

National Energy Assistance Directors' Association

**Public Service Commission Consumer
Protection Rules and Regulations**

A Resource Guide

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INTRODUCTION

After the oil price shocks of the late 1970's many states across the country adopted regulatory provisions to protect vulnerable households, including the low-income, elderly and disabled, from loss of utility service. The cost of household energy is again on the rise and, as indicated in Tracking the Home Energy Needs of Low-Income Households Through Trend Data on Arrearages and Disconnections,¹ electric and natural gas utility arrearages and disconnections are increasing as well. The relative cost of home energy and general economic circumstances have weakened the ability of many of these rules in shielding vulnerable customers from loss of service. Meanwhile, many utility companies have become more aggressive in disconnecting service and, in some instances, proposing increasingly punitive customer service rules that allow for quick termination of service.

Existing utility consumer protections vary widely from state to state. These include rules and statutes dealing with provision and denial of service, provision of consumer information, security deposits and advance payment for service, late payment fees, termination and restoration of service, establishment of payment plans, and resolution of disputes between customers and utility companies. Some states have adopted frameworks that are reasonably protective, while others have yet to recognize and protect vulnerable utility customers. Even in the states where relatively strong protections exist, there is a need to re-examine specific provisions to ensure that they adequately meet the purposes for which they were originally intended.

While considerable public attention is focused on the need for adequate funding of energy payment assistance programs, such as the Low Income Home Energy Assistance Program (LIHEAP), little attention is paid to customer service rules that actually interfere with the policy objectives of payment assistance. Burdensome late payment fees and security deposit requirements add to the energy service costs of low-income customers and decrease the likelihood that timely, full payments will be made on a monthly basis. Similarly, unworkable termination timeframes and payment plan provisions increase the likelihood that low-income customers will lose access to vital service even if payment assistance funding is available.

This report provides resource information that can be used by state LIHEAP directors and other energy organizations to develop state provisions for shielding vulnerable customers from loss of service and ensure that consumer protections are consistent with the objectives of low-income payment assistance programs. It includes:

- A description of the state regulatory consumer protection framework.
- Tables that summarize key consumer protection provisions on a state-by-state basis.
- The results of a 10 state survey of the consumer staffs of public utility commissions providing information regarding implementation of customer service rules.

¹ Howat, McKim, Harak, Wein, National Energy Assistance Directors' Association, 2004.

KEY FINDINGS AND RECOMMENDATIONS

Utility consumer protections vary considerably by state. Some states have recognized the threats to health and safety that result from loss of necessary utility service and have adopted legislation and regulations that provide relatively strong protection for vulnerable customers. Others states lag far behind. Rising energy prices suggest that states need to re-examine their current rules and regulations to provide a basic level of service for low-income families.

Utility companies retain considerable discretion in interpreting and implementing customer service rules. This understanding is important for consumers and program delivery personnel that have responsibilities for negotiating with utilities to restore or avert loss of service.

While there is no “one size fits all” model of consumer protections, the following recommendations provide a summary of six key protections that if adopted by the states would increase the effectiveness of LIHEAP and other low-income energy programs by reducing the rate of arrearage and shut-off. These recommendations are based on NEADA’s policy on regulatory consumer protection adopted on March 9, 2006 (see Appendix 4).

- **Denial of Service:** Service should not be denied to an applicant based on delinquency of a previous customer of record, for a delinquency that accrued as a result of fraudulent actions of an individual other than the applicant, or for failure to pay for merchandise or other peripheral service purchased from the utility company.
- **Deposit:** Companies should be prohibited from conditioning delivery of service on receipt of security deposits from residential customers. At a minimum, low-income customers should be exempted from security deposit requirements.
- **Payment, Due Date and Late Payment Fees:** Bills should not be considered due for at least 30 days after delivery to a customer. Service should not be disconnected prior to 14 days after the receipt of a notice of termination. Under no circumstances should late payment fees exceed a company’s cost of capital and they should be waived for low-income customers.
- **Termination and Disconnection of Service:** Service should not be disconnected in households where one or more individuals is less than 12 months of age, over 65 years of age or has a illness or disability certified by a health care practitioner. For those households, at least two termination notices prior to actual disconnection of service should be sent.
- **Restoration of Service:** Prior to disconnection of service for non-payment, or as a condition of restoration of service after disconnection for non-payment, customers should be offered an initial payment plan with a term of at least one year. Terms should be reasonable and take into account household income and expenses. If, after demonstrating a good faith effort to complete an initial agreement, a customer is not able to make payments, a subsequent agreement with terms at least as good as the initial agreement should be offered.
- **Dispute Resolution:** Customers should be notified of their right to dispute a bill or other aspect of service delivery. Disconnection of service should be prohibited while a dispute is pending. Clear dispute resolution procedures and timelines should be delineated in rules.

SECTION 1: THE REGULATORY CONSUMER PROTECTION FRAMEWORK

Historically, rates of public utilities have been regulated to protect against monopoly pricing of an essential service. Similarly, state utility regulatory authorities and legislatures established provisions pertaining to customer service so that utilities with exclusive franchise rights are precluded from delivering a necessary service in a discriminatory manner.

While utility rates are the primary determinant of what consumers pay for utility service, provisions related to late payment fees, security deposits and other charges also determine the affordability of utility costs. Virtually every state has adopted a combination of legislation, rules and regulations dealing with some or all of the following aspects of utility service:

- Provision and denial of service
- Provision of consumer information
- Security deposits, advance payment for service and late payment fees
- Termination and restoration of service and establishment of payment plans
- Resolution of disputes between customers and utility companies.

As demonstrated in this paper, there is a wide variation between states' provisions regarding each of these components.

Utility consumer protections are legal provisions dealing with the terms of obtaining and retaining service. The protections and rules of service include requirements to provide consumers with information regarding their utility service, provisions regarding security deposits and advance payment for service, late payment fees, termination and restoration of service, establishment of payment plans, and resolution of disputes between customers and utility companies. Each of the states has adopted its own structure, with considerable variability between provisions state-to-state.

Utility consumer protection and customer service rules may be found in state regulations and statutes, and in some cases in regulatory commission orders and utility company tariffs. In many cases, utility commission web sites include links to that state's consumer protections and customer service rules.

Many of the existing state utility consumer protection provisions were adopted during the 1970s and 1980s. Today's energy pricing and economic environments are very different, rendering many of the original consumer protection rules inadequate.

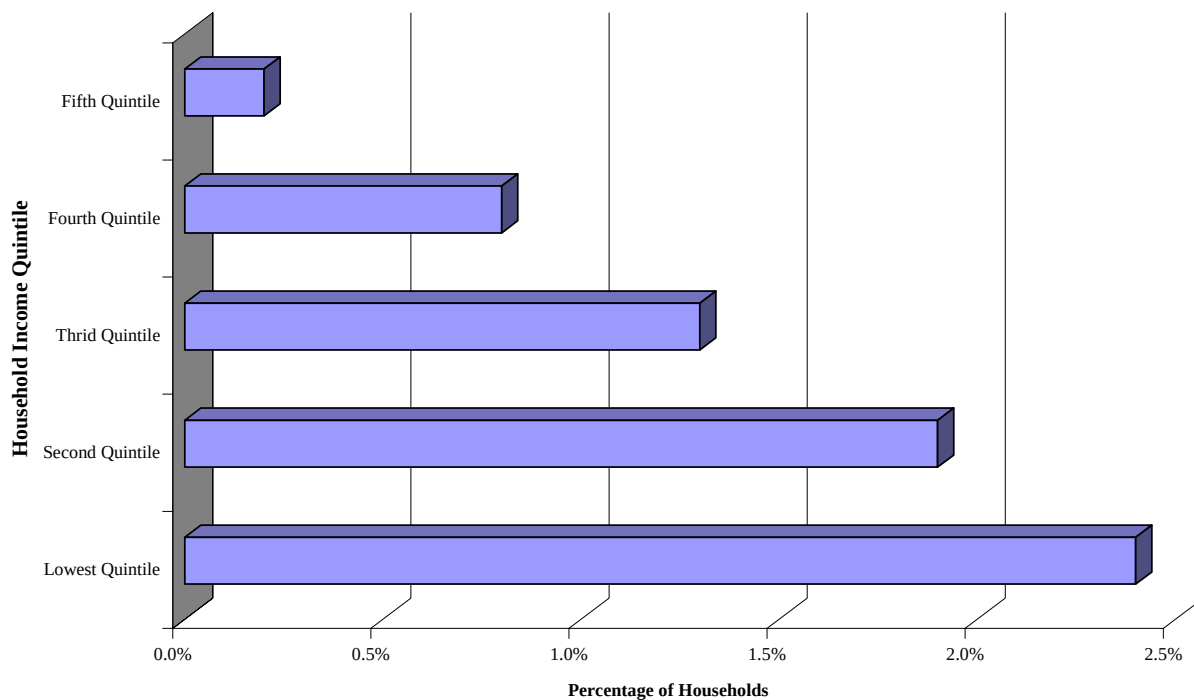
Electric and natural gas utilities provide a necessary service to consumers. Because the service is provided by companies that have been granted an exclusive franchise, regulatory protections are required to prevent companies from engaging in discriminatory, monopoly practices. In addition, consumer protections in many states have been adopted to protect society's most vulnerable members -- including those with low incomes, the elderly, the very young, and people with disabilities -- from loss of necessary service.

Both low-income energy assistance programs and components of the regulatory consumer protection structure are intended to ensure against loss of the essential service, which may

jeopardize health and safety. Inadequate consumer protections and punitive customer service rules actually run counter to this goal. It is essential for regulatory consumer protections to be designed and implemented in a manner consistent with the goals and objectives of existing payment assistance programs.

As indicated in the charts below², low-income households are the most likely to lose access to necessary utility service and are more susceptible to the adverse health and safety impacts that come with loss of service.

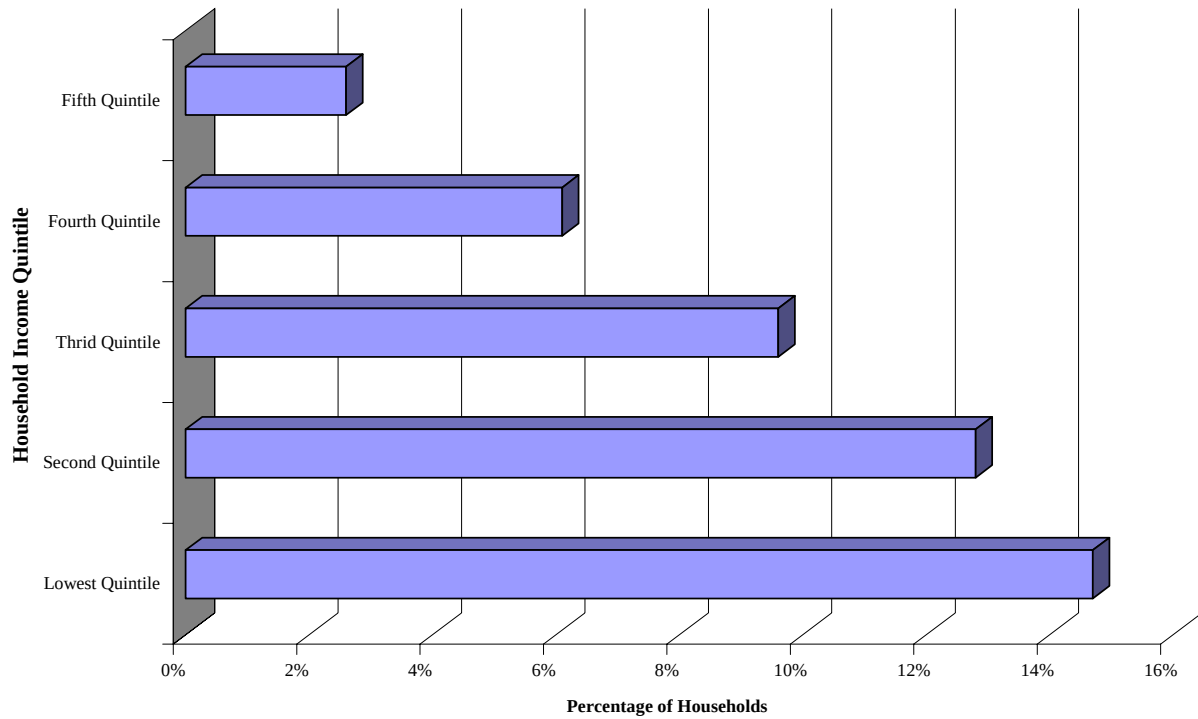
Percentage of U.S. Households with Electric or Natural Gas Utility Service Disconnection in 1998



² Source: U.S. Census Bureau, Survey of Income and Program Participation, 1996 Panel, Wave 8, Table 18 B. Release Date: May 2003. Please note that the charts are based on data that were released in 2003, but reflect payment and service disconnections that occurred in 1998. Given that home energy prices have risen substantially since 1998, it is likely that the charts displayed here understate present-day low-income utility payment troubles and rates of service disconnection.

