

Legal Services Offices

Statewide Legal Services:

(860) 344-0380 (Central CT & Middletown)

1-800-453-3320 (All other regions)

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Assistance

80 Jefferson Street
Hartford, CT 06106-5051
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with CT Legal Services, Greater Hartford Legal Assistance, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on the law as of Jan. 2001. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.
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Throughout Connecticut:

Statewide Legal Services (see left)

Connecticut Legal Services:

Administrative Office: (860) 344-0447

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

587 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06722
(203) 756-8074

872 Main St., P.O. Box 258
Willimantic, CT 06226
(860) 456-1761

CLS Satellite Offices:

Danbury (203) 348-9216
Meriden (860) 225-8678
Middletown (860) 225-8678
Norwalk (203) 899-2451
Norwich (860) 447-0323
Rockville 1-800-413-7796
Torrington 1-800-413-7797

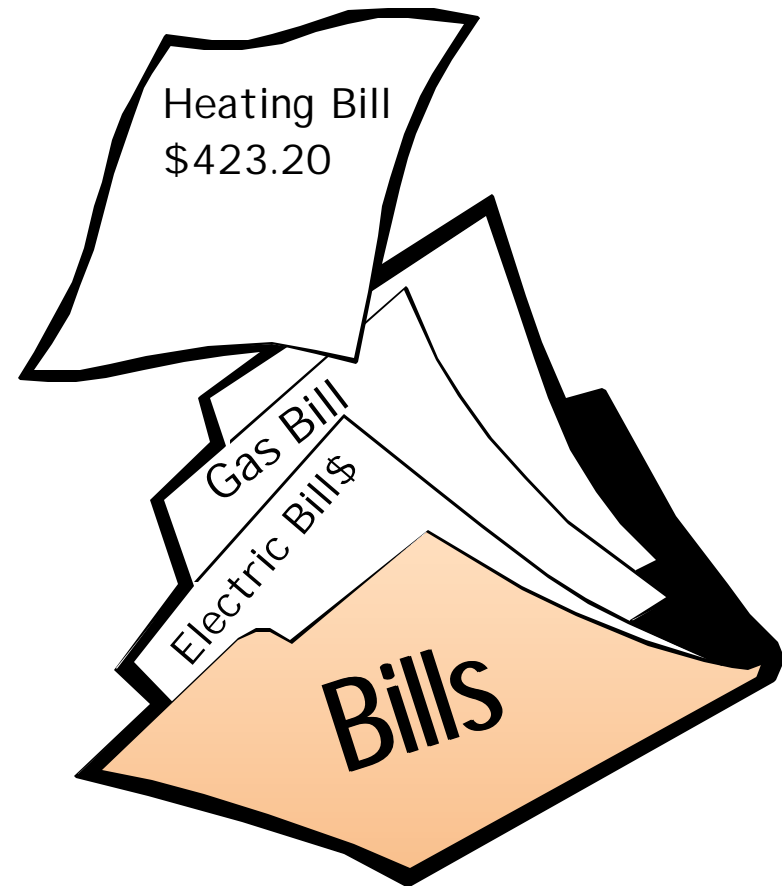
Legal Assistance to Medicare Patients

872 Main Street, P.O. Box 258
Willimantic, CT 06226
(860) 456-1761 or 1-800-413-7796

AIDS Legal Network for Connecticut

80 Jefferson Street
Hartford, CT 06106
(860) 541-5040 or 1-888-380-3646

Rights Of Utility Customers



January 2001

Introduction

Utility companies provide electricity, gas and water service. Propane (bottled) gas or oil companies are not considered utility companies. Some utility companies are "public service" companies and privately owned (for example, CL&P, UI, Yankee Gas and CNG). Customers of CL&P and UI may also purchase electric "generation" service from another company (typically billed on their CL&P or UI monthly bill). Other utility companies (like Norwich Electric) are "municipal" utilities, owned by a local government. Some of the laws and regulations affecting your rights apply only to "public service" utility companies while other laws and regulations apply only to "municipal" utility companies.

Some common problems with utility companies are covered in this booklet, including:

- Utility Shut-offs
- Security Deposits
- Third Party Notification
- Estimated Billings
- High or Inaccurate Bills
- Resolving Problems with a Company

Utility Shut-Offs

Life-threatening Shut-offs:

Electric and gas companies may not shut off or refuse to turn on utility service at any time during the year if a lack of service is life-threatening, regardless of the amount of money a customer owes.



