

## *Legal Services Offices in Connecticut*

**Statewide Legal Services:** (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

### *Other Legal Services Programs:*

#### **Hartford, Hartford County:**

##### **Greater Hartford Legal Aid**

999 Asylum Avenue  
Hartford, CT 06105  
(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 Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on the laws in CT as of December 2009. 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.

**Copyright: December 2009**

#### **Throughout Connecticut:**

##### **Connecticut Legal Services:**

*Administrative Office:* (860) 344-0447

##### *Offices:*

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

16 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** 06702  
(203) 756-8074

872 Main Street  
**Willimantic, CT** 06226  
(860) 456-1761

##### **AIDS Legal Network for Connecticut**

999 Asylum Avenue  
Hartford, CT 06105  
(860) 541-5027 or 1-888-380-3646

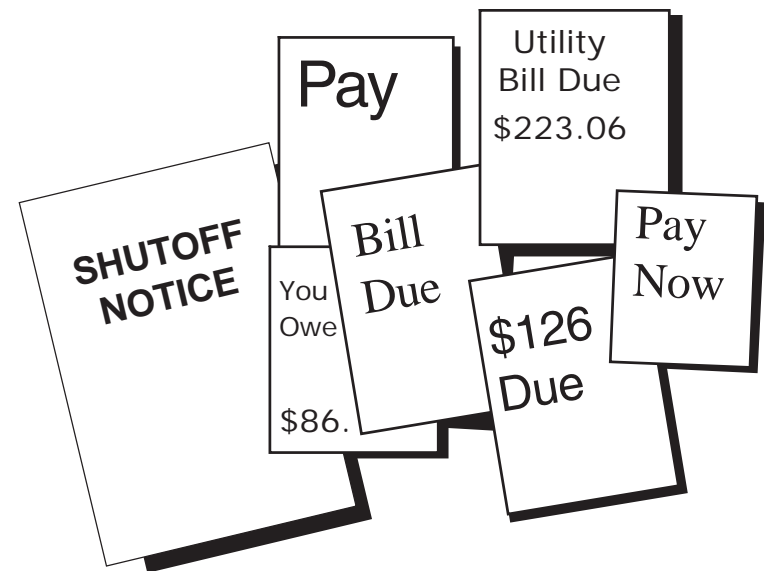
##### **Visit us on the internet:**

[www.slsct.org](http://www.slsct.org)  
[www.ghla.org](http://www.ghla.org)  
[www.nhlegal.org](http://www.nhlegal.org)  
[www.connlegalservices.org](http://www.connlegalservices.org)  
[www.larcc.org](http://www.larcc.org)



# How To Keep Year 'Round Utility Service

## Resolving a Utility Shutoff



*This pamphlet may be reproduced provided  
no charge is made for the copies.*

*December 2009*

## Utility Shutoffs

---

*Note that Connecticut law protects customers from a loss of utility service under some particularly dangerous circumstances. However, this does not prevent the utility company from using less dangerous collection tactics for a debt owed, such as suing the customer.*

### Life-threatening Shutoffs

If a lack of service is life-threatening to someone in the household, electric and gas companies may not shut off or refuse to turn on utility service at any time during the year, regardless of the amount of money the customer owes. A doctor must certify that the shutoff is life-threatening by filling out a form provided by the utility.

### Protection from Shutoffs

The best long-term protection from a shutoff is a payment agreement you can afford to keep. Protection for low-income persons from winter shutoffs is available under certain circumstances, depending on whether the company provides electric or gas service:

**Electric Utilities:** Protection from a winter shutoff is available to low-income electric utility customers by applying each fall to their electric company for "hardship" status. "Hardship" customers cannot be shut off between November 1 and May 1, 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 the customer is unable to make a payment.



**Gas Utilities:** Protection from a winter shutoff is available only to low-income gas *heat* customers by applying each fall to their gas company for "hardship" status. "Hardship" heating customers cannot be shut off between November 1 and May 1, even if they owe the company money. If gas heating 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 **lowest** of the following amounts since the prior November 1: \$100 **or** 20% of the amount you owe when the gas was shut off (*not the amount of the final billing after the shutoff*); **or** the minimum payments under your payment agreement with the utility company.*

☞ **Whenever possible, if you have a low income, you should**

- apply for energy assistance,
- make an affordable payment agreement so that you can keep utility service all year, and
- apply for the utility company's arrearage forgiveness program (*see below*), and
- apply to your utility company for "hardship" protection from shutoffs.