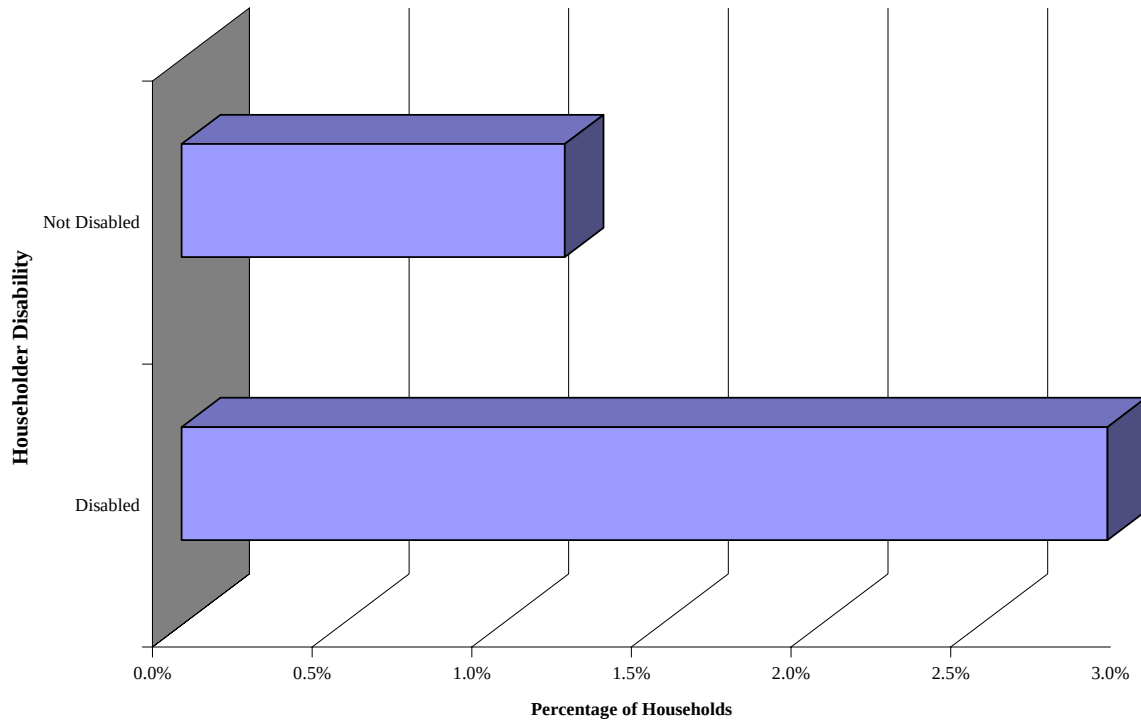
Low-income households are also more likely to be late in paying utility bills, and as described below, are often forced to pay steep late fees in addition to burdensome regular monthly bills.

Percentage of U.S. Households that Did Not Pay Full Oil, Gas or Electric Bill in 1998

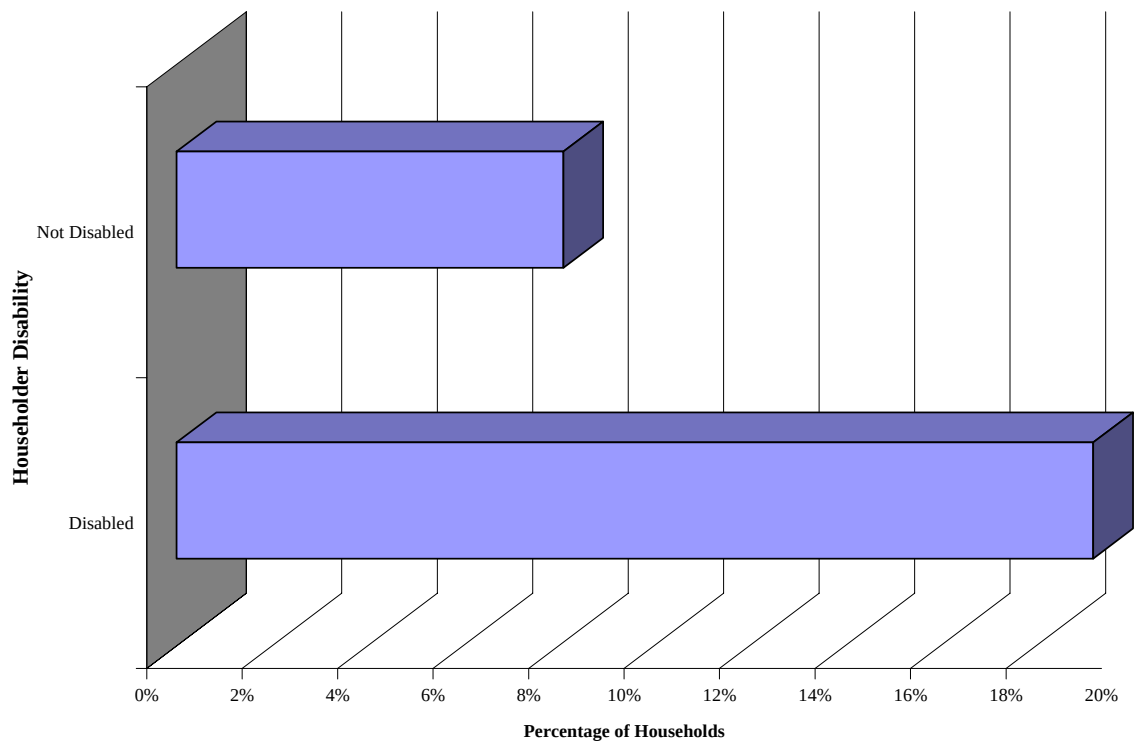


Similar charts indicate that the same service disconnection and payment dynamics exist for disabled, a population that is particularly vulnerable to the effects of loss of utility service.

Percentage of U.S. Households with Electric or Natural Gas Utility Service Disconnection in 1998



Percentage of U.S. Households that Did Not Pay Full Oil, Gas or Electric Bill in 1998



Effective consumer protections and realistic customer service rules are required to maintain reliable household energy service for these and other vulnerable customer groups. Taxpayers and utility ratepayers invest billions of dollars in LIHEAP and other payment assistance programs to protect these groups. There is a growing need to upgrade state regulatory consumer protection rules in order to protect those investments and ensure broad access to vital utility service.

Components of Regulatory Protection and Customer Service Rules

This section provides descriptions of the components of state consumer protection and customer service rules. Model provisions are included for key components, to protect vulnerable customers from loss or denial of service.

1. **Provision of Utility Service:** All public electric and natural gas utilities, whether they are investor-owned, municipal or cooperative, are subject to a legal obligation to serve everyone living within the utility's service area who applies for service and is willing to pay for the service and comply with the utility's rules and regulations. This obligation to serve prevents utility companies from choosing to serve only the most profitable customers and geographic areas.
2. **Denial of Service:** Most state customer service rules allow utilities to deny service in cases of noncompliance with rules or regulations, dangerous conditions or noncompliance with state and local codes. Some states relieve utilities of the duty to serve applicants with outstanding bills. In practice, such provisions can cause difficulties for young adult applicants whose parents previously placed service in the children's' names to avoid collection of outstanding bills in their own names. In addition, some states specify that a utility may not refuse to serve a prospective customer under circumstances such as delinquency by a previous occupant or failure to pay for merchandise purchased from utility company.

Similarly, some states and an increasing number of utility companies are interested in imposing a "household rule," which allows denial of service if the applicant resides with someone who holds a delinquent account with the utility. In practice, "household rules" are unworkable because they require utilities to maintain accurate records of the identities of all occupants of all customer households. Further, denial of service based on payment behavior of a previous occupant may cause particular hardship for new applicants such as victims of domestic violence attempting to establish economic independence.

3. **Provision of Consumer Information and Notification of Consumer Rights:** most states require regulated utility companies to provide information about pricing and utility service to any customer who requests it. Some states require companies to regularly provide information to consumers regarding payment assistance and the right to file a consumer complaint or dispute billing amounts. Several states require companies to inform customers of medical certification procedures and circumstances under which service may not be terminated.

4. **Security Deposits:** as utility debt and the write-off of uncollectible accounts increase in response to rapidly rising energy prices, many companies are looking to security deposits as a means of minimizing risk. However, from the consumer's perspective, onerous security deposit provisions merely increase the overall cost of utility service and in some cases make obtaining service nearly impossible. Customer service rules regarding security deposits vary widely from state to state. While some states allow utility companies to obtain the value of four or more months of service upfront, others allow either no, or minimal, security deposits from new residential customers.

Another aspect of utility security deposits of particular concern involves the use of credit scoring. Increasingly, companies are interested in using third-party credit scores to determine whether new or additional security deposits will be required of particular customers. This is problematic for a number of reasons. First, it is highly inappropriate to use a credit score based on a range of financial transactions to determine the extent to which a prospective customer is likely to pay his or her utility bill. In addition, credit scores are notoriously inaccurate. Finally, individuals that lack an extensive credit history many have poor credit scores that simply do not reflect their likelihood to pay for utility service. In short, use of credit scores to determine security deposits or other aspects of utility service should be viewed with great skepticism. (State security deposit provisions are summarized in Appendix 3, Table 3.5.)

5. **Payments and Due Dates:** states vary in their treatment of the time that must expire before a utility bill is considered past due. Some states require payment in as few as 10 days after a bill is postmarked. Other states allow as much as 45 days to expire before a bill is considered past due. Payment due dates are important because they have direct bearing on the amount of time which must expire before a customer may have service disconnected. As the cost of retaining home energy and utility service increases, low-income households face increasing difficulties juggling limited financial resources to paying for monthly necessities.

Adequate utility payment timelines are required to allow payment-troubled customers, program delivery personnel and advocates sufficient time to cobble together the payment assistance resources to stop or at least forestall service disconnection. Inadequate termination timelines are prime examples of customer service rules that run counter to the policy objectives of state and federal low-income payment assistance programs. Payment assistance programs are intended to assist customers to stay connected. Short payment timelines allow companies to disconnect customers quickly after delivery of bills. (State termination timeframes are summarized in Appendix 3, Table 3.1.)

6. **Late Payment Fees:** the rules of some states restrict utility companies from charging residential customers late payment fees. However, in many states companies are allowed to charge a percentage of the most recent bill or a percentage of any outstanding amounts in addition to the actual amount owed. Similar to security deposits, assessment of late payment charges and fees can significantly increase the cost of service to consumers. Further, late payment charges are typically in excess of utility companies' costs of carrying arrearages and sending late payment notices to customers. Finally, as reflected in the payment and disconnection charts above, low-income households are far more likely than their higher-income counterparts to be late in paying utility bills. Late payment charges therefore clearly represent a disproportionate burden on low-income households. They also disproportionately

burden those with disabilities, racial minorities, single parents, and those without health insurance coverage. (State late payment fee provisions are summarized in Appendix 3, Table 3.6.)

7. **Termination and Disconnection of Service:** states have adopted widely varying provisions regarding the termination of electric and natural gas utility service. Termination protections are a key element in the promotion of even minimal levels of low-income energy security. Termination protections for vulnerable customers of certain ages, with a disability, or with a serious illness are provided in numerous states. In addition, many states have adopted provisions to protect customers from loss of service during harsh weather periods. Some states' provisions are far more protective than others. For example, in Massachusetts utilities are prohibited from terminating service to low-income households where occupants are elderly or disabled. In addition, Massachusetts utilities may not terminate service in households where there is an infant under 12 months of age. Further, Massachusetts utilities are prohibited from terminating service between November 15 and April 15 in households where there is financial hardship. Many other states have adopted some combination of similar protections. However, large numbers of states do very little to protect vulnerable customers from service disconnections.

In addition to protections targeted toward particularly vulnerable customers and during harsh weather conditions, many states delineate the required content, delivery method and timing associated with notification of service termination. Some states require only minimal notification procedures while others require notification in person or by phone, at least two notifications prior to actual disconnection, and a timeline that allows customers to seek assistance. (State termination protections are summarized in Appendix 3, Tables 3.2 and 3.3.)

8. **Restoration of Service:** states have adopted rules regarding restoration of utility service disconnected for nonpayment. In most cases customers are required to pay part or all of the outstanding billing amount and sometimes enter into a payment plan with the utility company. Terms for restoration of utility service have become increasingly important since high and volatile energy prices have led to large arrearages in low-income households. Onerous restoration terms effectively preclude some households from obtaining service once it has been lost.
9. **Establishment of Payment Plans:** some states have adopted rules that require utility companies to offer customers special payment agreements as an alternative to termination of service or as a means of restoring service. Payment plan terms and requirements vary widely from state to state. Access to reasonable payment plans is a central aspect of the utility consumer protection structure.

Some states have adopted a highly punitive approach to payment plan terms. In such cases a missed payment -- for whatever reason -- may be followed up with a requirement for a higher monthly payment toward back bills. A more sensible approach has been adopted in the state of Iowa. There, customers who receive a disconnection notice are offered a payment plan of at least 12 months' duration. In event that the initial payment plan fails after the customer has demonstrated a good-faith effort to make timely payments, a subsequent payment plan of equal or greater duration must be offered. This rule is based on the assumption that most

customers are interested in remaining current on their utility bills, but that difficult financial circumstances often lead to payment troubles.

In addition to the duration of payment agreements, the percentage of an arrearage that must be paid up front is an issue that determines the viability of a payment plan. Many states require a “down payment” of at least 25% and as much as 50%. Given the high cost of household energy service it is commonplace to see low-income customers with arrearages well in excess of \$1,000. High percentage down payments in these cases makes it virtually impossible for many low-income customers to retain or restore service. (State payment plan provisions are summarized in Appendix 3, Table 3.4.)

10. **Disputes and Dispute Resolution:** central to the consumer protection structure is the right to dispute a utility bill or service practice. Most states require that customers be informed of the right to dispute bills. In addition, most states specify that companies should investigate an attempt to resolve disputes with customers. When customers and companies are unable to resolve disputes state rules allow formal or informal procedures before regulatory commission administrative staff. Some states suspend payment timelines and prohibit disconnection of service when a dispute is pending.

