




CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	March 27, 2017
SUBJECT/REPORT NO:	City of Hamilton Water and Wastewater/Storm Billing Payment Arrangement Policy (FCS17029) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	John Savoia (905) 546-2424 Ext. 7298
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy, Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the Water and Wastewater/Storm Billing Payment Arrangement Policy, attached as Appendix "A" to Report FCS17029, be approved;
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to execute all necessary documents to amend the Service Agreement between the City of Hamilton and Horizon Utilities Corporation dated as of January 1, 2015, to implement Recommendation (a) of Report FCS17029, in a form satisfactory to the City Solicitor and with content satisfactory to the General Manager of Finance and Corporate Services;
- (c) That the City Solicitor be authorized and directed to prepare all necessary by-laws to implement the Water and Wastewater/Storm Billing Payment Arrangement Policy set out in Recommendation (a) of Report FCS17029 which will include necessary amendments to be made to the following City of Hamilton by-laws:
 - (i) Waterworks By-law R84-026;
 - (ii) Sanitary Surcharge and Wastewater Abatement By-law No. 03-272.

EXECUTIVE SUMMARY

The City of Hamilton (the “City”) through its water and wastewater/storm billing agent, Alectra Utilities Corporation (“AUC”) (formerly Horizon Utilities Corporation) has occasionally provided water utility customers payment accommodations to pay off past-due bill balances. Although these payment accommodations are occasionally provided, the City does not have a written policy to provide consistent guidelines that will ensure customers are dealt with in a fair, transparent and equitable manner when requesting payment accommodations for payment of their water and wastewater/storm bills.

Staff have conducted a survey of Ontario municipalities and an online literature review of water utility bill payment arrangement practices in Canada, the United States, Australia and the United Kingdom to develop a Water and Wastewater/Storm Billing Payment Arrangement Policy (“Policy”) for the City. The Policy provides Payment Extensions and Payment Arrangements which are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for customers. The proposed Policy outlines customer eligibility and the terms and conditions under which Payment Extensions or Payment Arrangements would be provided.

A Payment Extension provided by the Policy allows for payment of an account to occur within five business days of the invoice due date without incurring additional fees or penalties. With a Payment Arrangement, the outstanding amount is payable over a specified period of time in agreed upon Payment Instalments. Under the Policy, Payment Arrangements are characterized into two categories as described below.

1. Standard Payment Arrangements: provides the opportunity for Customers having difficulty paying their past-due water and wastewater/storm bill on time to allocate the outstanding amount over smaller instalments paid over a longer period of time as outlined in the following table:

Customer Type	Maximum Term	Interest
Residential/Not-for-Profit	24 months	1.25%/month
Commercial/Industrial	12 months	1.25%/month
Tenant	24 months	1.25%/month

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Notes:

- Interest will be applied at a rate of 1.25 percent per month (15 percent per year)
 - Includes accounts where property owners pay the water bill for Income Producing Residential Rental Properties
 - Property owner needs to be made aware and provide written consent for any Payment Arrangement with the Tenant
2. Special Payment Arrangements: Payment Arrangement terms and conditions may differ from the Standard Payment Arrangements limitations as outlined above dependent on specific customer circumstances listed below (refer to Appendix "A" to Report FCS17029 for details):
- Water Leak and Extraordinary Circumstance Policy Considerations
 - Back Billings
 - Low Income Payment Arrangements
 - Financial Hardship
 - Extended-term Payment Arrangements
 - Capital Cost Recovery Payment Arrangements

Authorization in the Policy for extending Payment Arrangements is as follows:

- Standard/Special Payment Arrangements less than \$5,000: approved by AUC in accordance with the Policy with monthly reporting to the City of all active Payment Arrangements.
- Standard/Special Payment Arrangements between \$5,000 and \$100,000: approved by the General Manager of Finance and Corporate Services or the Director of Financial Planning, Administration and Policy.
- Standard/Special Payment Arrangements that exceed \$100,000: Require approval of City Council.

The adoption of the recommended Policy will support the objective of instilling strong financial management practices that ensure the City recovers water and wastewater revenue while balancing the financial constraints of customers.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: This Report has no direct financial impact. Approval of the recommended Water and Wastewater/Storm Billing Payment Arrangement Policy seeks to maximize the successful collection of water and wastewater/storm utility service amounts owing to the Utility while allowing the customer to retain active utility service.

Staffing: No impact to current staffing levels.

Legal: The City's authority under the *Municipal Act, 2001* to place unpaid water and wastewater amounts on the tax roll for the property is not affected by recommendations contained in this Report although the placement of the outstanding amounts on the tax roll may be delayed if a payment arrangement is approved and the account remains in good standing.

