

Public Utility Law Project of New York, Inc.

“Getting and Keeping Utility Service”

Empire Justice Center

November 4, 2015

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We Will Talk About. . .

- ❑ Home Energy Fair Practices Act (HEFPA)
- ❑ SSL 131-s Assistance
- ❑ Home Energy Assistance Program (HEAP)
- ❑ Utility Low-Income Assistance Programs
- ❑ NYS PSC Hotline
- ❑ NY PSC Complaint Process
- ❑ Current issues in NY PSC Rate Cases and Generic Policy Proceedings

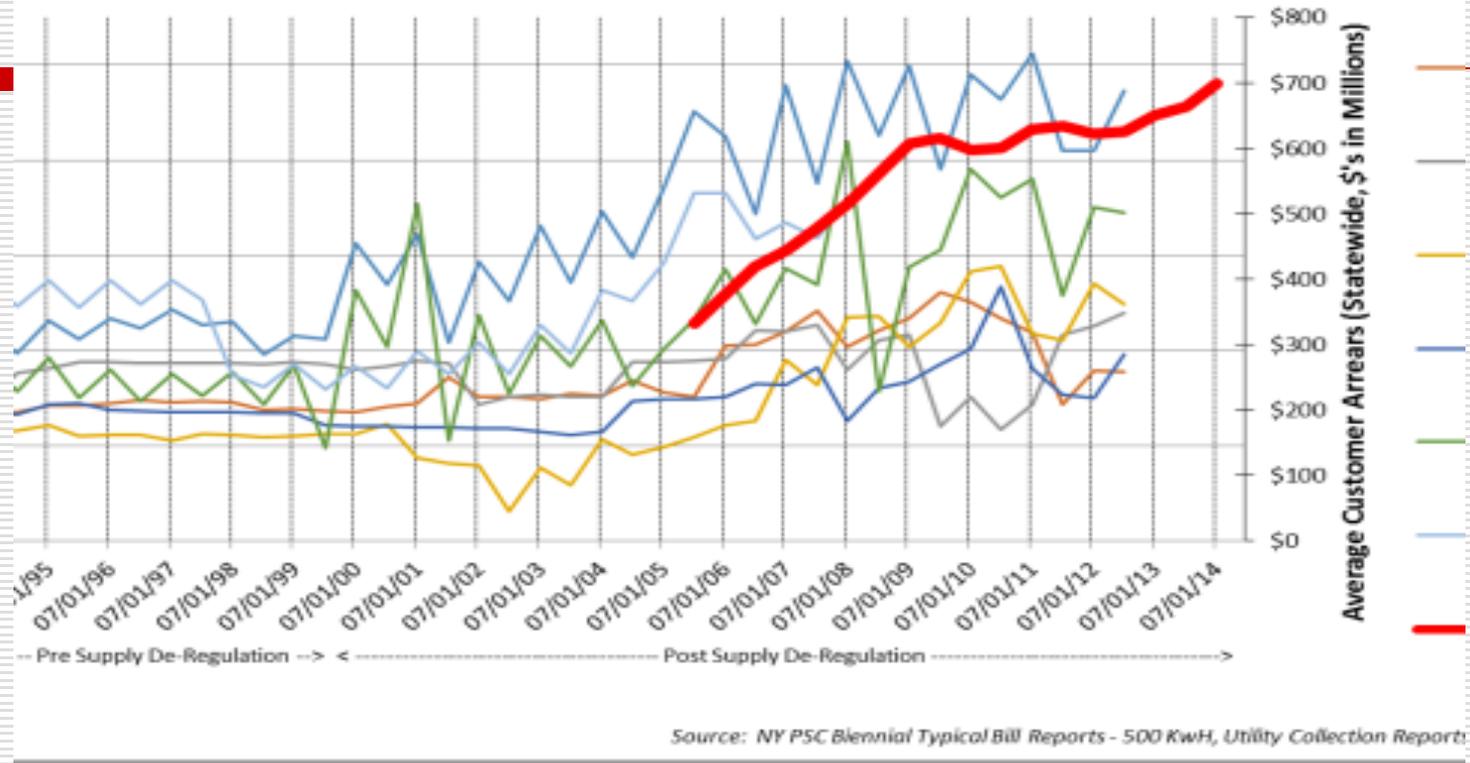
A Tale of Three Systems

- ❑ **Utility** filed tariffs with PSC-approved utility rules, practices, procedures
- ❑ **Public Service Commission** Rules Orders, Hotline, and Complaint Process under NY Public Service Law
- ❑ **OTDA** Assistance Program Rules, Guidelines, and Energy Manual issued under the NY Social Services Law.

Some Common Issues

- ❑ High utility bills
- ❑ Shutoff notices and shutoffs
- ❑ Deferred Payment Agreement (DPA)
- ❑ Serious Medical Condition
- ❑ Denial of Application for Service
- ❑ PSC Hotline and Complaint Process

Typical New York Residential Electric Bills 1994 - January 2013 plus Average Residential Arrears Greater Than 60 Days 2006 - 2014



Rising Bills and Arrears

Shutoffs

- ❑ New York State's major private electric and gas utilities issued 7.2 million shutoff notices in 2014
- ❑ Service was interrupted as a bill collection measure to 268,000 customers statewide in 2014
- ❑ Con Edison issued 2.8 million shutoff notices and shut off service to 82,000 residential customers in 2014

If a utility bill is not paid, what will happen?

- The utility can take *no action* until the payment is at least 20 days past due.
- The utility must issue a final notice of termination at least 15 days before the shut-off date.
- Therefore, the EARLIEST that a termination can occur is 35 days after the payment due date (20 days + 15 days).