Model Provisions

While there is no “one size fits all” model of consumer protections, the following provides a summary of six key protections that, if adopted by the states, would increase the effectiveness of the Low Income Home Energy Assistance Program (LIHEAP) and other low income energy programs by reducing the rate of arrearage and shut-off:

- **Denial of Service:** Service should not be denied to an applicant based on delinquency of a previous customer of record, for a delinquency that accrued as a result of fraudulent actions of an individual other than the applicant, or for failure to pay for merchandise or other peripheral service purchased from the utility company.
- **Deposit:** Companies should be prohibited from conditioning delivery of service on receipt of security deposits from residential customers. At a minimum, low-income customers should be exempted from security deposit requirements.
- **Payment, Due Date and Late Payment Fees:** Bills should not be considered due for at least 30 days after delivery to a customer. Service should not be disconnected prior to 14 after the receipt of a notice of termination. Under no circumstances should late payment fees exceed a company’s cost of working capital and they should be waived for low-income customers.
- **Termination and Disconnection of Service:** Service should not be disconnected in households where one or more individuals is under 12 months of age, over 65 years of age or has a serious illness or disability as certified by a health care practitioner. For those households facing disconnection, at least two termination notices should be sent prior to actual service disconnection.
- **Restoration of Service:** Prior to service disconnection for non-payment, or as a condition of service restoration after disconnection for non-payment, customers should be offered an

initial payment plan with a term of at least one year. Terms should be reasonable and take into account household income and expenses. If, after demonstrating a good faith effort to complete an initial agreement, a customer is not able to make payments, a subsequent agreement with terms at least as favorable as the initial agreement should be offered.

- **Dispute Resolution:** Customers should be notified of their right to dispute a bill or other aspect of service delivery. Disconnection of service should be prohibited while a dispute is pending. Clear dispute resolution procedures and timelines should be delineated in rules.

SECTION 2: PUBLIC UTILITY COMMISSION SURVEY

The National Consumer Law Center surveyed ten state public utility commissions (PUCs) by phone to collect information on how consumer protections were enforced and interpreted: Colorado, Georgia, Maine, Massachusetts, Montana, North Dakota, Ohio, Pennsylvania, Washington, and Wisconsin. The survey focused on assessing the states' utility regulations and the policies of utility companies as they affect low-income consumers. The topics examined in the survey were: security deposits, termination policies, payment plans, consumer protections, and restoration of service.

The survey questions were structured so that respondents would have the opportunity to discuss the rules as they are written, but also the way these regulations apply in practice. In each section respondents were asked to assess the degree of discretion utilities are allowed within the parameters of the regulations, and to comment on the way that utilities tend to behave in their state. The result is a collection of responses that illustrate several key factors: the rules in each state that was surveyed, the level of expertise of consumer contact at the PUC, and observations made by individuals who deal on a day-to-day basis with utility company practices towards low-income customers.

States Sampled and Title of PUC Respondent

State	Title
Colorado	Chief of Staff
Georgia	Director of Consumer Affairs
Maine	Director, Consumer Assistance Division
Massachusetts	Director, Consumer Division
Montana	Chief of Compliance and Public Information
North Dakota	Administrative Assistant to the Director of Public Utilities
Ohio	Investigation and Audit Division Chief in the Service Monitoring and Enforcement Department
Pennsylvania	Director of Bureau of Consumer Services
Washington	Consumer Affairs Supervisor
Wisconsin	Assistant Administrator, Division of Water, Compliance and Consumer Affairs

Observations

The primary theme that emerges from the survey results is lack of a common approach and widely differing attitudes toward consumer protection. While some states maintain strong precedents of consumer-oriented regulations, other states employ a laissez fair approach that can leave consumers without adequate protection against disconnection of vital service. In some states low-income customers are required to pay fees and higher costs when they have already exhibited an inability to pay for utility services, while in others, they are not penalized, but

supported in their good faith efforts to maintain service. In addition to differences among the rules themselves, each state has significant leeway built into its regulations allowing for a broad range of discretionary practices by utilities. In most instances, regulatory provisions set limits on credit and collection practices, such as demand for a security deposit of a particular amount. However, in many cases companies are granted the discretion to extract a lesser deposit on a case-by-case basis.

Also important to note is the wide range of expertise among survey respondents. There were several consumer contacts that did not know the regulations and had to read the rules as they responded to questions. This is troubling since consumers rely on these individuals to act as liaisons to utilities, ideally advocating for their rights as they are laid out in rule. There was also a startling range in attitude towards low-income consumers; some of the respondents seemed to be sympathetic advocates who understood and had compassion for the situations of low-income customers, while others exhibited disdain and used punitive language towards the hypothetical consumers they were asked about in the survey. The rules and the consumer contacts in each state revealed the grave disparity in utility consumer protections throughout the United States.

The following provides a summary of the survey results by topic area:

Security Deposits

Criteria for Assignment: Rules in all surveyed states but Massachusetts allow companies to require a security deposit as a condition of obtaining service. Credit histories are commonly employed in the sample as criteria upon which to assess security deposits. In nine of the ten states surveyed utilities were free to adjust deposits below the regulatory ceiling based on an internal evaluation process. The common theme that state PUCs reported was that utilities tend to use payment history with past providers as a basis for evaluating whether to impose a security deposit. However, the specific triggers in the broader context of credit history were very disparate among sampled states.

In Ohio, for example, the absence of a credit history can mandate a security deposit and in other states, Maine for example, the utilities appear to assign a security deposit based on a broader range of credit history scenarios. In Montana a customer can be saddled with a deposit for a broad range of reasons, including being employed by more than two employers in the past 12 months. Relative to other charges and fees reviewed in this survey, determination of whether to impose security deposits appears to be an area that is open to a great amount of utility discretion. The circumstances under which they can be imposed vary and from state to state.

- **Amount of Deposit:** Unlike the unencumbered decisions made about whether to demand security deposits, states in the sample reported rather narrow parameters for determining the amount that a “risky” customer must pay. The upper limits on deposits did not exceed twice the highest bill at the address and hovered more often around twice the average bill.
- **Accrual of Interest and Return of Interest:** Eight states in the sample reported that PUCs return the interest rates on an annual basis, one state PUC employee did not know the details of interest on deposits and one said that interest was not regulated by the state PUC. The return of deposits in some states is used as a reward for good payment behavior. In others they are returned after a specified period (usually after a year).

Termination of Service Protections

Electric and natural gas utilities in each of the states that we surveyed may terminate service due to nonpayment of bills, safety considerations, or customer commitment of fraud or theft of service. It should be noted that in this survey we limited our investigation of termination practices to instances of customer non-payment. These policies vary widely but are all regulated by the state PUCs as opposed to the utilities themselves.

- **Timeline and Notification:** The shortest shut-off timeline (the period of time from receipt of a bill to the point when a company is authorized to disconnect service for non-payment if none is received) as reported by sample respondents was 10 days (North Dakota and Washington) and the longest was 54 days in Massachusetts. In Maine customers are in danger of termination as soon as they have an overdue amount that exceeds \$50; timelines notwithstanding. In the states that give customers more time to pay their bills there were often multiple notices and a requirement that the utility try to make contact with the customer (either by phone or in person) to inform them of the impending shut-off. In some states termination can occur in an unfettered manner—the moment the last day of the notice has expired. However, each state PUC representative noted that while utilities are allowed by rule to shut off customers who cannot pay for their service, they are never required to do so.
- **Shut-off Moratoria:** Many states where harsh seasonal weather conditions prevail have adopted disconnection moratoria that provide temporary protection from loss of service. Moratoria are structured to provide either seasonal protection between certain dates or temperature-based protections that prohibit disconnection when temperatures fall below (or exceed) specific thresholds. However, termination regulations do not always correspond to the weather each state experiences.
- **Only some states employ winter moratoria on terminations.** North Dakota has no winter moratorium whatsoever; though the PUC representative mentioned that in practice utilities do not disconnect customers in the winter. Despite the fact that some states remain draconian on the subject of winter shut-offs, seven out of the ten surveyed employ some kind of moratorium on terminations during the winter months. Generally, customers in states with winter moratoria must affirmatively demonstrate inability to pay the utility and are not exempt from paying for the service arrearage after the moratorium expires. In Maine and Pennsylvania companies are required obtain permission from the PUC before shutting off in the winter months. Though this does not absolutely prevent shut-off in dangerous conditions, the policy does pose a hurdle to utilities that would otherwise be allowed to disconnect customers in the winter.
- **Illness Protections:** There are many circumstances under which illness impacts a consumer's reliance on energy or ability to pay for service. Many states employ full or partial protection from service disconnection for customers suffering from serious illness. However, all of these provisions require customers to provide certification from a licensed health care practitioner and documentation of the claim. Even having demonstrated chronic illness that requires electricity for treatment cannot protect low-income customers in Colorado (where disconnection can be postponed but not prevented, and as such the 'protection' can only be employed once every year).

In Wisconsin the PUC reports that some energy providers have elected to provide long term protection for those customers with life sustaining equipment in the home but are not

required to do so in regulation. In Ohio the protection amounts to thirty days of protection from termination twice a year; sixty days of protection a year no matter what the health condition may be. The most compassionate model in the sample is Massachusetts where a person who is seriously ill may re-certify for protection every thirty days and receive it indefinitely if the condition persists. If the customer establishes that he or she is chronically ill in Massachusetts the rectification is only required every ninety days.

- **Age Protections:** Many states' rules provide limitations on companies' right to disconnect service for non-payment in households where there is an elderly person or infant residing. There were only limited infant and elder protections represented in the survey sample. Massachusetts has both; a utility cannot shut off a household with a person above the age of 65 or an infant less than 12 months and Montana disallows terminating customers over the age of 65. Pennsylvania and Montana don't have winter moratoria in rule but during the winter months they provide termination protections for elders and infants. In the other six states surveyed there were no special considerations for infants or seniors.
- **Procedures and Terms for Offering Payment Plan Prior to Termination:** Only two of the 10 agencies reported that utilities were not required to offer payment plans before shutting customers off, Montana and Washington. The other eight states conformed more or less to a similar model of regulation regarding payment plans: consumers who are behind or otherwise in danger of being shut-off receive notice of the payment plan option.

In most states the payment plan offer appears on the disconnection notice itself or in writing prior to the shut-off. While payment plans are required by regulation in most states, the terms of payment plans remain at the utilities' discretion. Some regulations require the payment plan terms to be "reasonable" but do not specify the parameters of this criterion. In Maine "reasonable" is defined by taking into account ability to pay, payment history, whether disconnection would present a danger to the occupants or the home, and the reason for the outstanding balance.

The utility is generally the arbiter of the payment plan negotiations so that even if all of these relevant issues are considered, the plan may not reflect what is "reasonable" from the consumer's perspective. Colorado, Pennsylvania, and Ohio were the only states that reported having minimums, maximums, and guidelines for utilities set in rule regarding the terms of payment plans. No states in the sample require utilities to offer subsequent payment plans after the first failed plan.

Most PUCs reported that in order to obtain service from a provider after a failed payment plan, customers must pay their arrearages in full. In response to the question "Do companies in your state use discretion in determining the terms of payment plans?" every state in the sample answered in the affirmative.

Restoration of Service after Termination, Fees, Down Payment

Generally, restoration of service subsequent to disconnection requires customers to cure their balance in full or enter into a "satisfactory" payment arrangement. In many states customers can expect to pay a reconnection fee, a deposit, and the outstanding balance on their account before

service is restored. The fees attached to reconnection vary quite a bit according to the time of date the request is made or the discretion of the company. Down payments are assessed by the utility as well and can be rolled into the payment plan, or demanded up front by the company before restoration of service takes place. Nine out of ten state PUCs said that utilities were either barred from, or were not using credit scores when they determined the various fees charged to a customer. In Georgia, the exception, utilities are using their own internal credit scoring system to determine fees for consumers.

Data Collection

Survey respondents were asked whether jurisdictional utility companies are required to supply regular reports of customer arrearages, service disconnections and services restorations. By and large the collection of customer data, especially for the low-income, is inconsistent. Respondents from Massachusetts, Wisconsin and Ohio indicated that companies are required to report on all the data points asked about in the survey. North Dakota and Maine require utilities to report on selected data, though not low-income, consumer specific data. The remaining states (Washington, Montana, Georgia and Colorado) don't require utilities to provide any data to the PUC.

The importance of being able to track and measure the transactions and statuses of customers and utility companies is paramount. Without adequate regulations governing what utilities must report to PUCs there is no hope for transparency, putting decision-makers at a distinct disadvantage when designing energy policies.

APPENDIX I: PUBLIC SERVICE COMMISSION SURVEY QUESTIONS

State _____
Agency/Company _____
Name _____
Title _____
Responsibility _____

1. Security Deposits

- When are security deposits required of residential customers?
- Are all residential customers required to pay a security deposit as a condition of receiving service?
- What is the amount of the required security deposit? How is the amount calculated or determined?
- Does the Company use credit scoring or utility payment history to determine the level of security deposit required?
- Are company personnel authorized to employ discretion to determine whether a security deposit will be required or to determine the level of the required deposit?
- How does the Company calculate the accrual of interest on security deposits?
- How and when is interest on deposits returned to customers?

2. Late Payment Fees

- When are late payment fees required and what is the late payment fee?

3. Termination of Service for Non-Payment

- What are the circumstances or grounds for termination of service?
- What is the timeline of termination of service for non-payment (in days after issuance of bill):
 - Bill due date, 2nd request for payment, notice of termination and termination?
 - Is there a threshold arrearage level associated with termination of service?
 - What are the customer notification procedures that are employed prior to termination of service?
 - What are the customer notification procedures that are employed after service has been disconnected?
 - Does the Company have or use discretion to determine whether to terminate for non-payment?
 - Does the Company use credit scoring or payment history to determine whether to terminate service?

4. Protections

- Does the Company employ a service termination moratorium period?