HISTORICAL BACKGROUND

The City through its water and wastewater/storm billing agent, AUC, has on occasion provided water utility customers payment accommodations in the form of payment extensions or payment arrangements to pay off past-due bill balances to keep their accounts in good standing.

A Payment Extension allows for payment of an account to occur within five business days of the invoice due date without incurring additional fees or penalties. With a Payment Arrangement, the past-due amounts are payable over a specified period of time payable in equal installments at fixed intervals (usually every month). These payments are called Payment Instalments. Customers are required to pay the agreed-upon Payment Instalment, in addition to paying their regular utility charges in full by the bill due date each month. Payment Arrangements must be requested prior to a transfer of unpaid water and wastewater/storm fees and charges to the tax roll for the property to which services were supplied.

The purpose of Report FCS17029 is to request Council's approval for the proposed Water and Wastewater/Storm Billing Payment Arrangement Policy to provide staff guidance and consistent criteria that will ensure customers are treated fairly and equitably when requesting payment accommodations for payment of their water and wastewater/storm bills.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This Report proposes a new Water and Wastewater/Storm Billing Payment Arrangement Policy for the consideration of Council.

RELEVANT CONSULTATION

City Manager's Office – Legal Services Division has been consulted in the preparation of this Report.

Alectra Utilities Corporation has been consulted and advised of implementation requirements that arise from the adoption of this Report's recommendations and have indicated they can support the City with these initiatives.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have conducted a survey of Ontario municipalities and an online literature review of water utility bill payment arrangement practices in Canada, the United States, Australia and the United Kingdom to develop a Water and Wastewater/Storm Billing Payment Arrangement Policy for the City.

Payment Extensions

The City recognizes that from time to time customers need an extension to pay their current water utility bill due to unforeseen circumstances. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties. The granting of the payment extension will be at the sole discretion of AUC.

Payment Arrangements

Payment Arrangements allow City water customers the opportunity to pay past-due water and wastewater/storm bill balances and keep their account in good standing. With a Payment Arrangement, the outstanding amount is payable over a specified period of time.

Under the proposed Policy, Payment Arrangements are characterized into two categories as described below.

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1. Standard Payment Arrangements: provides the opportunity for Customers having difficulty paying their past-due water and wastewater/storm bill on time to allocate the outstanding amount over smaller instalments paid over a longer period of time as outlined in the following table:

Customer Type	Maximum Term	Interest
Residential/Not-for-Profit	24 months	1.25%/month
Commercial/Industrial	12 months	1.25%/month
Tenant	24 months	1.25%/month

Notes:

- Interest will be applied at a rate of 1.25 percent per month (15 percent per year). The interest rate has been benchmarked to the maximum applicable interest rate allowed to be charged on property tax arrears by the *Municipal Act*. The City applies interest at the rate of 1.25 percent per month (15 percent per year) on property tax arrears.
 - Includes accounts where property owners pay the water bill for Income Producing Residential Rental Properties
 - Property owner needs to be made aware and provide written consent for any Payment Arrangement with the Tenant
2. Special Payment Arrangements: Payment Arrangement terms and conditions may differ from the Standard Payment Arrangements limitations as outlined above dependent on specific customer circumstances listed below (refer to Appendix "A" to Report FCS17029 for details):
 - Water Leak and Extraordinary Circumstance Policy Considerations
 - Back Billings
 - Low Income Payment Arrangements
 - Financial Hardship
 - Extended-term Payment Arrangements
 - Capital Cost Recovery Payment Arrangements

Authorization for extending Payment Arrangements is as follows:

- Standard/Special Payment Arrangements less than \$5,000: approved by AUC in accordance with this Policy with monthly reporting to the City of all active payment arrangements.

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- Standard/Special Payment Arrangements between \$5,000 and \$100,000: approved by the General Manager of Finance and Corporate Services or the Director of Financial Planning, Administration and Policy.
- Standard/Special Payment Arrangements that exceed \$100,000: Require approval of City Council

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – City of Hamilton Water and Wastewater/Storm Billing Payment Arrangement Policy



POLICY TITLE: City of Hamilton Water and Wastewater/Storm Billing Payment Arrangement Policy

POSITION RESPONSIBLE FOR TASK: Senior Policy Advisor, Financial Planning, Administration and Policy Division

POLICY NO: PP-0012

LAST REVISION DATE: March 29, 2017

EFFECTIVE DATE: March 29, 2017

MANAGER REVIEWED: Tom Hewitson

TO BE REVIEWED: April 2022

MAINTENANCE RESPONSIBILITY: Financial Planning, Administration and Policy Division

I GENERAL

The Water and Wastewater/Storm Billing Payment Arrangement Policy (Policy) allows City of Hamilton (City) water utility Customers the opportunity to pay off past-due bill balances to keep their accounts in good standing. Payment Extension or deferred Payment Arrangements are a reasonable measure to ensure the City recovers water and wastewater revenue without creating undue hardship for Hamilton water and wastewater/storm customers (Customers).

