charges, kWh adjustments, and equipment, shall be immediately due and payable upon presentation to the Member, irrespective of the Association's rights to bring a civil action under Colorado statutes.

13.5 CONSEQUENCES OF VIOLATION

- The Association may discontinue service to the Member because of any act of energy diversion and shall not render additional service to said Member, or any other person for the Member's use at the same or any other location, until the Member has paid all bills for the amount of said damages.
- The Association reserves the right to bring civil action under Colorado statutes.

13.6 SERVICE RESTORATION AFTER DIVERSION

- If diversion of electric energy has been confirmed after discontinuance, the Association will not render service to the Member, or to any other Person for the Member's use, until the Member has paid or made appropriate arrangements, at the Association's sole discretion, for the payment of all charges related



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to the diversion of electric energy, as previously stated. Additionally, before power may be restored, the Association must confirm that the cause for the diversion of electric service has been cured, which may include the requirement of inspection by regional authority. Restoration after diversion will only occur during the Association's stated business hours.

- The Association reserves the right, at its sole discretion, to write off any diversion charges not paid by a Member. In those instances, the Association may proceed to turn over the Member's account to a collection agency for further action.
- The Association has the right to retain any deposits and retired capital credits held in the diverting Member's account, to set-off and recoup any amounts due to the Association in accordance with the Bylaws.

13.7 REPORTING AND RECORD KEEPING

- The Association shall maintain a detailed and comprehensive record of all diversion cases, inclusive of pertinent details related to each offense.
- Members are strongly encouraged to promptly report any instances of energy diversion or observed abnormalities in their electric service.



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