- Dates of the termination period
- Are there policies and procedures in place where customers with an illness or disability are exempted from regular termination procedures?
- What is the certification procedure for demonstration of illness or disability?
- How frequently is re-certification required?
- Are there policies and procedures in place where customers in a household with one or more members of a certain age are exempted from regular termination procedures including elderly and young children?
- What is the certification procedure for demonstration of age?

5. Payment Plans

- What are the procedures for offering customers an opportunity to enter into a payment plan prior to termination of service?
- What are the terms of an initial payment plan?
- Is there a requirement to offer subsequent payment plans if the initial payment plan is unsuccessful?
- What are the terms of subsequent payment plans?
- Does the Company use discretion in determining terms of payment plans?
- Does the Company use credit scoring or payment history used to determine terms of payment plans

5. Restoration of Service after Termination for Nonpayment

- What customer procedures/actions are required for the Company to restore service after termination for non-payment?
- What reconnection fees are required?
- Is credit scoring or payment history used as a determinant of the reconnection fee or whether service is to be restored?
- What percentage of an arrearage required as ‘down payment’ prior to restoration of service?
- Does the Company use discretion in determining terms of restoration of service?

6. Data Tracking

- Does the Company keep monthly records of number of residential customer accounts and the number of low-income customer accounts?
- Does the company keep track of low-income revenues? If so, what procedures are employed to classify customers as “low-income?”
- Does the company data include the following:
 - Number and dollar amount of residential accounts in arrears
 - Number and dollar amount of low-income accounts in arrears
 - Number of residential account disconnections
 - Number of low-income account disconnections
 - Number of residential account reconnections
 - Number of low-income account reconnections
 - Number and dollar amount of residential account writeoffs
 - Number and dollar amount of low-income account writeoffs

APPENDIX 2: SURVEY RESPONSES

- Tables 2.1 - 2.7: Security Deposits
- Tables 2.8 – 2.12: Shut-off Protections
- Tables 2.13 – 2.17: Payment Plans
- Tables 2.18 to 2.22: Restoration of Service after Termination for Nonpayment

Table 2.1: When are security deposits required of residential customers?

State	Response
Colorado	Required at establishment of service or after demonstration of poor service payment
Georgia	Electric providers are regulated; they have established credit policies based on consumer payment history; rating of credit that occurs internally
Maine	They can be collected under specific situations: utility has proof that client is likely to be a credit risk, if commission finds applicant has an account balance that is unpaid at time that they are applying for new service, if they were disconnected for non payment, unauthorized use or theft in last 12 months, or Chapter 13 bankruptcy in the last six years.
Massachusetts	Not allowed for investor owned utilities, however, municipalities require deposits from new residential customers as a condition to obtain service
Montana	A deposit may be required if the applicant has failed to demonstrate a satisfactory credit history, prior service with the utility in question in the last year, during which for six consecutive months service was not disconnected for non-payment, and no more than one delinquency notice; prior service with a utility of the same type with a sat. payment record, provided that the reference is easily accessible; full time employment with no more than two employers in the past 12 months; ownership of significant legal interests in the property; satisfactory guarantor of payment of bill In any event that similar utility has been shut off or overdue balance—a depot can be required or where two or more delinquency notices by another utility. Initiation of service under someone else’s name where prior customer still and resides and own money Where customer has committed some kind of theft of a utility in the past five years
North Dakota	If the costumer has poor payment histon, poor credit score, delinquent bill
Ohio	If a customer cannot establish credit in another manner
Pennsylvania	If a consumer fails a credit test they can be required to pay security deposits; or upon the failure of two payment arrangements
Washington	Company may ask for a deposit generally when a customer has a poor bill paying history or new customer
Wisconsin	An applicant for residential service may be required to secure their new account with a deposit if the customer has an outstanding debt with another energy provider that is not in dispute and for which there is no established payment arrangement. An existing customer may be required to secure their account with a deposit if: • their service was disconnected within the last 12-month period, • subsequent credit information indicates that the initial application for service was falsified, • the customer had the ability to pay for utility service but failed to do so during the winter moratorium (November 1st to April 15th), or • the customer accrues charges that become 60 days or more past due during the first eight months of service.

Table 2.2: Are all residential customers required to pay a security deposit as a condition of receiving service?

State	Response
Colorado	No
Georgia	No
Maine	No
Massachusetts	Yes, for municipal utilities only
Montana	No
North Dakota	No
Ohio	No
Pennsylvania	No
Washington	No
Wisconsin	No

Table 2.3: What is the amount of the required security deposit? How is the amount determined?

State	Response
Colorado	Up to 90 days of service; conditional calculation—some take highest 90 days, some do averages, some only do 60
Georgia	cannot be more than 2.5 average bill
Maine	Limited to two highest months of anticipated services that is ceiling for a deposit
Massachusetts	6% interest on a 3 month yearly average
Montana	Shall not exceed 1/6 of estimated billings
North Dakota	Varies by company
Ohio	130% of average bill at that address
Pennsylvania	Two months of average usage for the household or area
Washington	No more than two times average month use base on best estimate/history
Wisconsin	The maximum deposit for a new customer may not exceed the two highest estimated gross bills for any two consecutive billing periods selected by the utility. The maximum deposit for an existing customer may not exceed the two highest actual gross bills for any two consecutive billing periods within the preceding twelve months.

Table 2.4: Do companies in your state use credit scoring or utility payment history to determine the level of security deposit required?

State	Response
Colorado	Payment history, yes
Georgia	Gas is deregulated as of 1997; there 10 providers all of whom use (external) credit scores to assess deposits and establish their own acceptable level--not just utility payment history (PUC has not regulated it yet, but may in the future); some deny service based on credit and can assess a high rate/ "high risk" deposit; credit checks leading to denial of service started in '02 when House Bill allowed for a regulated provider to pick up (3%) of credit challenged people who are denied by mainstream companies
Maine	No
Massachusetts	No
Montana	No to credit scoring 38.5.1104 / yes to payment history
North Dakota	Yes
Ohio	No
Pennsylvania	No
Washington	No
Wisconsin	No

Table 2.5: Are company personnel authorized to employ discretion to determine whether a security deposit will be required or the level of the required deposit?

State	Response
Colorado	Yes—below the established bar
Georgia	Yes
Maine	Only if within the confines of the ceiling; they could choose not to impose a deposit
Massachusetts	n/a
Montana	Yes
North Dakota	Yes
Ohio	Not a lot of flexibility
Pennsylvania	No
Washington	Yes
Wisconsin	Yes; the rules are permissive allowing a utility to request a deposit if an account meets the criteria outlined above. The utility is not required to collect a deposit.

Table 2.6: How do companies in your state calculate the accrual of interest on security deposits?

State	Response
Colorado	Annually established in rule
Georgia	Not regulated by PUC other than the 2.5 x average bill
Maine	There is a rule that (Ch 187) specifies how utilities calculate interest: will equal 1 year certificate of deposit rate published in the Wall St. Journal on Nov. 1, rounded to the nearest 10th of a percent; utilities are informed by commissions.
Massachusetts	See above
Montana	6% a year
North Dakota	Didn't know
Ohio	Set rate by PUC
Pennsylvania	Annual rate, set in statute
Washington	Rate for one year treasury constant maturity published in the federal reserve on Jan. 15 each year
Wisconsin	Interest is paid on all residential deposits from the date the deposit is collected until the date the deposit is refunded to the customer. The interest rate is set by the Commission and is subject to change annually. All utilities are notified of the interest rate for the upcoming calendar year via a Commission order mailed by December 15 th . The interest is calculated at the end of each calendar year, and again at the time of refund. Interest is payable on the full deposit amount, as well as any interest earned in the previous year(s).

Table 2.7: How and when is interest on deposits returned to customers?

State	Response
Colorado	After customer has 12 months good payment history then the deposit plus interest in refundable.
Georgia	--
Maine	When the deposit is returned
Massachusetts	Municipals create their own terms and conditions without DTE approval. They may keep a deposit for the Life of the account, or for 12 months of on time payments
Montana	Deposit and interest will be returned a. when customer has paid for service for 12 months in a timely manner b. upon termination of service less the amount due for services rendered c. no more than 30 days later
North Dakota	Didn't know
Ohio	--
Pennsylvania	Returned when consumer establishes a good payment history (consistent payment over two years)
Washington	When a deposit is refunded no later than 15 days after 12 months of satisfactory payment/ could be credit to account
Wisconsin	The customer does not receive any interest payments on the deposit until the time it is refunded. The deposit (plus all accrued interest) is refunded after twelve consecutive months of prompt payment. The deposit is refunded to the customer by check, unless both the customer and the utility agree to credit the regular billing. If the customer terminates service prior to making twelve consecutive prompt payments, the deposit is refunded within thirty days of the issuance of the final bill.

Shut-Off Protections Tables 2.8 - 2.12**Table 2.8: Do companies in your state employ a service moratorium period? If yes what are the dates?**

State	Response
Colorado	No
Georgia	Winter moratorium Nov. 15- March 15: if temp is forecast to be below 32 degrees for 48 hours from the date of disconnection they cannot be terminated.
Maine	From Nov. 15-April 15 Winter Disconnection Period: a utility cannot disconnect an occupied premises without permission from the PUC
Massachusetts	Yes, November 15 th -March 15 th
Montana	Winter moratorium: Nov. 1 –April 1; and on any day that the temp is below freezing or if the weather service predicts a snow storm for the next 24 hours Eligibility for protection: customer must demonstrate that they are unable to pay or can only pay in installments by proving that they are on an income tested assistance program OR someone is 62+ in household OR someone is handicapped Commission must approve ANY terminations in the winter months
North Dakota	not in rules, but in practice companies don't shut off during the winter
Ohio	No
Pennsylvania	For customers who are 150% below poverty level the utility must get permission from PUC to terminate; Dec. 1 st -March 31 st
Washington	Yes, for low income customers; in the winter (Nov 15-March 15); 7% of monthly income due from customer; bill must be paid by October of that year
Wisconsin	Yes: November 1 st through April 15 th .

Table 2.9: Are there policies and procedures in place where customers with an illness or disability are exempted from regular termination procedures?

State	Response
Colorado	Not exempt, but with a medical certificate one could postpone disconnection for up to 90 days and only once during a 12 month period.
Georgia	Yes: Medical excuse for that can prevent disconnection for one month; only twice in a year electric. If life support equipment is needed a "load limiter" is installed that allows enough electricity to run the equipment
Maine	Yes
Massachusetts	Yes
Montana	Medical emergency certified by doctor or board of health that resident's health will be significantly impacted by shut-off and payment plan must be set up
North Dakota	Yes
Ohio	Yes: medical certification 30 days up to three times in 12 month period
Pennsylvania	Yes
Washington	Medical emergency (if life is threatened by disconnection)
Wisconsin	Yes, to some degree. There are currently no provisions in the rules which provide permanent protection from disconnection. However, a utility must postpone the disconnection of service for up to 21 days if there is a medical or protective services emergency in the household.

Table 2-10: What is the certification procedure for demonstration of illness or disability?

State	Response
Colorado	Customer must produce a certification in writing from a licensed MD in state; company can verify validity of doctor's identity but opinion can't be questioned
Georgia	letter from MD
Maine	Verbally declaration that condition will be seriously aggravated by shut off and then the utility be require that it be certified by physician within 3 business and then physician has 7 days to certify the emergency/condition in writing. No limit to the time a person can have this protection.
Massachusetts	Serious illness certified by Dr. in writing, accompanies with a financial hardship application
Montana	Written certification to utility
North Dakota	Post card sent out by utility that asks about customers' health and age status which protects customers from disconnection
Ohio	Medical certificate to utility prior to disconnection, signed by medical professional
Pennsylvania	If a doctor certifies that someone is ill the company must restore or stop the termination process (up in the air: verbal certification to avoid immediate shut off); 30 days with three renewals; company can petition the commission to refuse
Washington	Written certification from doctor; 10% of delinquent balance and agree to pay balance within 130 days
Wisconsin	The customer must provide a statement from a licensed Wisconsin physician, or notice from a public health, social services or law enforcement official which identifies the medical or protective services emergency and specifies the period of time during which disconnection may aggravate the situation.

Table 2-11: How frequently is re-certification required?

State	Response
Colorado	Every 12 months (can only be used for 90 days each 12 month period)
Georgia	30 days
Maine	Every 30 days
Massachusetts	Serious illness every 30 days; chronic illness every 90 days
Montana	Every 30 days for as many months as needed
North Dakota	Not required
Ohio	After 30 day (for another 30 days—only 2 times a year)
Pennsylvania	every 30 days
Washington	Twice within 120 days—max amount used by customer
Wisconsin	N/A. The utility is required to provide one, 21-day extension in order to give the customer enough time to make payment, to negotiate adequate payment arrangements or to make alternate living arrangements. The utility may choose to grant additional extensions but is not required by law to do so. Please note that some energy providers in Wisconsin have elected to provide long term protection for those customers with life sustaining equipment in the home. These customers are typically required to provide annual re-certification.

Table 2-12: Are there policies and procedures in place where customers in a household with one or more members of a certain age are exempted from regular termination procedures?

State	Response
Colorado	No
Georgia	No
Maine	No
Massachusetts	Yes: Elderly (all residents over 65) and Infant (infant under 12 months in residents); SS# and third party contact needed to certify
Montana	Only during winter months; one utility has a policy of not terminating when there is a child under the age of 2 in the home
North Dakota	Yes, 65+ are exempt from termination
Ohio	No
Pennsylvania	In the winter if you are low income and have children under 11 or are elderly, you are exempt from termination
Washington	No
Wisconsin	No

Payment Plans: Tables 2.13-2.17

Table 2.13 What are the procedures for offering customers an opportunity to enter into a payment plan prior to termination of service?