Winter Shut-offs:

Protection for low-income persons from winter shut-offs that are *not* life-threatening is available under certain circumstances, depending on whether the company provides electric or gas service:

ELECTRIC UTILITIES: Protection from a winter shut-off is available to low-income electric utility customers by applying each fall to your electric company for "hardship" status. "Hardship" customers cannot be shut off between November 1 and April 15, even if they owe the company money. If electric service is shut off, the utility must turn it back on by November 1, even if you are unable to make a payment.

GAS UTILITIES: Protection from a winter shut-off is available to low-income gas *heat* customers only, by applying in the fall to your gas company for "hardship" status. "Hardship" heating customers cannot be shut off between November 1 and April 15, even if they owe the company money. If gas service is shut off, whether the utility must turn it back on by November 1 depends on the customer's situation:

- If you did not ask to have gas service kept on the prior winter as a "hardship" case, then the gas company must turn the gas back on by November 1, even if you are unable to make a payment.
- If gas service was not shut off the prior winter because you were a "hardship" case, then the gas company does not have to turn your gas back on by November 1 unless you have paid the **lesser** of the following amounts since the previous November 1: \$100 or 20% of the amount owed the gas company at the time of termination (*not the amount of the final billing after the shut-off*); or the minimum payments due under your payment agreement with the utility.



The following are considered "hardship" cases:

- If you receive **state welfare** (TFA or AABD/State Supplement), **Medicaid** (Title 19), **SSI** (Supplemental Security Income), **SAGA** (State Administered General Assistance) or **GA** (General Assistance - Norwich residents only);
- If your only source of income is Social Security, Veterans Administration or Unemployment Compensation benefits;
- If you are the head of a household and unemployed and the income of all adult household members (except children of the customer) who have been members of the household for at least six months, is less than 300% of the poverty level;
- If a member of your household is seriously ill;
- If your income is less than 125% of the poverty level; or
- If your circumstances threaten deprivation of food and the necessities of life if payment of a delinquent utility bill is required.

Days on Which Utility Service Cannot be Shut Off:

Except in an emergency, gas, electric and water companies cannot shut off utility service on a Saturday, Sunday, legal holiday, day before a legal holiday, at any time when the utility's business offices are not open, or within one hour before closing of company business offices. Also, utility service cannot be shut off on a Friday unless the company business office is open on Saturday.

Written Notice Required:

If the gas, electric or water company plans to shut off your utility service, it must give you **13 days written notice** by mail, or 7 days written notice by certified mail (depending on whether it has already notified you that it plans to shut service off and how long ago it sent the notice). The notice must include a brief explanation of your rights. The only time the utility can shut off service without giving you notice is in an emergency where there is a hazard (for example, a fire).

Partial Utility Bill Payments:

If you receive a shut-off notice and then make payments that are at least 20% of the amount you owe, gas, electric or water companies (except municipal utilities like Norwich Electric) must give you **another** written notice that it plans to shut off your service.



Reasonable Payment Agreements To Resolve A Shut-off:

If you owe money to a gas or electric company, you are entitled to a "reasonable" payment agreement. This payment agreement lets you pay off your debt and avoid a utility shut-off, or have your service turned back on.

It is better to make an agreement **before** service is shut off--it is often harder to make a payment agreement after your service has been shut off. Payment agreements must take into account what you can afford to pay and must allow you to take advantage of energy assistance. If you have a payment agreement and your financial situation changes, the agreement can be changed.



To make a payment agreement:

1. Contact the utility company. Tell them you want to make a payment agreement and what you can afford to pay. Ask if you are eligible for a payment program in which part of your back bill is "forgiven" (arrearage forgiveness program). The company representative must tell you the procedure to follow if you cannot make an agreement.

2. If you and the company cannot agree on the terms of a payment agreement, the company must refer you to a "company review officer." Sometimes the company will have you talk to a supervisor before a company review officer is involved. You can insist on speaking to a review officer, but there is no harm in also speaking to a supervisor. But, if you can't make an agreement you can keep, it is important to insist on speaking to a company review officer.

3. If you cannot make an agreement with the company review officer, the review officer must give you a written report. If you do not agree with the payments the review officer wants you to make, tell the review officer and ask for a written report.

4. Within **5 days** after you receive the review officer's report, you can appeal to the Department of Public Utility Control (DPUC) at 1-800-382-4586. The DPUC will try to work out a payment agreement. If it cannot work out an agreement, it will send a report to you and the company. If your utility service is shut off, explain this to the DPUC. They will try to get your service turned on as part of resolving your dispute with the utility company.