A Payment Extension allows for payment of an account to occur within 5 business days of the invoice due date without the Customer incurring additional fees or penalties. A Payment Arrangement allows for the past-due amounts to be spread out over a specified period of time payable in equal installments at fixed intervals (usually every month). These payments are called Payment Instalments. Customers are required to pay the agreed-upon Payment Instalment in addition to paying their regular utility charges in full by the bill due date each month. Payment Arrangements must be requested prior to a transfer of unpaid water and wastewater/storm fees and charges to the tax roll for the property to which services were supplied.

II BACKGROUND

The City seeks to structure and administer this Policy to maximize the successful collection of water and wastewater/storm utility service amounts owing to the Utility while allowing the Customer to retain active utility service. The Policy allows for a consistent approach to Customer service and reinforces regular payment of outstanding fees and charges.

III POLICY

The Policy affords an opportunity to Customers, under specified circumstances, to request payment accommodations for payment of their outstanding water wastewater/storm bills in the form of Payment Extensions and Payment Arrangements. Payment Extensions and Payment Arrangements are discretionary and the City is not obligated to grant them. Requests for payment accommodations will be assessed on a case-by-case basis. Payment Extension and Payment Arrangements are meant to be used from time to time and not habitually.

DEFINITIONS

For the purposes of this Policy, the following definitions apply:

Backbilling: often referred to as a “catch-up” bill, is that portion of a bill which represents charges not previously billed for service that was actually delivered to the Customer during a period before the current billing cycle where the original billings are discovered to be too low (under billed). The discovery may be made by either the Customer or the Utility (i.e., the City). The cause of the under billing may include any of the following reasons or combination thereof:

- stopped meter;
- metering equipment failure;
- missing meter now found;
- switched meters;
- double metering;
- incorrect meter connections;
- incorrect use of any prescribed apparatus respecting the registration of a meter;
- incorrect meter multiplier;
- the omission/application of an incorrect rate;
- incorrect reading of meters or data processing; and
- tampering, fraud, theft or any other criminal act.

Financial hardship: is defined as a state of financial disadvantage which results in a residential Customer being unable to pay an outstanding amount as required without affecting the ability to meet the basic living needs of the residential Customer or a dependant of the residential Customer.

Income Producing Residential Rental Property: is a property where the owner registered on title is different than the occupant and/or where a property pays business taxes.

Not-for-profit: Not-for-profit corporations are incorporated under the Ontario *Corporations Act* as organizations that carry on activities without the purpose of gain for its members and any profits to the corporation.

Payment Arrangement: is an agreement a Customer enters into with the Utility company to make payments for the outstanding water and wastewater/storm arrears over a period of time specified by the Utility company.

Payment Extension: an allowance of additional time to pay in full the current billing. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties.

Payment Instalment: is a partial payment of the total amount of outstanding water and wastewater/storm arrears repaid in equal instalments at fixed intervals (usually every month).

IV PAYMENT EXTENSIONS

The City recognizes that from time to time Customers need an extension to pay their current water and wastewater/storm utility bill due to unforeseen circumstances. An approved extension allows for payment to occur within five business days of the invoice due date without incurring additional fees or penalties. The granting of the payment extension will be at the sole discretion of City's billing agent, Alectra Utilities (Alectra).

V PAYMENT ARRANGEMENTS

Payment Arrangements allow City water Customers the opportunity to pay past-due water and wastewater/storm bill balances and keep their account in good standing. With a Payment Arrangement, the outstanding amount is paid over a specified period of time payable in equal installments at fixed intervals (usually every month).

Eligibility

A Customer is eligible for a Payment Arrangement if:

- Customer has an active account;
- Customer does not currently have a Payment Arrangement with a Utility company to pay off a previous water or wastewater/storm arrears;
- Customer has not contravened a previous Payment Arrangement within the past twelve months;
- Customer has not filed or is in not the process of filing for bankruptcy or proposal to creditors;

- There is no evidence of unauthorized alteration to the water meter and/or piping to by-pass the water meter on the property for which the Payment Arrangement request is being filed; and
- Where a tenant is the account holder, the property owner must provide consent in writing for the Payment Arrangement.