State	Response
Colorado	Company must offer payment arrangement to anyone who is in a past due status, customer with a history of broken payment arrangement is not entitled.
Georgia	Electric: consumer who is delinquent can call electric company to establish payment arrangements and work directly with the company or in some cases PUC must mediate when consumer has broken the previous arrangements/bad credit histories. Gas: marketer offers reasonable payment arrangement prior to disconnection (appears on disconnection notice).
Maine	Must offer customer the right to enter into a payment arrangement.
Massachusetts	Review amount owed, income, payment history, usage and ability to pay
Montana	No procedures defined outside the medical emergency; could terminate without a payment plan if they want
North Dakota	must offer payment plan before payment plan, company disconnects immediately after not receiving payment or word from customer
Ohio	Offered on disconnect notice (phone number listed)
Pennsylvania	Consumer is allowed one payment arrangement from company or PUC and there is a formula that determines how long a payment plan can last
Washington	Utilities are encouraged to enter into payment plan with customer
Wisconsin	The disconnection notice instructs the customer to contact the utility if they are unable to pay their bill in full and wish to negotiate a payment arrangement as an alternative to disconnection.

Table 2.14: What are the terms of an initial payment plan?

State	Response
Colorado	10% down, balance on a sixth month amortized schedule—this is a ceiling
Georgia	Not regulated by PUC
Maine	Reasonable portion of the account balance in reasonable installments and all future bills within 30 days of bill—if customer agrees then the utility must leave service on. Reasonable is defined by: customer's ability to pay the amount overdue, the payment history, whether disconnection would present a danger to customer or occupants and the amount of time and reason why the overdue amount is outstanding.
Massachusetts	Each case is based individually
Montana	Utility defines the terms usually based on payment history
North Dakota	None
Ohio	Minimum 1/6 the of the arrear plus amount of the bill; in winter 1/3 of total amount due; PIPP—income eligible program that requires 10% of monthly income to gas company and 5% eclectic
Pennsylvania	Based on income: below poverty is 60 months; not low-income 12 or 24
Washington	No terms set in rule other those that cover medical emergency and winter low income program
Wisconsin	N/A, there is no established formula which is used to determine the terms of a payment arrangement

Table 2.15 Is there a requirement to offer subsequent payment plans if the initial payment plan is unsuccessful? If yes what are the terms?

State	Response
Colorado	No
Georgia	Based entirely on company's discretion
Maine	Not a requirement though utilities almost always do.
Massachusetts	No, but there is also to maximum number of payment plans
Montana	No
North Dakota	No
Ohio	No, once a payment plan is broken they are offered opportunity to cure payment plan but not offered subsequent plan
Pennsylvania	No
Washington	No—encouraged but not required
Wisconsin	No. The utility is not obligated to renegotiate any aspect of the payment plan prior to disconnection, unless there has been a significant change in the customer's income since the original payment arrangement was negotiated. There is no established formula which is used to determine the terms of a payment arrangement

Table 2.16 Do companies in your state use discretion in determining terms of payment plans?

State	Response
Colorado	Yes
Georgia	Yes
Maine	Yes
Massachusetts	Yes
Montana	Yes, for sure
North Dakota	Yes
Ohio	Yes; they may offer other terms that are more generous than the minimum
Pennsylvania	Yes—they can make it more lenient
Washington	Yes
Wisconsin	Yes. Utilities must consider five factors when negotiating payment arrangements: 1. The amount of the customer's delinquent balance 2. The customer's payment history 3. The time the debt has been outstanding 4. The reasons why the debt has been outstanding 5. Any other relevant factors, including the size of the household, income and expenses.

Table 2.17 Do companies in your state use credit scoring or payment history used to determine terms of payment plans?

State	Response
Colorado	No—not part of the rule
Georgia	Most use pre-set plans based on conditions of consumer profile
Maine	Payment history, not credit scoring
Massachusetts	No
Montana	Credit scoring no; payment history definitely
North Dakota	No
Ohio	No
Pennsylvania	No
Washington	Payment history
Wisconsin	No

Restoration of Service after Termination for Nonpayment: Table 2.18 – 2.22

Table 2.18 What are the customer procedures/actions required for the companies in your state to restore service after termination for non-payment?

State	Response
Colorado	Cure the unpaid balance, company has 12 hours to restore service
Georgia	They can reconnect with a payment arrangement (not bill in full) plus a deposit (which can be rolled into bill and paid over time but if credit/payment hist. is bad they may need to pay it up front). Seasonal payment arrangement: entire arrearage is put in abeyance through winter months to get reconnected/prior to disconnection.
Maine	Once customer has remedied the reason for shut-off, the utility must reconnect promptly upon customer's request (within the next calendar day).
Massachusetts	
Montana	Pay amount due in full
North Dakota	Not regulated by PUC, deposit reconnection fee, and reasonable settlement fee
Ohio	If a customer pay before 12:30 restoration must be the same day; past due amount, or past due amount is required must be settled
Pennsylvania	Two or more payment arrangements=company can require deposit and reconnection; must pay everything that is owed if 2+ plans; if they have had one payment there is a formula to determine terms based on income
Washington	Mutual agreement on payment plan; pay the reconnect fee and deposit (half down; a quarter 30 days after that; and the rest 30 days after that)
Wisconsin	The customer must pay their outstanding balance in full or enter into a satisfactory payment arrangement which consists of a down payment on the outstanding balance (for reconnection), plus an installment payment plan on the remaining balance.

Table 2.19 What reconnection fees are required?

State	Response
Colorado	Varies by company; not regulated
Georgia	Electric is around \$22; gas is \$25 plus marketer fee
Maine	Not required, but allowed (tariff based on reasonable cost to utility--daytime/after hours/weekend, not set amount but amount must be approved by PUC)
Massachusetts	Restoration fee is determined by utility and DTE approved
Montana	Varies by company
North Dakota	Determined by the company
Ohio	There may be some fees depending on company and time of day
Pennsylvania	Vary by company and time or day (\$50-\$125 for normal working hours)
Washington	Each company is different
Wisconsin	Yes, reconnection fees are typically required. The amount of the reconnection fee is determined for each utility during its rate case proceeding. There is not one standard statewide reconnection fee.

Table 2.20 Is credit scoring or payment history used as a determinant of the reconnection fee or whether service is to be restored?

State	Response
Colorado	No
Georgia	Yes
Maine	No
Massachusetts	Yes, payment history
Montana	Credit scoring no; payment history maybe
North Dakota	No
Ohio	No
Pennsylvania	No
Washington	No
Wisconsin	No

Table 2.21 What percentage of an arrearage required as ‘down payment’ prior to restoration of service?

State	Response
Colorado	Cure the account in full
Georgia	Up to utility
Maine	No established %: utility is allowed to request a 'reasonable' down payment
Massachusetts	Each case is individually decided, there is no formula
Montana	Whole amount due
North Dakota	Not regulated
Ohio	1/6 Plan
Pennsylvania	If one or less payment arrangements there is a formula; if 2 + company can determine on its own re: deposits and fees
Washington	Mutually agreeable payment arrangement (facilitated by PUC)
Wisconsin	There is no set formula which is used to determine the terms of a payment arrangement.

Table 2.22 Do companies in your state use discretion in determining terms of restoration of service?

State	Response
Colorado	Yes—could accept less than full payment if they wanted
Georgia	Yes
Maine	No
Massachusetts	Yes
Montana	Definitely
North Dakota	Yes
Ohio	Must turn customers on if they pay before 12:30
Pennsylvania	Yes
Washington	Yes
Wisconsin	Yes

Table 2.23 Do companies in your state use discretion in determining terms of restoration of service?

Data Tracking: table 2.23	Wisconsin	Washington	Pennsylvania	Ohio	North Dakota	Montana
Do Utilities in your state keep monthly records of:						
Number of residential customer accounts	yes	yes	yes	yes	yes	'not required but they most likely do'
Number of low-income customer accounts	yes	no	annual	yes	no	'not required but they most likely do'
Residential revenues	yes	annual	annual	yes	yes	'not required but they most likely do'
Low-income revenues	yes	no	annual	yes	no	'not required but they most likely do'
What procedures are employed to classify customers as 'low-income'	rec'd energy assistance in most recent heating year	n/a	utility requests proof after declaration of low-income status	PIPP program	n/a	n/a
Number of residential accounts in arrears	yes	no	yes	yes	yes	'not required but they most likely do'
Dollar amount of residential arrears	yes	no	yes	yes	yes	'not required but they most likely do'
Number of low-income arrears	yes	no	annual	no	no	'not required but they most likely do'
Dollar amount of low-incomes arrears	yes	no	annual	yes	no	'not required but they most likely do'
Number of residential account disconnections	yes	no	yes	yes	yes	'not required but they most likely do'

Data Tracking: table 2.23	Wisconsin	Washington	Pennsylvania	Ohio	North Dakota	Montana
Do Utilities in your state keep monthly records of:						
Number of low-income account disconnections	yes	no	annual	yes	no	'not required but they most likely do'
Number of residential account reconnections	yes	no	yes	yes	no	'not required but they most likely do'
Number of low-income account reconnections	yes	no	annual	yes	no	'not required but they most likely do'
Number of residential account write-offs	yes	no	annual	yes	no	'not required but they most likely do'
Dollar amount of residential write-offs	yes	no	annual	yes	no	'not required but they most likely do'
Number of low-income account write-offs	yes	no	annual	yes	no	'not required but they most likely do'
Dollar amount of low-income account write-offs	yes	no	annual	yes	no	'not required but they most likely do'

APPENDIX 3 – CONSUMER PROTECTION RULES BY STATE

Table 3.1: Termination Timeframes

Table 3.2: Illness, Age and Disability Termination Protections

Table 3.3: Harsh Weather Termination Protections

Table 3.4: Payment plans

Table 3.5: Security Deposits

Table 3.6: Late Payment Fees

Table 3.1: Termination Timeframes by State

Table 3.1	Payment Period	Termination Notice Period	Notice Void	Applicable Regulatory Provisions
Alabama	10 days	5-day termination notice		Alabama PSC Gen. R. 12
Alaska	40 days	15-day termination notice		Alaska Admin. Code tit. 3, § 52.45
Arizona	15 days	5-day termination notice		Ariz. Code 14-2-2-210 and -211
Arkansas	14 days (22 days if late charge is imposed)	5-day termination notice; 8 days if mailed	A utility must suspend service within 30 days after the last day to pay.	126-03-003 Ark. Code R. 5.03 and 6.03
California	19 days	10-day termination notice; 15 days if mailed		Cal. Pub. Util. Code § 779.1
Colorado	10 days	Electric: 10-day termination notice; Gas: 7-day termination notice		4 Colo. Code Regs. § 723-5-13(b)
Connecticut	33 days	13-day termination notice	If service is not terminated within 120 days of notice, company shall mail another notice at least 13 days before termination.	Conn. Agencies Regs. §16-3-100(a)(5) and -100(d)
Delaware	20 days	14-day termination notice		Del. Code of Regs. § 108 00 003 3.1
D.C.	20 days	15-day termination notice		D.C. Mun. Regs. tit. 15, §§ 306.1, 311.3
Florida	20 days	5 day termination notice		Fla. Admin. Code Ann. r. 25-6.101, - 6.105
Georgia	Electric: 45 days Gas: 20 days	Electric: 5-day termination notice Gas: 15-day termination notice		Ga. Comp. R. & Regs. r. 515-3-2.0, -3-2.02, -3-3.02(B), -7-6.02

Table 3.1	Payment Period	Termination Notice Period	Notice Void	Applicable Regulatory Provisions
Hawaii	15 days	Reasonable notice of termination		Hawaii Rules tit. 6, ch. 60
Idaho	15 days of date of issuance	8-day termination notice	Notice requirements shall be repeated if termination does not occur 21 days after the scheduled termination date.	Idaho Admin. Code r. 31.21.01.202, 31.21.01.304, 31.21.01.305
Illinois	21 days (considered delinquent after 23 days)	5-day termination notice ; 8-day termination notice if mailed.	Disconnection notice remains effective for two consecutive 20 day periods, provided personal contact (in-person or phone) is made.	Ill. Admin. Code tit. 83, §§ 280.90; 280.130
Indiana	17 days	14-day termination notice		Ind. Admin. Code tit. 170, r. 4-1-13; 4-1-16
Iowa	20 days	12-day termination notice		Iowa Admin. Code r. 199-19.4(11); 19.4(15)
Kansas	Payment due upon receipt. Bill is delinquent if payment is not received in time to be credited before the next billing cycle.	10- day termination notice		Kansas Consumer Information Rules §§ II and IV
Kentucky	27 days	10-day termination notice		807 Ky. Admin. Regs. 5:006 § 14
Louisiana	20 days	5-day termination notice		General Order U 9-10-57
Maine	25 days	14-day termination notice	Disconnection notices shall expire 10 days after the scheduled date of disconnection and shall require the utility to repeat notification procedures.	Code Me. R. § 65-407-81-9
Maryland	20 days	14-day termination notice; 7-day termination notice (obtaining service using fraudulent means)		Md. Regs. Code art. 20 §§ 31.02.04-.05
Massachusetts	45 days	3-day termination notice		Mass. Regs. Code tit. 220, § 25.02