When can the utility terminate electric or natural gas service?

Termination Allowed

Monday - Thursday 8:00 AM to 4:00 PM

Termination Not Allowed

On any Friday or public holiday

On any day the utility's main office is closed;

During the 2-week period encompassing
Christmas and New Year's Day

WHAT IS A DPA?

A Deferred Payment Agreement (DPA) is an agreement to pay arrears over time. A DPA must be offered prior to termination.

- ❑ DPA terms can be tailored to customer's financial circumstances;
- ❑ Minimum DPA is \$0 down, \$10/month
- ❑ A DPA must be ***in writing, signed*** by the customer and a utility representative;
- ❑ PSC Hotline and complaint process available to resolve disagreement over terms.
- ❑ Broken DPAs

When can a utility require a written application for service?

A written application can be required when:

- Service is terminated (or subject to termination) for non-payment of arrears.
- Evidence of meter tampering or theft of service.
- Meter advanced with no customer of record.
- Application is made by a third person.

Denial Notices

Within 3 days of making the application, the utility must provide written notice including:

- ❑ The reason for denial.
- ❑ The precise steps needed to qualify for service (such as agreeing to a DPA).
- ❑ The applicant's right to request review by the PSC.

What if an Applicant owes money from an old closed account?

PSL 31 says utilities must offer a DPA before they can deny service to applicants with balances due from accounts previously closed.

What if service to a household member was shut off?

- ❑ PSL 31 says service can be denied only if the applicant owes money from a prior account “in his or her name.”
- ❑ So service should be provided even if other household members owe the company money
- ❑ But. . .

What if there are Serious Medical Conditions

- If the customer or household member has a serious medical condition that will be worsened by termination, service can be continued if:
- A doctor's certificate is obtained.
(Telephone certification good for 5 days – must be followed by a written certification.) more....

Answer:

- ❑ A written certification is good for 30 days and must contain:
 - ❑ doctor's name, address and state registration number
 - ❑ name and address of utility customer
 - ❑ nature of serious illness or medical condition
 - ❑ statement that the illness or condition will be aggravated by termination of utility service with reasons supporting the conclusion.

SSL 131-s Assistance

- ❑ The “One-Shot” utility assistance program when HEAP is not available to resolve an emergency
- ❑ Need not be eligible for ongoing PA
- ❑ Applicant must be “tenant” and “customer of record”
- ❑ Persons under a Public assistance sanction are eligible (continued)

Section 131-s Assistance

- ❑ No repayment agreements required for EAA (SSI eligible)
- ❑ Written repayment agreements are required for applicants with incomes above PA eligibility guidelines
- ❑ Under OTDA rule, customers who defaulted on a prior DSS repayment are not eligible for another grant until current on repayment schedule.

Utility Funded Low Income Assistance Programs

- ❑ Reduced Rates for Low-Income Utility Customers
- ❑ Utility Arrears Management Programs
- ❑ NYSERDA/Utility Low Income Energy Efficiency Programs
- ❑ Utility Fuel Funds and Charities – “Heartshare”
- ❑ HEAP and “Renter’s HEAP”

Why Get the Small HEAP Renter's Benefit?

- ❑ The related utility program benefits can exceed the HEAP benefit
- ❑ HEAP provides categorical eligibility for low-income electric, gas, and telephone lifeline rates
- ❑ HEAP eligibility is broader than other programs that trigger reduced rates like SSI TANF and Safety Net

PSC Hotline 1-800-342-3355

- ❑ Open until 7:30 PM
- ❑ Is not the Complaint line
- ❑ Can direct the utility to continue or restore service within 24 hours

"whenever a reasonable question regarding the circumstances of a termination or refusal of service exists or whenever the health and safety of a person is involved."

NYS PSC Complaint Adjudication Process

First, complain to the utility. If the utility does not resolve it, then... Ask the Public Service Commission to make a written decision on the complaint.

Complaint Line 800-342-3377

Or, file a complaint online at NY PSC website

What happens after a complaint is filed with the PSC?

- Under the PSC Office of Consumer Services “QRS” system, most complaints are not investigated, and are referred back to the utility with direction to review the customer complaint and respond to the customer.

What happens if the utility does not respond?

The customer must contact the PSC a second time to have the complaint “escalated,” meaning that the agency staff will now investigate the complaint and make its initial determination on the merits of the dispute.

What if the customer disagrees with the initial decision?

The customer can request an informal hearing. This request should be made within 15 days of the initial decision.

If the customer and the utility are unable to settle the complaint, the hearing officer will make a decision on the complaint and notify the customer in writing of the decision.

Instead of the hearing, an informal paper review is also an option.

What if the customer believes the review officer's decision is wrong?

The hearing officer's decision can be appealed within 15 days of the decision to the PSC.

The appeal must be in writing and needs to show an error made by the hearing officer that affected the decision or that evidence not previously available would affect the decision.

The Commission will make a decision on the appeal and notify the customer in writing of its decision.

What if the customer wants further review by the PSC ?

A customer can bring an Article 78 proceeding in state court within 4 months of the PSC's final decision on a complaint. The cases must be filed in Supreme Court, Albany County.

Current Issues at the PSC

- ❑ Low-Income Rates
- ❑ Energy Service Companies (ESCOs)
- ❑ "REV"
- ❑ Follow our "Updates" Page
<http://utilityproject.org/category/updates/>
- ❑ Follow our Facebook Page
<http://www.facebook.com/UtilityProject>

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