Conditions

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- In addition to keeping Payment Instalments current, all new and future charges must also be paid on time.
- Upon Default in complying with the terms of a Payment Arrangement, the outstanding balance will become immediately due and subject to usual late payment interest and charges. All unpaid arrears up to the date of the default will be transferred to the property tax roll.

Any of the following constitutes "Default":

- Failure to pay a Payment Instalment when due
- Payment of an amount that is less than the agreed-upon Payment Instalment
- Failure to pay the full amount of new/future charges (not associated with the Payment Arrangement) before account enters collections

The following factors will be considered when determining the eligibility, length and other particulars of a Payment Arrangement:

- Customer's ability to pay
- The amount of the bill resulting in the payment accommodation request
- Customer's previous payment history
- The reason for the payment accommodation request
- The length of time the bill has remained unpaid
- Any special circumstances creating an extreme hardship for the Customer

STANDARD PAYMENT ARRANGEMENTS

With Standard Payment Arrangements, Customers having difficulty paying their past-due water and wastewater/storm bill amounts can apply to have the arrears payable over a specified period of time in equal instalments set at fixed intervals (usually every month). Customers may contact the City's billing agent, Alectra, directly to discuss their payment options and situation.

Residential and Not-for-profit Corporate Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Commercial and Industrial Customers

- Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance must be paid over no more than a 12-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Tenants

- Tenant(s) must obtain a written consent from the owner(s) registered on title to the property for which a Payment Arrangement is sought for the Payment Arrangement. The consent must be in the form provided by the City. The written consent may be obtained from the owner directly by the Tenant(s), or, at the request of the Tenant(s), may be obtained by Alectra on the Tenant's behalf. No Payment Arrangement will be established without the written consent of the owner.
- Tenant Customers are required to make a partial payment equal to, at minimum, the Customer's average bill prior to establishing a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

Landlords

- The City, through Alectra, provides the opportunity for water and wastewater/storm bills to be sent to a person other than the property owner such as a tenant or property manager and to be paid for by that person. However, this does not affect the property owner's liability for the charges. Where the water bill is sent to anyone other than the property owner and remains unpaid, subsection 398(2) of the *Municipal Act, 2001* permits the City to add unpaid water and wastewater/storm fees and charges to the tax roll of the property to which the public utility was supplied. In such circumstances, the fees and charges added to the tax roll will have priority lien status as described under section 1 of the *Municipal Act, 2001*. Where a tenant who is in receipt of water bills, contacts Alectra to request a Payment Arrangement for post-due bills related to water and wastewater/storm fees and charges, Alectra or the tenant will inform the property owner of the proposed plan for their consent.
- Landlords that retain the water bill for their Income Producing Residential Rental Properties may contact Alectra should they experience payment difficulties to discuss Payment Arrangement options.
- Landlord Customers are required to make a partial payment equal to, at minimum, the Customer's average bill to establish a Payment Arrangement.
- The remaining balance to be paid over no more than a 24-month payment period, to be set by the Utility Company or Alectra, with interest applied at a rate of 1.25 percent per month (15 percent per year).

SPECIAL PAYMENT ARRANGEMENTS

There may be situations where the Payment Arrangement terms and conditions are extended beyond the Standard Payment Arrangements limitations dependent on various situations as outlined below:

Water Leak and Extraordinary Circumstance Policy Considerations

Customers seeking consideration under the City's Water Leak Adjustment Policy or the Extraordinary Circumstance Bill Adjustment Policy may enter into a short-term Payment Arrangement, typically under four months, as the Customer's account must remain in good standing pending the outcome of requests made under those policies. Interest on the outstanding balances is waived until such time as the decision is made under those policies and/or a Standard Payment Arrangement approved.

Backbillings

Accounts may be Backbilled on occasion. Understanding that a Backbill may cause hardship, the City may offer Customers a Payment Arrangement with a repayment term that aligns with the time period of the Backbill (even where the repayment term exceeds the maximum term available under Standard Payment Arrangements). The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains current and the scheduled Payment Instalments are made.

Low Income Payment Arrangements (LIPA)

Special Payment Arrangement terms are available for residential Customers who meet income eligibility requirements set by the City. These Low Income Payment Arrangements increase the amount of time for qualified Customers to pay off their past-due water wastewater/storm bill balances over and beyond the term limits under Standard Payment Arrangements. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified low income Customers may be assessed a down payment less than their account average bill amount, as well as, possible reduction of incurred late payment fees.

