

## **PART VIII – CUSTOMER ACCOUNT INFORMATION AND COMPLAINT RESOLUTION**

### **Section 1. Customer Account Information**

Customers are advised to review all charges carefully and promptly upon receipt of a bill for service. A Customer or Authorized Representative may request an explanation of a bill or charge from BCS online at [www.nyc.gov/DEP](http://www.nyc.gov/DEP), by telephone at (718) 595-7000, at a borough office, or by mail to: DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. If a Customer is not satisfied with the explanation, a written complaint must be filed within four years of the Bill Date in accordance with Part VIII – Section 2 below.

Customers are also encouraged to establish a *My DEP Account* on DEP's website, which will enable them to manage their account online and sign up for DEP services such as paperless billing and direct debit payments. Customers with an AMR device installed on their meter will also be able to monitor their consumption through a *My DEP Account*.

### **Section 2. Complaint Resolution and Appeal Process**

The following procedures are available to Customers to dispute a water and wastewater bill until such time as a lien arising from such bill has been sold by or on behalf of the Board. After a lien has been sold, a Customer challenging the bills comprising such lien must challenge the bills through the entity that owns such sold liens or its agents.

#### **A. Complaint Resolution**

The Customer or Authorized Representative must file a written complaint of a disputed water and wastewater bill, which specifically sets forth the basis for such claim, within four years of the Bill Date to DEP/BCS Customer Service, P.O. Box 739055, Elmhurst, NY 11373-9055. To submit such complaint, the customer may also use DEP's Customer Dispute Form, which is available on DEP's website at [www.nyc.gov/DEP](http://www.nyc.gov/DEP) or may be obtained from DEP by mail by calling (718) 595-7000. DEP will not adjust a disputed bill unless the written complaint is filed within four years of the Bill Date. DEP will provide a written reply within 90 days of receipt of the complaint. DEP will conduct a review of the entire account and all charges assessed within the preceding four years of the date of the written complaint.

#### **B. Appeal**

A Customer or Authorized Representative may appeal the decision or resolution of a Customer complaint. An appeal must be made no later than 120 days after the date DEP provides a written response to the complaint. Petitions for an extension of this 120-day deadline may be presented before an appeal's due date and will be granted upon a showing of reasonable cause. An appeal of the charges must be made through a written request to the Deputy Commissioner of BCS, 59-17 Junction Blvd., 13th Floor, Flushing, NY, 11373-5108. The appeal must include the identification of the property (street address, account number) and charge or charges that the Customer is disputing, and a statement of the reason or reasons why the Customer believes the DEP decision is incorrect. The Deputy Commissioner will make best efforts to render a written decision as to whether the DEP decision is correct or

incorrect, including a statement of the reasons for the decision, within 90 days of receipt of the Customer's appeal. If circumstances within the control of the Customer, including but not limited to a failure to provide Access to a premises or a meter, prohibit the Deputy Commissioner from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered and indicating what actions the Customer must take to enable the Deputy Commissioner to render a decision. If the Deputy Commissioner determines that the DEP decision was correct, the contested charges are due and payable as set forth on the bill or delinquency notices. If the DEP decision is determined to be incorrect, appropriate remedial action will be taken, including the issuance of cancellations or corrected bills, and providing information relating to refunds.

### C. Final Appeal

If a Customer disagrees with the decision rendered by the Deputy Commissioner in accordance with Part VIII – Section 2.B above, the Customer may appeal the decision by submitting a written request to the Executive Director of the Water Board, 59-17 Junction Blvd., 8th Floor, Flushing, NY, 11373-5108, within 60 days of the date of the denial by the Deputy Commissioner. Petitions for an extension of this 60-day deadline may be presented before an appeal's due date and will be granted upon a showing of reasonable cause. The Final Appeal must include: the identification of the property (street address, account number, or borough, block and lot number) and charge or charges that the Customer is disputing; the Customer's bases for disputing such charges; a statement of the reason or reasons why the Customer believes the Deputy Commissioner's decision was incorrect; a copy of the Customer's initial appeal to the Deputy Commissioner, including any documentation submitted with that initial appeal; and the decision of the Deputy Commissioner; and the Final Appeal may include additional documentation to support the reversal of the appeal. The Water Board will conduct a review of the Deputy Commissioner's decision. Final Appeals to the Executive Director must establish at least one of the following conditions to be considered: (1) new or additional information is presented; (2) the Customer demonstrates that factual information stated in the decision of the Deputy Commissioner is incorrect; (3) the Deputy Commissioner has not correctly interpreted or applied a Water Board rule or rules; (4) the material facts are not as described in the decision. Final Appellants should be aware that the Executive Director is not empowered to overrule Water Board rules and regulations. Arguments based on hardship, inability to pay, or lack of knowledge of rules and regulations do not constitute a basis for overturning a previous decision. The Deputy Commissioner's decision will not be reversed unless the Customer can demonstrate that an error has been made or presents additional facts relevant to Water Board rules. The Executive Director will make best efforts to render a decision in writing within 60 days of receipt of the final appeal. If circumstances within the control of the Customer, including but not limited to failure to provide Access to a premises or a meter, prohibit the Executive Director from making a decision, the Customer will be notified in writing stating why a decision cannot be rendered. If the Executive Director determines that the Deputy Commissioner's decision was correct, the contested charges are due and payable as set forth on the bill or delinquency notices. If the Deputy Commissioner's decision is determined to be incorrect, appropriate remedial action will be taken, including the issuance of cancellations or corrected bills, and providing information relating to requests for refunds or credits.

D. Disposition of Late Payment Charges During the Complaint Resolution Process

1. Customers are advised to pay all charges and appeal afterward. During the complaint resolution process, LPC on unpaid charges continue to accrue until the charges are paid in full.
2. If a Customer decides not to pay a charge and in the case of an appeal being decided in favor of a Customer, LPC in connection only with the erroneous charge(s) will be waived.
3. If a Customer decides not to pay a charge and in the case of the appeals process taking longer than the time periods specified, unless due to circumstances within the control of the Customer as noted above, all LPC in connection with the disputed charge may be waived for the period of the additional delay beyond the time periods set forth above, provided that the Executive Director does not find any such appeal to be frivolous.
4. If a Customer decides not to pay a charge and the questioned charges are determined to be correct, LPC will continue to accrue from the original Due Date of the charge until the charge is paid in full.