5. If the DPUC's report does not resolve the problem, you can request a hearing. Ask for this hearing in writing within **10 days** of the mailing of the DPUC's report. Mail your request to: 10 Franklin Square, New Britain, CT 06051. The DPUC will schedule a hearing where you can explain your situation and what you believe a reasonable payment agreement should be. The company will also explain what it believes a reasonable payment agreement should be. The DPUC will make a decision and mail you a copy.

6. If you do not agree with the DPUC's decision, you can appeal to court.

During the appeal process your utility service cannot be shut off. However, to keep your debt to the utility company as low as possible during an appeal, you should **pay current bills plus whatever you can afford toward the old bill.**

After you have made a payment agreement, it is important to make your payments on time. If you are unable to make a payment, contact the utility company in advance to make other arrangements. It is also important to apply for energy assistance.

*For information on making a payment agreement with a utility company, see the booklet **How to Keep Year 'Round Utility Service/ Resolving a Utility Shut-off**. It has worksheets to help you determine what you must pay toward your utility bill and help you get the most from energy assistance. It also has information about payment programs where part of your old bill is "forgiven" in exchange for making monthly payments (arrears forgiveness programs).*

Landlord Requests that Utility Service be Shut Off:

Gas, electric or water companies (except municipal utilities like Norwich Electric) cannot shut off service at the request of a landlord **unless:**



- The landlord provides the utility with a statement signed by the tenant agreeing to have utility service shut off; or
- The landlord provides a notarized statement that there are no tenants in the house or apartment, signed by the landlord.

Shut-offs When A Landlord is Responsible for the Bill:

Gas, electric and water companies cannot shut off your utility service if your landlord is responsible for the bill, **unless** the company gives you 13 days advance notice of the plan to shut off service. Notice must include the date of the planned shut-off and the telephone number

and address of the utility company and the DPUC. The notice must also explain your options for avoiding a shut-off. If you make a payment to a utility company under one of the following options, the full amount of any payment can be deducted from your rent payment:

Option A: If there is a separate meter for your apartment or house (the meter does not cover another apartment or shared areas such as hallways), the company can require you to put service in your name. If service is put in your name, you cannot be charged a security deposit and you do not have to pay any of the amount owed by your landlord.

Option B: If there is a master meter (more than one apartment on a meter, or at least one apartment and areas shared by other tenants), there are **3 possibilities:**

- 1. If all tenants agree in writing, service can be put in everyone's names,** with an agreed upon plan for dividing the bill and responsibility for payment. As long as at least one tenant is making his/her payment under such a plan, the utility service cannot be terminated. Any tenant or the utility company can end this arrangement at any time, for any reason, by requesting in writing that it be ended.
- 2. If you choose, you can receive service in your name and only pay the portion of the bill estimated to cover your service.** The utility company can provide this estimate. The landlord is responsible for any portion of the bill which you did not pay because it wasn't for your utility service.
- 3. If you do not agree to either of the two options above, or you agreed but then told the company you wanted the arrangement to end,** the company cannot terminate utility service. It can sue the landlord and ask the court to appoint a "receiver" who would collect rent and pay the utility bills.

Shut-offs When a Spouse Or Ex-spouse Is Responsible for the Utility Bill:

A utility company can charge you for service you and a spouse received from the utility company, even though the bill is in the name of your spouse.

If you and your spouse divorce, legally separate or have your marriage annulled, or a court action has been filed for a divorce, separation or annulment, gas, electric and water companies (except municipal utilities like Norwich Electric) cannot shut off or refuse to provide you with utility service for 90 days from the date you request service in your name. This can be extended another 90 days (for a total of 180 days) where a court judgment holds your ex-husband or ex-wife solely responsible for the old bill in his or her name. To get extended utility service:

- You must actually be separated from your spouse;
- You must provide the utility with copies of court judgments or copies of the court "Complaint" that shows your case is in court; and
- You must cooperate with the utility company's efforts to collect the bill from your ex-spouse. This will usually mean telling the company how to find your ex-spouse by giving it the address where he or she lives or works. **The utility must try to collect the old bill from your ex-spouse.** If the utility company is not able to collect the old bill from your ex-spouse, then it must offer you a reasonable payment agreement that allows you to pay off the old bill over time.

Shut-offs or Billing Disputes When A Roommate or Former Tenant Is Responsible for the Bill

Unless your roommate was your spouse, you are not responsible for his or her utility bill if the bill was not in your name. This is true even if you were living in the house or apartment at the time that utility service was provided.