Qualified Customers of Alectra's Low-income Energy Assistance Program (LEAP) are eligible for a LIPA.

Other Customers seeking to qualify for a LIPA must complete an application form providing documentation and proof of total gross household income for all family members. Eligibility will be determined where family income falls below the LEAP Income Cut-Off for the family size published by the Ontario Energy Board for the billing year the application for the LIPA is made by the Customer. The following chart will be used for the 2017 billing year:

January 2017 LEAP Income Cut-Off

Family Size	Income (before taxes)
1	\$27,194
2	\$33,856
3	\$41,622
4	\$50,533
5	\$57,315
6	\$64,640
7+	\$71,968

Note: Amounts shown are set by the Ontario Energy Board, based on statistics from Statistics Canada.

Financial Hardship

The City recognizes that residential Customers can experience periods of financial hardship affecting their capacity to pay past-due water and wastewater/storm bills due to life events that are typically of an unplanned or uncontrollable nature such as:

- unemployment;
- medical illness;
- physical or intellectual disability of the Customer or dependant affecting their capacity to pay;
- death in the family;
- change in the family unit;
- domestic violence;
- sudden loss of income or substantial reduction in income;
- legal proceedings;
- natural calamity such as fire, flood or storm damage;
- other unforeseen factors affecting Customer capacity to pay, such as an increase in non-discretionary spending.

Offering flexible Payment Arrangements, based on the Customer's capacity to pay, assists Customers with solutions to manage their ongoing utility costs and payments. Approval of a Financial Hardship Special Payment Agreement increases the amount of time for qualified Customers to pay off their past-due water and wastewater/storm bill balances over and above the term limits under a Standard Payment Arrangement. The Payment Arrangement may be approved with no applicable interest or penalties assessed as long as the account remains in good standing. Additionally, qualified financial hardship Customers may be assessed a down payment less than their account average bill amount, and with possible reduction of incurred late payment fees.

When considering a Customer's ability to pay, the Customer's financial situation and their ability to meet the overall costs of their basic living needs will be considered.

Basic living needs include:

- Rent or mortgage;
- Other utilities (e.g. electricity, phone and gas);
- Food and groceries;
- Transportation (including transit, fuel and car expenses);
- Childcare and school fees;
- Clothing; and
- Medical and dental expenses.

To assess whether a Customer is experiencing financial hardship, the following information and/or documents relating to their personal circumstances may be requested:

- Employment status;
- Income and Basic Living Needs;
- Dynamic of household / number of dependants;
- Capacity to pay;
- How much the customer can afford to pay; and
- Other financial commitments.

The Customer will be assessed as experiencing financial hardship and will be assisted through a Financial Hardship Special Payment Arrangement if information provided by the Customer indicates that:

- The Customer is unable to pay their past-due water and wastewater/storm bill balances in accordance with the Standard Payment Arrangement terms due to financial hardship; and
- It appears that the Customer will be unable to pay past-due water and wastewater/storm bill balances without affecting their ability to meet basic living needs.

Financial Hardship Special Payment Arrangements are available only for residential Customers with the exception of owners/landlords of Income Producing Residential Rental Properties.

Extended-term Payment Arrangements

All Customers may request a Payment Arrangements with extended repayment terms that exceed the Standard Payment Arrangement terms for situations not related to a Backbill, LIPA or Financial Hardship. At the sole discretion of the City, these requests may be considered and, where approved, interest may be applicable to any arrears subject to such Payment Arrangements at a rate of 1.25 percent per month (15 percent per year).

PAYMENT ARRANGEMENT APPROVAL & ADMINISTRATION REQUIREMENTS

Approvals

- Standard/Special Payment Arrangements less than \$5,000: approved by Alectra in accordance with this Policy with monthly reporting to the City of all active payment arrangements.

- Standard/Special Payment Arrangements between \$5,000 and \$100,000: approved by the General Manager of Finance and Corporate Services or the Director of Financial Planning, Administration and Policy.
- Standard/Special Payment Arrangements that exceed \$100,000: Approved by City Council.

Administration

- The City and Alectra, as applicable, administers Payment Extensions and Payment Arrangements in accordance with this Policy.
- Payment Extensions are wholly administered by Alectra Utilities.
- Payment Arrangements up to \$5,000 with Standard Payment Arrangement terms are wholly administered by Alectra Utilities.
- Payment Arrangements exceeding \$5,000 and/or Special Payment Arrangements are administered by Alectra based on prior direction and approval from the City.