Table 3.1	Payment Period	Termination Notice Period	Notice Void	Applicable Regulatory Provisions
Michigan	17 days	10-day termination notice; 30-day termination notice for single-metered residence containing 5+ families	Utility must send final termination notice 72 hours to 14 days before termination.	Mich. Admin. Code r. 460.2116; 460.2163
Minnesota	Payment due by next scheduled billing date which must not be less than 25 days from current billing date.	5 day termination notice		Minn. R. 7820.5300; 7820.2300
Mississippi		5-day termination notice		General Rule 8
Missouri	Payment due 21 days from the date of billing	4-day termination notice when hand-delivered; 10-days when mailed		Mo. Code Regs. Ann. tit. 4 §§ 240-13.020; -13.050
Montana		10-day initial termination notice; 10-day second termination notice if no response to first notice.		Mont. Admin. R. 38.5.1405
Nebraska		7-day termination notice; if customer is welfare recipient termination notice must be sent by certified mail		Neb. Admin. Code §§ 70-1603; -1605
Nevada	15 days (4 day grace period for payments made by first class mail)	10 day termination notice		Nev. Admin. Code, 704, §§ 339; 360
New Hampshire	25 days	14-day termination notice		N. H. Code Admin. R. Ann. PUC 1201.08; 1203.11
New Jersey	15 days	10-day written notice		N. J. Admin. Code, tit. 14, § 3-7.12
New Mexico	20 days (35 days - delinquent)	15 day-termination notice; 3-day termination notice when termination due to refusal of customer to allow utility access		N. M. Admin. Code tit. 17, §§ 5.410.13; 5.410.29
New York	3 days	15-day termination notice after bill is 20 days past due; Note: if utility is aware that a customer subject to service termination receives public assistance or SSI, it shall notify the assisting organization 3-5 days prior to termination.		N.Y. Comp. Codes R. & Regs. tit. 16 § 11.4

Table 3.1	Payment Period	Termination Notice Period	Notice Void	Applicable Regulatory Provisions
North Carolina	25 days	Electric: 5 day-termination notice. Gas: 10-day termination notice		N.C. Admin Code tit. 4, 11.R.12-10; 11.R.12-8
North Dakota		10 day termination notice by first class mail or in person		N.D. Admin. Code § 69-09-01-18.1
Ohio	14 days	14-day termination notice		Ohio Admin. Code § 4901:1-18-05
Oklahoma	20 days	10-day termination notice	Disconnection may occur the date of or 30 days after scheduled disconnection.	Okla. Admin. Code tit. 165:35-19-40; 165:35-21-20
Oregon	15 days	15-day first termination notice; 5-day final notice		Or. Admin. R. 860-021-0125; 860-021-0405
Pennsylvania	20 days	10 day termination notice; in hazardous/emergency conditions, a utility may not interrupt/terminate without personally contacting the occupant at least 3 days prior to interruption/termination.		52 Pa. Code §§ 56.21;56.91; 56.93
Rhode Island	30 days	Electric: 10-day termination notice. Gas: 5-day termination notice		R.I. Code R. 90 060 002
South Carolina	25 days	10-day termination notice (5-day termination notice for termination due to delinquent payment plan)		103 S.C. Ann. Regs. §§ 339, 352
South Dakota	20 days	10 day termination notice (certified mail)		S.D. Admin. R.20:10:20:03
Tennessee		7-day termination notice		Tenn. Comp. R. & Regs. 1220-4-4-.19
Texas	16 days	10-day termination notice		16 Tex. Admin. Code §§ 25.28 and 25.29
Utah	20 days			Utah Admin. Code R746-200-4
Vermont	30 days	Notice of delinquency and disconnection shall be no more than 40 days after delinquency, but notice shall not be more than 20 days or less than 14 days prior to the first date of disconnection.	Notice shall not be more than 20 days prior to the first date of disconnection.	Vermont PSB Rule 3.301

Table 3.1	Payment Period	Termination Notice Period	Notice Void	Applicable Regulatory Provisions
Virginia	20 days	10-day termination notice		20 Va. Admin. Code 5-10-10; 56-247.1
Washington		8-day termination notice	Disconnection not occurring within 10 days of scheduled date voids the initial notice and requires notice requirements to be repeated.	Wash. Admin Code § 480-90-128
West Virginia	Service may be terminated 30 days after due date.	10-day termination notice; 5-days for violation of payment plan	Notice void if service not terminated within 30 days.	W. Va. Code St. R. § 150-3-4.8
Wisconsin	20 days	10 day termination notice	If service is not disconnected within 10 days after disconnection date, notice procedures shall be repeated.	Wis. Admin. Code, PSC § 113.0301
Wyoming		7-day termination notice		WY PSC UA 2 § 242

Table 3.2: Illness, Age and Disability Termination Protections by State

Table 3.2	Serious Illness	Age /Disability
Alabama	Utilities shall adopt and follow reasonable tariff rules for discontinuing service when life or health may be threatened by termination. Alabama PSC Gen. Rule 12.	
Alaska	Electric utilities must provide the notice of intent to discontinue service at least 30 days before the scheduled termination date if the electric utility knows that a person who is seriously ill, elderly, disabled lives in the customer's residence. Electric utilities must postpone the scheduled disconnection date for 15 days and notify the customer if a customer notifies the utility that a person who is seriously ill, elderly, disabled or dependent on human life support systems lives in the customer's residence after the notice of intent to discontinue service is issued. Alaska Admin. Code tit. 3, § 52.450.	
Arizona	Service shall not be terminated for non-payment when termination would threaten the well-being of an occupant of the residence due to medical condition, illness, age, disability or weather. Said customers will be provided with information concerning assistance and/or may be required to enter into payment plan to avoid termination. Ariz. Admin. Code § 14-2-211	
Arkansas	Utilities must honor a physician's certificate in prescribed form that a customer/permanent resident has a serious medical condition and stating that suspension of service would result in substantial risk of death or grave impairment. Certificate can be given by telephone by doctor, nurse, R.N., or public or private agency providing mental health care services, but must be confirmed within 7 days by a physician's writing. Ark. Adm. Code 126 03 003, § 6.17.	When informed that elderly/disabled customer cannot pay a bill on time, utility shall offer delayed payment agreement, arrange for levelized billing (gas and electric); explain right to third party notice; provide names of potential sources of assistance. Heightened termination notice requirements. Ark. Adm. Code 126 03 003, § 6.18.
California	Customer who provides certification from licensed physician and surgeon that service termination will be life-threatening and who is unable to pay in normal period shall be permitted to amortize over a period not to exceed 12 months. Cal. Pub. Util. Code § 779. Master-meters: A utility may not terminate service when a public health or building officer certifies that termination would result in a significant threat to the health or safety of the occupants or the public. Cal. Pub. Util. Code § 777.1(e).	
Colorado	Service may not be discontinued or must be restored during any period when discontinuance would aggravate an existing medical condition or create a medical emergency for the customer or a permanent resident of the customer's household; certification of licensed doctor or health practitioner required; Initial certification by phone acceptable. Utility may require written confirmation within 10 days. Certification effective for 60 days with one 30 day extension period. Customer may invoke med cert provisions only once during 12 month period. Customers who secure service under this provision may enter or renegotiate installment plan. Those who have broken	

Table 3.2	Serious Illness	Age /Disability
	installment agreement may not renegotiate and must become current by expiration of certification period. 4 Colo. Code Regs. § 723-3-13(f).	
Connecticut	Company may not terminate service if resident is or becomes seriously ill or in a life threatening situation as certified by registered physician. Certification must be renewed every 15 days if physician doesn't specify length of illness. Initial cert can be made by telephone subject to company's right to written confirmation. If service continued under this section, customer shall enter amortization agreement. Conn. Agencies Regs. § 16-3-100(e)	
Delaware	Utility may not disconnect service upon receipt of certification from licensed physician or Christian Science practitioner that a named occupant is so ill that termination would adversely affect the occupant's safety. Del. Code of Regs. § 10 800 003 3.2	
D.C.	Utility shall postpone termination of service for up to 21 days if the customer provides a physician's certificate or notice from a public health official stating that termination would be detrimental to the health/safety of a person occupying the premises, provided that the customer enters into a deferred payment plan. The postponement may be extended for additional periods of not more than 21 days by renewal of the certificate or notice. D.C. Mun. Regs. tit 15, § 311.1	
Florida	Each utility shall submit a procedure for discontinuance of service when that service is medically essential. Fla. Admin Code. Ann. r. § 25-6.105	
Georgia	Utility (gas) shall postpone termination for 10 days upon receiving notice from a customer followed by notice within 10 days from a licensed physician or health official that termination of service would be especially dangerous to the health of someone living at the residence. Postponement of termination shall be for 30 days and may be extended and additional 30 days. Ga. Comp. R. & Regs. r. 515-3-2.03	

Table 3.2	Serious Illness	Age /Disability
Hawaii		Termination of service to elderly or disabled customers may not commence without a written report and investigation by the utility to the PUC submitted not less than 5 days before the intended termination. Elderly customers must provide proof that they are 62+ by appearing in person at the utility office or by verifying date of birth in a personal written statement. disabled customers can qualify by certification of physical condition by either a registered physician or and appropriate state agency. Code of Hawaii Rules tit. 6 § 60-8.
Idaho	A utility shall delay disconnection an additional 30 days upon receipt of a certificate from a physician or social service agency that a medical emergency exists with an option for an additional thirty-day delay. If a customer whose service has been disconnected is eligible for a medical delay, service shall be restored within 24 hours with the limit beginning on the day of restoration. IDAPA 31.21.01.308.	
Illinois	When certified by either a physician or Board of Health, termination may not occur if it would aggravate an existing medical emergency. Certification must be renewed every 30 days. Ill. Admin. Code tit. 83, § 280.130.	
Indiana	Utility shall delay disconnection an additional 10 days upon receipt of a certificate from a physician or social service agency that a medical emergency exists. 170 Ind. Admin.Code § 4-1-16.	
Iowa	Utility shall delay disconnection an additional 30 days upon receipt of a certificate from a physician or social service agency that a medical emergency exists. Medical professional may initially notify the utility, but shall provide written cert within 5 days of initial notice. Iowa Admin. Code r. 199-19.4(15).	
Kansas	Service may not be discontinued when it would adversely affect a serious illness. Kansas Consumer Information Rule IV.	
Kentucky	Utility shall postpone termination for 30 days upon receiving notice from a licensed physician or public health official that termination of service would be especially dangerous to the health of someone living at the residence. Postponement may be extended an additional 30 days. 807 Ky. Admin. Regs. 5:006 § 14.	
Louisiana		

Table 3.2	Serious Illness	Age /Disability
Maine	Utility shall not terminate for 3 days when notified that a medical emergency exists. Disconnection shall be delayed 30 days when a medical emergency, as certified by a medical doctor, orally or in writing exists. Written confirmation is required 7 days after oral notification. Certificate renewable in intervals of 30 days; Customer must enter into payment plan. Code Me. R. § 65-407-81-10.	
Maryland	Subject to physician certification, electric or gas service, or both shall not be terminated for an initial period of up to 30 days beyond the scheduled date of service termination when the termination will aggravate an existing serious illness or prevent the use of life support equipment of nay occupant of the premises; payment plans for past due bills; certification renewable. Md. Regs. Code 20 § 31.03.01.	If utility is aware that termination is to occur at residence of an elderly (65+) or disabled person, utility shall attempt to make personal contact on at least two occasions and shall inform customer of any financial assistance available to avoid termination. Md. Regs. Code 20 § 31.03.02.
Massachusetts	Utilities cannot terminate or refuse to restore a customer's service if the customer or someone living in the customer's house is seriously ill. Utilities cannot terminate or refuse to restore a customer's service if there's a child under the age of 12 months and service hasn't terminated for non-payment before the child's birth. Customer can begin claim for infant protection by phoning the Dept. A registered physician/ local board of health official shall return official cert form within 7 days. Serious illness cert renewal due monthly. Mass. Regs. Code tit. 220, § 25.03.	Utilities cannot terminate or refuse to restore a customer's service if there's a child under the age of 12 months and service hasn't terminated for non-payment before the child's birth. Customer can begin claim for infant protection by phoning the Dept. § 25.03. Utilities cannot discontinue service to a household where all residents are 65+. Mass. Regs. Code tit. 220, § 25.05
Michigan	Termination may not occur for an additional 21 days if it would aggravate an existing medical emergency or condition that has been certified. Certification may be renewed an additional 42 days. Customer may notify utility of an existing medical emergency by telephone and shall have 7 days to produce certification. Mich. Admin. Code r. § 460.2153.	Elderly (65+) and low-income (150% of poverty line or recipient of means-tested benefit) customer shall not have service terminated for non-payment of bills during the winter protection period (Dec 1 -Mar 31) if they agree and satisfy terms of payment program. Mich. Admin. Code r. § 460.2174.
Minnesota		
Mississippi	If customer subject to termination of service, demonstrates a medical emergency from December through March, the utility shall not terminate service without offering a levelized plan. Customers demonstrating a medical emergency shall not have service terminated after April 1st if the customer agrees to a levelized billing plan. Mississippi PSC Rule 8.	