**You would be considered a "hardship" case IF:**

- you receive **state welfare** (TFA, SAGA cash assistance or State Supplement or AABD), **Medicaid** (Title 19 and HUSKY A), **SAGA medical** coverage, or **SSI** (Supplemental Security Income);
- your only income is from Social Security, Veterans Administration or Unemployment Compensation benefits;
- you are the head of a household and unemployed, and the income of all adult household members (except children) who have been members of the household for at least six months, is less than 300% of the poverty level;
- a household member is seriously ill (must be certified by a physician);

- your income is less than 125% of the poverty level; or
- you would not have enough money for food and other things called "necessities of life" if you had to pay a past-due utility bill.

### **Days on Which Utility Service Cannot be Shut Off**

*Except in an emergency*, gas, electric and water companies cannot shut off utility service on Friday (unless the company's business office is open on Saturday); 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.

### **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 *regular mail*, or **7 days** written notice by *certified mail* (depending on whether it has already notified you it plans to shut service off and how long ago it sent the notice). The notice must give a short 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 get a shutoff notice and then make payments that are at least 20% of the bill, the utility (except municipal utilities like Norwich Public Utilities) must give you **another** written notice **before** your service is shut off.

### **Payment Agreements to Resolve a Shutoff**



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 shutoff, or have your service turned back on. If you keep your payment agreement, you will have utility service

year 'round. This pamphlet will tell you how to make a payment agreement and what to do when you cannot make an agreement with the utility company that you are able to afford.

As part of any payment agreement, you usually must apply for energy assistance every winter. Many people can afford to pay their utility bills when energy assistance or assistance from a fuel bank is taken into account, and you can set up a payment agreement with your utility company that helps you get all possible energy assistance benefits. The worksheets included in this pamphlet will help you figure out a payment plan.

Sometimes utility companies will eliminate part of your old bill if you make all of your scheduled payments. (This is done through "arrearage forgiveness" programs.) In some cases, you may qualify for a special program with low monthly payments. This pamphlet describes these programs.

Whenever possible, **contact the utility company before** your utility **service is shut off**. It is easier to keep utility service on than to get it turned back on after a shutoff.

After you have made a payment agreement, it is important to **pay on time**. If you have a payment agreement and your financial situation changes, the agreement can be changed. If you cannot make a payment, contact the utility company in advance to make other arrangements or your service can be shut off.

### **Arrearage Forgiveness Programs**

An arrearage forgiveness program means that some of your back debt (bills) will be forgiven in exchange for making regular payments on your bill. Households are put on a budget plan. As long as you make the payments agreed to in the budget plan, your back bills will be erased or forgiven. Your utility bill can be reduced to \$0 in this program, but it cannot result in a credit on your account. There are two parts in the arrearage forgiveness program:

- the winter program (November 1 to April 30), and
- the summer program (May 1 to October 31).

**Arrearage forgiveness programs are available to gas and electric heat customers who are low income and heat with:**

- *electricity* from Connecticut Light and Power (CL&P) or United Illuminating (UI), **or**
- *gas* from Yankee Gas, Southern Connecticut Gas (SCG) or Connecticut Natural Gas (CNG), **and**
- *receive energy assistance* for that utility's bill.

✓ Apply for the arrearage forgiveness program by calling your local Community Action Agency, local fuel bank, or utility company. Call Infoline (2-1-1) to find the nearest place for you to apply.

**For the winter part of the arrearage forgiveness program,**

- You must sign up with the utility company between November 1 and April 30 *and* make a payment agreement.
- If you receive energy assistance for your utility bill and make all the payments required in your payment agreement by April 30, you can stay on the program until October 31. The utility company will
  - match the amount you pay and match the energy assistance amount that they receive, and
  - apply that amount to your bill until you no longer owe the company money.
- The utility company will tell you what your monthly payment will be under this program. If you cannot afford this amount, you can ask them to lower the payment to one that you can afford.
- You may be eligible for a special program for reduced monthly payments. If you cannot afford the amount the utility asks you to pay each month, *ask for a referral* to a social service agency that can determine if you are eligible for a reduced monthly payment. The utility representative must tell you the procedure to follow if you cannot make an agreement.

- If you do not apply for this program on time or you do not make all of your payments, you must wait until the *following* November for another chance to participate.
- If you stop making payments, your service may be shut off between May 1 and November 1.

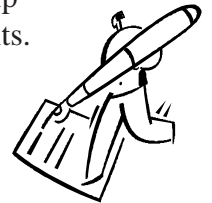
**For the summer part of the arrearage forgiveness program,**

- Customers who successfully complete the winter part of this program can participate in the summer months. If the utility company receives all summer payments by October 30, it will match the amount you pay and apply that amount to your bill.