BUT, you can be charged for utility service if: You requested service under a name of a person in your home who is not an adult, or who has not agreed to be responsible for the utility bill; or service was left in the name of a prior resident or roommate who has moved, and you either moved in or remained in the apartment and became the adult responsible for paying the utility bill. In the last situation, you are responsible for the utility bill after the prior resident moved out and you moved in, or after your roommate moved out.

Security Deposits

Gas, electric and water companies (except municipal utilities like Norwich Electric) cannot charge you a security deposit if you cannot afford to pay one. Municipal utility companies and deliverable fuel dealers (such as oil or propane) can charge security deposits. If a municipal utility or a deliverable fuel dealer requires you to pay a security deposit for service for heat and you receive state assistance (TFA, AFDC, State Supplement [AABD] or SAGA), the Department of Social Services will pay a security deposit of up to \$200.

Identification and Credit Information Requirements

Identification: Gas and electric companies (except municipal utilities like Norwich Electric) may require a person opening an account to provide identification within 15 days of opening the account. Identification may include a social security number, a Connecticut driver's license, an identification card issued by the Connecticut Department of Motor Vehicles that is not a license, or other identification approved by the DPUC. The *customer*, not the utility, decides which identification to provide. If the requested identification is not provided within 15 days, service can be terminated after the utility company provides you with written notice that it plans to shut service

off. Service to current customers cannot be shut off if they refuse to provide identification; only customers who open a new account are subject to potential shut-off.

Credit Information: Public service utility companies cannot require customers to provide credit information as a condition for receipt or continuation of service.

Utility Billing Records

You can get a copy of at least 15 months of your most recent utility billings from a gas or electric utility company (except municipal utilities). This information can be helpful when setting up a payment plan if you owe a back utility bill. See the Legal Aid pamphlet, *How to Keep Year 'Round Utility Services/Resolving a Utility Shut-Off*.

Estimated Billings

Gas, electric and water companies (except municipal utilities like Norwich Electric) are required to get an actual reading of a meter whenever possible. When it is not possible, the company must give you a card asking you to read the meter, and tell you how to do this. When the utility estimates two bills in a row, it must tell you that an actual reading is needed and tell you when the next meter reading is scheduled. This gives you the opportunity to make arrangements for the company to read your meter. A utility company can shut off your service if you refuse to allow access to your meter.

Third Party Notification

If you request it, gas, electric and water companies (except municipal utilities like Norwich Electric) must notify another person or organization (called the "third party") if you will be shut off. Some utilities will also send copies of all your bills to a "third party" on your

request. This can be helpful for customers who have difficulty reading, understanding or paying bills. You can choose someone you know and trust to be your "third party." If you would like to have a "third party" receive copies of your shut-off notices or bills but don't know someone you want to ask to do this, the utility companies have lists of the names and addresses of organizations which have agreed to be "third parties." Ask the utility for a copy of this list.

High or Inaccurate Bills

Utility companies are responsible for the meters that measure the service you get. Sometimes meters break down and do not measure service correctly. Usually when they break down, they go slower. This means that they measure less service than you actually got. It also means that your bill is lower than it should be. In this case, the utility will estimate how much service was used and will bill you for that amount. Sometimes the utility will back-bill you when it gets a reading. In either of these situations, the utility cannot back-bill you for more than 6 months or 3 billing periods, whichever is longer, unless you are responsible for the inaccurate billings.

Here are some other common examples of where bills are high:

- Most often bills are high because you are using a lot of utility service. In this case you should try to get weatherization and conservation assistance. Ask for this assistance when you apply for energy assistance from the local Community Action Agency. UI and CL&P customers can also contact their electric company directly to ask for conservation assistance.
- Bills can be high because an appliance is not working properly. This is the responsibility of the owner of the appliance, not the utility company, unless the appliance is rented from the utility. Wiring or plumbing to fixtures and appliances can also be defective. This is the responsibility of the owner of the apartment or house.

- Your bill could be high because your meter is connected to service in another apartment. This is not legal and the utility company can put the bill in your landlord's name or you can deduct a reasonable estimate of the cost of the service to other apartment(s) from your rent. **The company can provide a reasonable estimate - you should not estimate on your own.**

If you believe that your gas, electric or water meter is not accurate and a meter test has not been performed within one year, you can ask the company to do a meter test in front of you and send you a copy of the test results. (Municipal utilities may have different testing procedures.)

Resolving Problems

When you are having a problem with a utility company, there are steps you can take to resolve the problem. Follow these steps to resolve most problems, except shut-off problems. (For problems with a municipal utility, except shut-offs, contact the utility company to ask for a copy of its procedures for resolving problems.)