Table 3.2	Serious Illness	Age /Disability
Missouri	Discontinuance shall be postponed for 21 days due to the medical condition of an occupant. Mo. Code Regs. Ann. tit. 4 § 240-13.055.	With respect to termination for heat-related service during cold weather months, the methods of notification and discontinuance are increased when occupants within the premises are either disabled, elderly, or eligible or receiving low-income energy assistance. Mo. Code Regs. Ann. tit. 4 § 240-13.055
Montana	When certified by either a physician or the Board of Health, termination may not occur if it would aggravate an existing medical emergency. Certificate must be renewed every 30 days. Mont. Admin. R 38.5.1411.	
Nebraska	Termination would be postponed upon receipt of certification by licensed physician that such termination would worsen a resident's illness or disability; a 30-day extension is available. Neb. Admin. Code § 70-1606.	
Nevada	Utility shall postpone termination for 30 days upon receiving notice from licensed physician or public health official that service termination would be especially dangerous to the health of someone living at the residence. Postponement can be extended 30 days. Nev. Admin. Code 704, § 370.	Utility shall not terminate service of a residence where an elderly or disabled person resides unless it's notified some adult resident, in persons or by phone, 48 hours prior to termination. Nev. Admin. Code 704, § 390
New Hampshire	During winter regulation rules, if utility is notified by a licensed physician that a medical emergency would be caused by disconnection, or the utility receives a guarantee from a welfare office, service shall not be disconnected. N. H. Code Admin. R. Ann. PUC 1203.11.	
New Jersey		
New Mexico		
New York	No utility shall terminate or refuse to restore service for 30 days when a medical emergency, as certified by a medical doctor or local board of health, orally or in writing, exists. A demonstration of the customer's inability to pay charges for service shall be required before a certificate of medical emergency can be renewed. If the medical condition is likely to continue beyond the expiration of the an initial certification, a certificate may be renewed for 60 days or, subject to commission approval, a longer period. Customers remain liable for charges incurred while certificate is in effect. Once certificate expires, utility shall abide by notification and termination requirements. N.Y. Comp. Codes R. & Regs. tit. 16 § 11.5.	No termination or refusal to restore service where a customer is blind, disabled, or 62 years of age or older, and all the remaining residents of the household are 62+, <18 or blind or disabled without a diligent effort to make phone or personal contact at least 72 hours prior to termination of service for the purpose of devising a payment plan. If a plan cannot be implemented, the utility shall delay termination for 15 days and notify and request that social services assist in devising a plan. N.Y. Comp. Codes R. & Regs. tit. 16 § 11.5.

Table 3.2	Serious Illness	Age /Disability
North Carolina		
North Dakota	30 day termination stay is available if a resident is elderly, disabled, or a medical emergency would result from terminating service. N.D. Admin. Code § 69-09-01-18.1.	30 day termination stay is available if a resident is elderly, disabled, or a medical emergency would result from terminating service. N.D. Admin. Code § 69-09-01-18.1.
Ohio	If customer can establish that disconnection would result in danger to resident's health, the utility shall inform the customer of the disconnection postponement options and use this information in its considerations when offering a payment plan. Ohio Admin. Code § 4901:1-18-05.	
Oklahoma	A delay of at least 30 days when other circumstances would endanger the life, health or property of the consumer shall be allowed upon verification. Okla. Admin. Code tit. 165:35-21-10.	
Oregon	Disconnection shall be delayed upon oral or written confirmation that disconnection would significantly endanger the physical health of the customer or a member of the customer's household. Oral notification shall be confirmed within 14 days. Delay shall be valid for duration of condition but may not exceed 6 months for non-chronic conditions and 12 months for chronic ones. Customer shall enter into payment arrangement for an overdue balance and may renegotiate if a financial hardship is shown. OR. Admin. R. 860-021-0410.	
Pennsylvania	Utility may not terminate or refuse to restore service to a premise when an occupant therein is certified by a physician to be seriously ill or affected with a medical condition that will be aggravated by a cessation of service or failure to restore service. If, prior to service termination, the utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a service cessation and that a medical certification will be procured, termination may not occur for at least 3 days. Certification may be renewed for 2 additional 30 day periods. 52 Pa. Code §§ 56.111; 56.112; 56.114.	
Rhode Island	Utility shall postpone termination for 21 days upon receiving notice from licensed physician or public health official that termination of service would be especially dangerous to the health of someone living at the residence. Postponement of termination may be extended after review. R.I. Code R. 90 060 002.	Disconnection is also restricted when services are provided to the elderly, disabled, or customers eligible under RI hardship exception. R.I. Code R. 90 060 002.
South Carolina	30-day delay option for certified medical reasons during winter protection months (December-March). 103 S.C. Ann. Regs. § 352.	
South Dakota	Utility shall delay disconnection an additional 30 days upon receipt of a certificate from a physician or social service agency that a medical emergency exists. S.D. Admin. R.20:10:20:1.	

Table 3.2	Serious Illness	Age /Disability
Tennessee	Upon receiving written notification from a physician, public health official, or social service agency that a medical condition would be aggravated due to termination of service, termination shall be postponed for 30 days and the utility shall refer the customer to a social service agency. Tenn. Comp. R. & Regs. § 1220-4-4-.19.	
Texas	If, upon physician verification, a person residing in the unit would become seriously ill or more seriously ill as a result of disconnection, disconnection shall be delayed. 16 Tex. Admin. Code § 25.29.	
Utah	Upon receipt of a physician's written notification that a medical condition may be aggravated due to termination or that a health hazard exists, service shall be restored or termination delayed for a period indicated in the physician's certification or 1 month, whichever is less. Utah Admin. Code R746-200-6.	
Vermont	No utility shall terminate or refuse to restore service for 30 days when a medical emergency, as certified by a medical doctor or local board of health, orally or in writing, exists. If the medical condition is likely to continue beyond the expiration of the an initial certification, a certificate may be renewed for 60 days or, subject to commission approval, a longer period. Customers remain liable for charges incurred while certificate is in effect. VT PSB Rule 3.302.	Service shall not be disconnected between November 1- March 31 when the temperature will be below 32 degrees during the following 48 hours at the time of disconnection if someone 62 years + resides within the residence. VT PSB Rule 3.303.
Virginia		
Washington	When utility is notified of a medical emergency related to disconnection, the utility shall reconnect service at least by the next business day without requiring a deposit or a reconnection fee, or disconnection shall be delayed for an additional 5 days pending written physician certification. Written certification shall delay disconnection for 60 days and may be renewed for additional 60 days. During the delay period, the utility may require the customer to keep the account current, pay 10% of any outstanding balance and enter into a payment plan that reconciles the account within 120 days. Wash. Admin Code § 480-90-128.	
West Virginia	Termination shall be delayed and a payment plan offered in some circumstances if termination would be dangerous to the health and safety of a household member (medically or from December through February). Medical certification must be received 10 days after utility notification and shall be renewed every thirty days unless a physician states to a reasonable degree of medical certainty that the condition is permanent. W. Va. Code St. R. § 150-3-4.8.	Service shall not be terminated to residential customers 65 + unless the customer refuses to enter into a payment plan. W. Va. Code St. R. § 150-3-4.8.
Wisconsin	Disconnection shall be delayed for 21 days and utility shall negotiate special payment arrangements when a licensed physician, public health, social service, or law enforcement official certifies that a medical or protective emergency would result from disconnection. § 113.0301	

Table 3.2	Serious Illness	Age /Disability
Wyoming	Utility must notify residence subject to termination of service that an additional 15 day delay is available if it can be documented that a resident is disabled or seriously ill. An additional 30 days' notice is required if household resident is dependent on utility for life support services. WY Rules and Regulations PSC UA 2 § 242.	

Table 3.3: Harsh Weather Termination Protections by State
(Source: LIHEAP Clearinghouse)

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
Alabama	no		yes	<32°	Ban for special circumstances such as extreme weather or life-threatening situation.
Alaska	no		no		No disconnect for seriously ill, disabled.
Arizona	no		yes	<32° or >95°	Temperature based
Arkansas	yes	11/1-3/31	yes	<32° or >95°	No disconnect for elderly or disabled, > 95°, or medical emergency. No disconnect if customer agrees to deferred or extended payment agreement.
California	no		no		No special seasonal protections.
Colorado	no		no		No special seasonal protections.
Connecticut	yes	11/1 - 4/15	no		No disconnect for hardship customers to include: public assistance recipients, one source of income from Social Security, Veteran's or unemployment compensation benefits income at <125% FPG, ill, disabled, unemployed with income <200% FPG, or would be without necessities if bill was paid
Delaware	yes	11/15 - 4/15	yes	20° or below	Temperature based
District of Columbia	no		yes	<32°	Temperature based
Florida	no		no		No special seasonal protections.
Georgia	yes	11/15 - 3/15	yes	<32°	Total ban when < 32°; protection if payment arrangement is made. No disconnect if illness would be aggravated, statement from doctor.
Hawaii	no		no		No special seasonal protections
Idaho	yes	12/1 - 2/29	no		Disconnect ban for households with children under 18, elderly age 62 or older, or infirm.

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
Illinois	yes	12/1 - 3/31	yes	<32°	Total ban when < 32°. Utilities must offer payment plan of 10% down payment and equalized billing over the next 4 to 12 months. Customer can earn credits to apply to overdue bill by working at a nonprofit organization or by attending school.
Indiana	yes	12/1 - 3/15	no		Total ban for customers receiving or applying for LIHEAP or WAP (125% FPG).
Iowa	yes	11/1 - 4/1	yes		Ban for LIHEAP- or WAP-eligible customers (150% FPG) when temperature <20°, utility must offer payment plan after moratorium.
Kansas	yes	11/1 - 3/31	yes	< 35°	Ban when < 35°, to avoid disconnect when temperature is above 35° customers must make payment schedule and meet payments and apply for aid if eligible.
Kentucky	yes	11/1 - 3/31	no		30 day extension if eligible for energy assistance (<130% FPG), must agree to pay plan. Must reconnect if customer proves need and pays lower of \$200 or one-third of bill and makes payments on time. Cannot disconnect if payment agreement is in effect.
Louisiana	no		no		
Maine	yes	11/15 - 4/15	no		Not permitted if eligible customer (<185% FPG) agrees to payment plan or if account is < 3 months overdue or < \$50; requires PUC approval.
Maryland	yes	11/1 - 3/31	no		Utility must provide affidavit to the Commission that disconnect will not endanger the health of any household member.
Massachusetts	yes	11/15 - 4/30(electric) 11/15 - 4/30 (gas)	no		Disconnect not permitted if customer's income is <150% FPG or if household includes child <12 months, seriously ill member or all residents are 65 or older. For 2003, the Dept. of Telecommunications and Energy approved a 4 - 6 week extension of the shut-off

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
					moratorium.
Michigan	yes	12/1 - 3/31	no		Winter Protection Plan for low income (<150% FPG), elderly 65 years or older or recipient FIA cash assistance, food stamps or Medicaid. Must be enrolled in a payment plan.
Minnesota	yes	10/15 - 4/15	no		Disconnect ban if customer declares inability to pay and income is <50% state median income and agrees to payment plan; if eligible customer pays 10% of income or the full amount of current bill (whichever is less) or if customer agrees and adheres to payment plan.
Mississippi	yes	12/1 - 3/31	no		Prohibited for customers who can prove extreme financial difficulty or medical emergency and agree to payment plan.
Missouri	yes	11/1 - 3/31	yes	< 32°	No disconnect if unable to pay, must apply for assistance and enter payment plan. No disconnect if < 32°. Elderly and disabled with incomes at 150% or less of the federal poverty guidelines can avoid disconnection if they pay at least 50% of their bill between November 1 and March 31. Utilities are required to reconnect service if a customer pays at least 80% of bill.
Montana	yes	11/1 - 4/1	no		Prohibited for customers receiving public assistance or if household member is age 62 or older or disabled. PUC approval needed for shut-off.
Nebraska	no		no		No state-mandated policies.
Nevada	no		no		

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
New Hampshire	yes	12/1 - 4/1	no		PUC approval needed to shut-off elderly 65 or older. Disconnect is not allowed unless arrears are more than \$175 for non-heating, more than \$300 for gas and steam heating or more than \$400 for electric heating. Must allow customers to pay balance over next 6 months after winter moratorium.
New Jersey	yes	11/15 - 3/15	no		Ban on disconnection for customers receiving Lifeline, LIHEAP, TANF, SSI, PAAD or GA or households unable to pay overdue amounts because of unemployment, medical expenses, or recent death of spouse. Customers eligible for the Winter Termination Protection Program are placed on a budget plan and cannot be disconnected as long as they make good faith payments. During the heating season, a utility may not ask for a security deposit.
New Mexico	yes	11/15 - 3/15	no		Disconnection is delayed for 15 days if customer is eligible for or receiving LIHEAP.
New York	yes	11/1 - 4/15	no		15 day shut-off protection; no disconnection if a doctor certifies that there is a medical emergency
North Carolina	yes	11/1 - 3/31	no		No disconnect for elderly, disabled, and customers who are eligible for the Energy Crisis Assistance Program.
North Dakota	no		no		No disconnect for customers who enter into a payment plan.
Ohio	yes	11/1 - 4/15	no		Winter Protection adds 10 days to shut-off notice. No disconnect year-round if customer is below 150% FPG, is enrolled in a percentage of income payment plan and applies for all energy assistance. Customers are required to pay no more than \$175 in arrears from October 22 to April 12 to maintain service or reconnect under the state's Winter Reconnection

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
					Order.
Oklahoma	yes	11/15 - 4/15	yes	<32° (daytime), <20° (night) or >103°	No disconnect if temperatures are <32° (daytime), <20° (night) or if predicted heat index is >103° or if customer enters into a deferred payment plan. 30 day delay and 30 day extension possible in case of life threatening condition. Commission may order a ban on all disconnections if severe weather or if dangerous to health of the customer.
Oregon	no		no		
Pennsylvania	yes	12/1 - 3/31	no		PUC approval needed for disconnection, in practice no approvals are granted during winter months.
Rhode Island	yes	11/1 - 3/31	no		Disconnect ban for elderly, ill, disabled, unemployed or those eligible for public assistance or if arrears are < \$375 for primary source of heat or <\$110 if not primary.
South Carolina	yes	12/1 - 3/31	no		31 day shut-off delay for seriously ill with medical certificate, can be renewed up to 3 times during the winter protection period.
South Dakota	yes	11/1 - 3/31	no		Additional notice of 30 days.
Tennessee	no		yes	<32°	Disconnect postponed for medical emergency or if temperature <32°
Texas	no		yes	<32° or during heat advisory	No disconnect during heat advisories or if the previous day's temperature was <32° or if a serious illness exists in the household.
Utah	yes	11/15 - 3/15	no		No disconnect if customer has written statement from utility that states that a payment plan could not be agreed upon, if applied for HEAP and Red Cross energy assistance, has an income <125% FPG, medical emergency or becomes

Table 3.3	Date-based	Protection Dates	Temperature-based	Temperature	Seasonal Policy
					unemployed or income is cut by 50% or more. During winter moratorium customer must pay at least 5% of income towards utility costs (10% for electric heat)
Vermont	yes	11/1 - 3/31	no	<10°	No disconnect if temperature is <10° or <32° for households with elderly age 62 or older.
Virginia	no		no		No state-mandated policies. Terms and conditions concerning disconnection shall be set forth in each local distribution company's tariff approved by the State Corporation Commission.
Washington	yes	11/1 - 3/31	no		Protection for hardship customers (<125% FPG) who qualify or apply for energy assistance, and enter into payment plan.
West Virginia	yes	12/1 - 2/28	no		Disconnections during protection dates are considered detrimental to the health of the customer's household and are prohibited.
Wisconsin	yes	11/1 - 4/15	yes		No disconnect during extreme weather unless last resort after all other legal means of collection have been attempted and only if >250% FPG and health and safety would not be endangered due to presence of elderly, small children, or mentally disabled. Prohibited when heat advisory from the National Weather Service is in effect.
Wyoming	yes	11/1 - 4/30	yes		Temperature-based restrictions if unable to pay and has exhausted available assistance or is actively seeking assistance, or can pay, but only in installments.