✓ **CL&P and UI also have arrearage forgiveness payment programs available to customers who are not eligible for the programs described above.** Contact the utility company to find out how to participate in these programs.

**Working out What You Can Afford to Pay. . . .  
When you cannot get on an Arrearage Forgiveness Program**

This pamphlet includes two worksheets you can complete if you do not qualify for an arrearage forgiveness program with the utility company. These worksheets will help you figure out what you must pay to avoid a shut off. They will also help you get the most from your energy assistance benefits. These worksheets assume that you are low income.



- The **Utility Payment Worksheet** is used to determine the amount you should pay to the utility company each month under a payment agreement. Sometimes a utility company will ask you to pay more than this amount and completing this worksheet will let you determine if you are being asked to pay too much.
- The **Income/Expense Worksheet** can help you figure out what you can afford to pay.

The amount you are scheduled to pay each month on these worksheets is an estimate of what you will need to pay each if you receive all of your energy assistance benefits.

*Note:* After you make an agreement, check your utility bill once a year to be sure that you do not owe the utility company more than you owed the year before. If you do owe more than you did the year before, a new agreement needs to be made.

### **Contacting the Utility Company**

- When you call the utility company, give them your account number and ask to speak to someone about a payment agreement.
- If this utility company provides your *heat* and you receive (or are applying for) energy assistance to help pay this utility's bills (from November 1 to April 30) ask if you can take part in the *arrearage forgiveness program*.
- You may also ask to take part in the arrearage forgiveness program if you are trying to make a payment agreement with CL&P or UI, even if it is not your heating source and you do not expect energy assistance benefits for your electric bill.
- You will be better able to work out a payment agreement if you are calm and carefully explain your situation. The following is what you should discuss:
  1. If you are signing up for an arrearage forgiveness program, ask the utility how much it will require you to pay each month. If you cannot afford the amount the utility asks you to pay, ask for a lower payment. If you *still* cannot afford the amount, ask for a referral to a social service agency that can determine if you are eligible for a lower payment.
  2. If you are not eligible for the arrearage forgiveness program, offer to pay the company the amount you come up with after completing the worksheet in this pamphlet. Explain exactly how you calculated the amount you are offering to pay.
  3. If you have a back utility bill, explain how much you are including in each payment toward your old bill.

4. Tell the company exactly when you will make your payments. Promise to contact the company if your payment will be late.
5. Promise to make payments as scheduled, including winter payments.
6. Promise to apply for energy assistance on time. Call Infoline (2-1-1) for information on when or where to apply.
7. If your utility service is shut off, make arrangements with the company to have service turned on. Ask when this will be done.
8. Write down the name of the person you talk to at the company, the date of your conversation, and what you and the company have agreed to. Also, keep a list of every payment you make.

**Only agree to make payments you know you can afford.**  
*If you cannot make an agreement with the utility company that you can afford, then you should **appeal**. It is not difficult to appeal.*

### **Appealing When You Cannot Make an Agreement**

**The utility company cannot shut off your service while you are appealing.** To keep your debt to the utility company as low as possible, you should try to pay the company the amount you offered to pay after completing the worksheets at the end of this pamphlet. **To appeal**, follow in order each of the steps discussed below and check them off after you have completed each step. If you try to complete a step and are blocked, note what happened and then go on to the next step.

**1** Call the utility company and ask to speak to a "company review officer." If the utility refuses to allow you to speak to a review officer, skip to *Step 3*. Note with whom you spoke. 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. However, if you cannot make an

agreement that you can keep with the supervisor, it is important to insist on speaking to a company review officer. Get the review officer's name. When you speak to the review officer, explain exactly what you offered as a payment agreement.

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

**3** Within 5 days\* of receiving the review officer's report (or after the utility has refused to allow you to speak with a review officer), contact the Connecticut Department of Public Utility Control (DPUC) at 1-800-382-4586. Ask for the Consumer Assistance unit. Explain exactly what you can afford to pay each month to the utility company. If you broke a payment agreement in the last 12 months, you may not get additional help from the DPUC. If you had a good reason for breaking the agreement, tell the DPUC.

The DPUC will try to work out a payment agreement. 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 disagreement with the utility company. If the DPUC cannot work out an agreement, ask the DPUC to send a report to you and the company.