The shut-off information in this booklet tells you about your rights in a utility shut-off, including your right to a payment agreement to resolve a shut-off. Another booklet entitled, *How to Keep Year 'Round Utility Service/Resolving a Utility Shut-off* has a step-by-step guide to help you handle a shut-off, including how to set up payment agreements, get the most from energy assistance, and take advantage of special payment programs where part of your back bill is "forgiven." When you are trying to work out a shut-off problem, use that booklet. For other problems use the steps in this booklet.



Steps to Resolve Problems:

1. The first step to resolving a problem is to contact the utility company. If you have a shut-off notice, contact the company before the date it indicates it plans to shut off service. **(NOTE:** There are several deadlines listed in this appeal procedure. If you miss the deadlines, you

can still follow the outlined steps. However, there is some risk that the utility company could shut off your service if they have threatened to and they believe you are no longer appealing to the DPUC. As a general rule, the utility company cannot shut off service during an appeal if you pay the current bills that you agree you owe.)

You will be better able to work out a problem if you are calm and carefully explain your situation. If you are unable to work the problem out, contact the utility company again **within 7 days** and ask to speak to a "company review officer." Explain the problem to the review officer. Ask the review officer for a written report. If your problem involves a debt to the utility company and you cannot afford to pay it all at once, ask the review officer to consider allowing you to pay it over an extended period of time.

2. If you can't resolve the problem with the utility company review officer, the next step is to write a letter to the Department of Public Utility Control (DPUC) **within 10 days** after the review officer's decision is sent to you. Explain your problem and ask the DPUC for an investigation and written report. *(You can use the sample DPUC letter in this booklet as a guide.)*

3. If the DPUC investigation and report does not resolve your problem, you can write to the DPUC and request a hearing **within 10 days** of the mailing of that report. *(You can use the sample DPUC letter at the back of this booklet as a guide.)*

4. The DPUC will send you a letter giving you the date, time and location of the hearing. At the hearing you will have a chance to explain the problem you are having with the utility company. The utility company will have an opportunity to explain its position. The DPUC will write a decision resolving the dispute and a copy will be mailed to you. If you do not agree with the DPUC's decision, you can appeal the decision to court. At this point, if you have not already done so, contact an attorney for assistance.

Sample DPUC Letter

(Your Name)

(Your Address)

(Your Telephone Number)

(Date of the Letter)

Executive Secretary
Department of Public Utility Control
10 Franklin Square
New Britain, CT 06051

Dear Executive Secretary:

(FOR STEP 2, TO REQUEST A DPUC INVESTIGATION):

I request an investigation by the DPUC and a written report regarding a problem with (*name of utility company*). The problem is (*describe the problem*).

I have contacted the company but this has not resolved my problem.

(FOR STEP 3, TO REQUEST A DPUC HEARING):

I request a hearing before the DPUC regarding a problem with (*name of utility company*). The problem is (*describe the problem*).

I would like a hearing to explain my situation. I have contacted the company and the DPUC has conducted an investigation, but this has not resolved my problem.

(If your problem involves an emergency, also state that in this letter and ask that a hearing be held immediately.)

Sincerely,

Sign your name

Assistance Resolving Problems

- **Communications and Consumer Services** (part of the DPUC which assists utility consumers), DPUC, 10 Franklin Square, New Britain, CT 06051. Phone: 860-827-2622 or 1-800-382-4586. TDD: 860-827-2837.
- **Office of Consumer Counsel** (represents utility customers from throughout Connecticut), 10 Franklin Square, New Britain, CT 06051. Telephone: 860-827-2900.
- **Legal Assistance** (assists low-income persons with some problems with utility companies). Call Statewide Legal Services at 1-800-453-3320 or 860-344-0380.

Information on Applying for Assistance

- **Energy Assistance Hot Line:** 1-800-842-1132
- **INFOLINE** Statewide 24-hour line: **2-1-1** (TDD available)
- **Assistance for Hearing Impaired Persons**

If you are hearing impaired, these resources are available to assist you in contacting a utility company or other sources of assistance listed in this booklet:

INFOLINE has TDD available.

Relay Connecticut acts as a message relay service between deaf and hearing people (Voice to TDD: 1-800-833-8134; TDD to Voice: 1-800-842-9710).

Commission on the Deaf and Hearing Impaired has interpreting services and other assistance available (Voice or TDD at 860-566-7414 or 1-800-708-6796).