**4** If the DPUC's report does not resolve the problem, you can ask for a hearing. Ask for this hearing in writing within 10 days\* of the mailing of the DPUC's report. Mail your request to: DPUC, 10 Franklin Square, New Britain, CT 06051. The DPUC will schedule a hearing. *(See sample letter).*

*\*There are several deadlines in this appeal procedure. If you miss the deadlines, you can still follow the steps. However, there is some risk the utility company may shut off your service if they have threatened to and they believe you are no longer appealing to the DPUC.*

## DPUC Hearing.

The DPUC will send you a letter giving you the date, time and location of the hearing. At the hearing you will be able to explain what you offered the utility company as a payment agreement. You can bring your worksheets from this pamphlet to help you explain how you calculated your payments and to show what you can afford to pay. The utility company will have an opportunity to explain its side. The DPUC will write a decision resolving the dispute and mail you a copy of the decision.

If you do not agree with the DPUC's decision, you can appeal the decision to court. At this point, you should contact an attorney for assistance.

### Sample Appeal 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:

I request a hearing before the DPUC regarding my bill with (utility company)\_\_\_\_\_. I cannot afford the payment agreement the company offered to me and would like a hearing to explain my situation. I have contacted the company review officer and the Consumer Assistance unit, but this has not resolved my problem.

***(If your utility service has been shut off, also state that in this letter and ask that a hearing be held immediately.)***

Sincerely,  
(Sign your name)  
(Print or type your name)



(Utility Payment Worksheet continued from previous page)

**STEP E.**

**If you HAVE a back utility bill:**

Add an affordable amount to (D) that will go toward the back bill each month. If you are in an arrearage forgiveness program (see Page 4), this monthly amount may be reduced if you cannot afford to make the payments.

Enter this amount in (E) \$ \_\_\_\_\_ (E)

**If you do NOT have a back utility bill:**

Enter \$0 in (E) above.

**STEP F.**

Add D + E. \$ \_\_\_\_\_ (F)

**STEP G.**

Round off (F) to an easy-to-remember amount. This is the amount you should pay each month. = \$ \_\_\_\_\_ (G)

**Worksheet Summary:**

Total utility bills (from "A" above) (A)	\$
Energy assistance, etc. (from "B" above) (B)	\$
Subtract "B" from "A" (C)	\$
Divide "C" by 12 (D)	\$
Add amount toward back utility bills (from "E" above) (E)	\$
Add "D" and "E" (F)	\$
Round off "F" to an easy-to-remember amount to get the amount you should pay every month (G)	\$

**Apply for energy assistance as soon as possible after November 1 of each year.** When energy assistance is not available, apply for assistance from the local fuel bank. For information on when and where to apply, call Infoline (2-1-1) or the Energy Assistance Hot Line (1-800-842-1132).

**Income/Expense Worksheet**

(To determine what you can afford to pay, it is helpful to look at your monthly income and expenses. Fill in the following worksheet with your best estimates. You can use this information to explain to the utility company what you can afford to pay.)

<b>MONTHLY INCOME*:</b>	<b>SOURCE OF INCOME</b>
\$ _____	_____
+ \$ _____	_____
+ \$ _____	_____
= \$ _____	<b>TOTAL MONTHLY INCOME</b>

\*If you are paid by the week, multiply your weekly income by 4.3 to get monthly income. If income is from employment, use **net pay** (amount left after taxes & deductions). **If income is from TFA** (Temporary Family Assistance), think about when TFA benefits end so the payment agreement does not assume this income is available when it has actually ended.

**MONTHLY EXPENSES:**

\$ _____	Rent or Mortgage, Insurance & Taxes
\$ _____	Food and Household Supplies
\$ _____	Medical Expenses (bills, insurance, medicine)
\$ _____	Clothing
\$ _____	Personal Needs (work uniforms, haircuts, etc.)
\$ _____	Transportation (car, insurance, gas, bus, other transport., etc.)
\$ _____	Child Care
\$ _____	Telephone
\$ _____	Laundry
\$ _____	Other Utility or Energy Expense: _____
\$ _____	Other Utility or Energy Expense: _____
\$ _____	Debts: _____
+ \$ _____	Other Expenses: _____
= \$ _____	<b>TOTAL MONTHLY EXPENSES</b>

<b>TOTAL MONTHLY INCOME</b>	\$ _____
(minus) <b>TOTAL MONTHLY EXPENSES</b>	- \$ _____
(equals) <b>REMAINING INCOME**</b>	= \$ _____

\*\* Part of your remaining income can be applied toward your utility bill each month. **BUT** avoid paying all your remaining income toward this bill; you may have other unexpected expenses.