Table 3.4: Payment Plan Requirements by State

Table 3.4	Payment Plans	Effect of breaching payment plan
Alabama	Utility shall give the power to extend payment deadlines and to enter into installment agreements to at least one employee in each of its offices [Gen Rule 12]	
Alaska	Service shall not be terminated due to non-payment when the customer agrees to enter and enters into deferred payment plan [52.450]; Deferred Payment Plans for economic hardship (1/3 outstanding balance at time of agreement with remainder to be paid within 12 months); Deferred payment plans can include a finance charge. Levelized billing also available. [52.440; 52.445]	Electric utilities may discontinue or refuse to restore service to residential customers who do not follow a deferred payment plan.[52.445]
Arizona	Utility shall not be required to offer a subsequent plan if a customer is in violation of one already. [14-2-210]	Utility shall not be required to offer a subsequent plan if a customer is in violation of one already. [14-2-210]
Arkansas	Levelized billing available; deferred payment agreements available to customers whose average bill for last 12 months < \$200; Utilities must offer extended due-date policy to persons receiving AFDC, AABD, SSI, persons whose primary income is from SS or VA disability or retirement benefits 6.13]	Service may be suspended without prior written notice for failure to pay under delayed payment or extension agreement. [6.04B; 6.13] If a customer can show a change in ability to pay due to a serious medical condition or the loss of a major source of income, the utility must document a good faith effort to renegotiate a delayed payment agreement nce during the term. The customer loses the right to renegotiate for failure to keep any term of the agreement. [6.13]
California	Customers unable to make payment may be eligible for amortization agreements not to exceed 12 months	If a customer does not comply with an amortization agreement, the corporation shall not terminate service without giving notice at least 48 hours prior to cessation of the conditions required to avoid termination. [779.1]
Colorado	Installment payment plans available. Such plans may consist of equal monthly installments not to exceed 6 months. [723-3-10(e)]; 723-3-13(e)]; Budget Billing [723-3-13(e)(5)(b)]	If a customer defaults on monthly installment payment or a new bill becomes past due, utility must notify them that service may be discontinued if the monthly installment payment is not received within 10 days after its due date. [723-3-13(e)]
Connecticut	Gas/electric service may not be terminated for a delinquent amount until co. first offers the customer an opportunity to enter into an amortization agreement. Company may charge simple interest on the unpaid balance of the delinquent acct at the rate of 6% per annum. [16-3-100(b)(3)] <i>See also 16-3-100(f) Review of amortization agreements and hardship cases</i>	Service may be terminated if a customer is paying under an amortization agreement and either fails to comply with it or to stay current on current charges. If a customer makes payments or payments amount to 20% of the balance due, then notice is required of the condition othe customer must meet to avoid termination. [16-3-

Table 3.4	Payment Plans	Effect of breaching payment plan
		100(b)(2)]
Delaware	Installment Agreements - customer pays both current bills as they become due and past arrearages in monthly installments over a period not less than the period that the unpaid bills were incurred [10 800 003 3.2]	If a customer fails to comply with an initial installment agreement, the limitation on the minimum duration intallment period shall not apply to any subsequent intallment agreement. [10 800 003 3.2]
District of Columbia	Level payment billing program; Deferred Payment Plan	
Florida	Payment plans available [25-6.105]	
Georgia		
Hawaii		
Idaho	Utilities shall offer reasonable payment arrangements to customers who cannot pay a bill [31.23.01.313]	Additional notice is not required if a customer violates a payment plan or tenders payment with a dishonored check or from an account with insufficient funds. [31.21.01.304]
Illinois	Present residential customers who are indebted to a utility for past due utility service shall have the opportunity to negotiate a deferred payment agreement [280.60] Customer whose primary income is received 10 days following their billing due and whose income qualifies (SSI, VCA, AADB, Unemployment etc) shall be eligible for the preferred payment date program. [290.90] Deferred payment agreement: initial 25% payment followed by 2-12 month payment period [280.110] Budget Payment plan [280.120]	Customers shall have the right to renegotiate the payment plan should their financial circs change provided the customer notifies the utility ithin 14 days of defaulting on plan. If the customer defaults on a deferred payment agreement but has not yet had service discontinued by the utility, the utility shall permit such customer to be reinstated on the deferred payment agreement if the customer pays in full the amounts which should have been paid up to that date pursuant to the original payment plan. [280.110]

Table 3.4	Payment Plans	Effect of breaching payment plan
Indiana	Disconnection may be avoided if the customer agrees to pay a portion of the bill and enter into a payment agreement or for cause (financial hardship) [4-1-16]	
Iowa	Customers who cannot pay for services rendered shall be offered a reasonable payment plan. See reg for reasonableness factors [19.4(10)]	
Kansas	Customers may receive a 14 day due-date extension in exchange for 1% service charge; Customers with delinquent balances shall be offered levelized payment plans allowing equal payments over a 12-month period. [Section II] Budget payment plans also available. [Section I]	
Kentucky	Deferred payment arrangements and budget billing available [5:006 s 13]; See reg for specific eligibility and payment plan requirements [5:006 s 14]	
Louisiana		
Maine	Utility shall continue to service a customer who expresses an inability to pay bill if customer is eligible and agrees to a reasonable payment plan [81-6]	3-day termination notice for breach of payment plan [81-9]; A utility is not required to negotiate a second payment plan if the customer has breached a payment plan [81-6]
Maryland	Utility shall make good faith effort to negotiate a payment plan with customers and low-income customers who cannot pay; utility will consider circumstances and financial condition of customer [31.01.08]	If a customer fails to adhere to a payment plan, the utility shall notify the customer that termination procedures may begin.[31.01.08] Utility is not required to offer a payment plan to customers who have failed to meet the terms and conditions of any alternate payment plan during the past 18 months, committed fraud or theft against the utility, or refused the utility access to equipment at the customer's residence. [31.01.08]
Michigan	Budget billing available [460.2114]	

Table 3.4	Payment Plans	Effect of breaching payment plan
Massachusetts	Payment plans available where customer meets financial hardship criteria. [25.02; 25.03]	
Minnesota	See Winter Protection [7820.1900; 7820.2000] Every residential customer (<i>regardless of ability to pay</i>), who receives a termination notice during the winter months, shall have the right to a payment schedule [7820.2100]	
Mississippi	If customer subject to termination of service demonstrates an "extreme financial difficulty" or a medical emergency from December-March the utility shall not terminate service without offering the customer a levelized payment plan. Utilities may require a customer to accept a payment plan that requires payment of amounts due that accrued before November 11 with the remaining balance to be paid in installments of 133% (levelized monthly bill + 33% of past due amount). However, the utility is not prevented from negotiating a plan that is more acceptable to the customer. Customers shall not be allowed to carry forward an unpaid balance beyond December 1st of the following winter season. [Rule 8]	
Missouri		
Montana	When a customer is unable to pay a bill a utility may negotiate a reasonable payment plan taking into account a customer's ability to pay, the size of the unpaid balance, the customer's payment history, and the amount of time and reasons the debt is outstanding. [R. 38.5.1115]	
Nebraska		
Nevada	Equalized billing available; Deferred payment plan for delinquent bills available unless customer has already entered into one in previous 11 months. [341]; Utilities shall provide a program to assist customers who have difficulty paying their bills due to financial hardship [342]	Failure to fulfill payment agreement may result in termination without notice [339]
New Hampshire	Reasonable payment arrangements available to customers unable to pay bills [1203.07]	

Table 3.4	Payment Plans	Effect of breaching payment plan
New Jersey	Budget billing and payment plans available upon request [14:3-7.11A]	
New Mexico	Budget payment plans available [5.410.11]; If an unreasonable hardship with no reasonable alternative exists, a customer may request a temporary or permanent exemption from this title. [5.410.9]	Service may be terminated for noncompliance with payment agreement [5.410.29]
New York	Utility shall offer a deferred payment plan and may postpone termination for 10 days to negotiate with customer. Utility may require proof of financial statements to determine payment plan eligibility/amounts and to determine whether down payment is required [11.10]; Budget/levelized billing available [11.11]	If a customer's payment plan becomes delinquent, the utility shall send notification of delinquency at least 8 days before termination notice; notice shall inform customers that payment is due within 20 days and that payment plan may be altered if customer contacts utility and demonstrates changed financial situation [11.10]
North Carolina	Payment plan shall be offered and may require the customer to accept a plan that will bring his account into balance within 6 months [11.R.12-10]	
North Dakota	Deferred payment plans available [69-09-01-18.1]	
Ohio	Utility shall offer payment plans to customers who express an inability to pay their bills; payment plans shall allow a customer to pay outstanding balance over 3-6 months. Levelized payment plans shall be offered to any customer not in default on payment plans. [4901:1-1804]	
Oklahoma	Budget payment plans available [165:35-19-31]; Disconnection for nonpayment shall be delayed 20 days if, upon notification to the utility, a consumer has applied and is waiting for financial assistance from a federal, state, or local agency and said agency verifies the app, and the consumer enters into a payment plan arrangement to pay any amount not covered by assistance in order. [165:35-21-10]	General disconnection provision states that service may be disconnected for non-payment [165:35-21-2]
Oregon	Equal-payment plans available to customers with no outstanding balance. [860-021-0414]; A utility may not disconnect residential service for nonpayment if a customer enters into a written time-payment plan. A utility will offer customers a choice of payment agreements such as levelized payment plan and equal-pay	General disconnection provision states that service may be disconnected for non-payment [860-021-0305]

Table 3.4	Payment Plans	Effect of breaching payment plan
	arrearage plans. [860-021-0415]	
Pennsylvania	Equalized billing available [56.12]	Service shall not be terminated for noncompliance with a payment agreement prior to the due date of the bill which forms the basis of the agreement [56.83]
Rhode Island	Customers expressing payment problems shall be offered reasonable payment plans [90 060 002]	General disconnection provision states that service may be disconnected for non-payment [90 060 002]
South Carolina	Payment plans available	Notice of termination due to a delinquent payment plan account shall be given at least 5 days prior to termination if by mail and/or at least 2 days if given in person or by phone. [103-352]
South Dakota	Equal monthly billing available [R.20:10:17:10]	
Tennessee		
Texas	Utilities shall offer customers who express an inability to pay their bills alternative payment plans and info concerning disconnection moratoriums for the ill and any payment or energy assistance programs [25.28]	
Utah	Customers unable to pay outstanding balances in full shall be offered payment plans as a method of obtaining or continuing service [R746-200-3]; Service shall be provided if the customers enters into a written deferred payment plan to pay all past due amounts (within 12 months).	Termination may proceed after a payment agreement is breaches and a utility is not obligated to renew the agreement. [R746-200-5]

Table 3.4	Payment Plans	Effect of breaching payment plan
Vermont	When establishing a reasonable repayment plan the company shall consider the income and income schedule of the customer, the customer's payment history, the size of the arrearage and current bill, the amount of time and reason for the outstanding bill and whether the delinquency was caused by unforeseen circumstances. [3.302] A utility shall restore service if the customer has paid 1/2 of delinquent bill and agrees to a payment plan that reconciles the account within 3 months. [3.307]; Levelized billing available [3.302]	If disconnection is due to a failure to abide by the terms of a payment plan, notice shall be given prior to disconnection either 5 days (mail) or 72 hours (phone). A customer is within substantial compliance with payment plan if customer has paid at least 75% of plan payment. Service will be terminated for failure to remain in substantial compliance with plan. [3.304]
Virginia		
Washington	Utility shall offer all customers an opportunity to enter into equalized payment agreements. The utility may deny the equalized payment option to customers who have been removed from a payment plan within the last 6 months for non-payment or have an outstanding balance of at least two months. [480-90-138]	
West Virginia	Termination shall be delayed and a payment plan offered in some circumstances if, prior to termination, the utility is notified that the reason for termination is being disputed, termination would be dangerous to health and safety of a household member, or the customer can only pay the bill in monthly installments. When calculating a plan, utility shall consider amount due, ability to pay, payment history, and the time and reason for non-payment. Utility may assess a 6% carrying fee on a payment plan. [150-3-4.8]	Utilities shall renegotiate payment plans should the existing plan create a financial hardship due to a change in the customer's finances [150-3-4.8] A shorter 5-days termination notice will be provided where payment plan is violated [150-3-4.8]
Wisconsin	Deferred payment plans shall be offered to customers having difficulty paying bills and accepted as means of avoiding disconnection of service if the customer agrees to pay a reasonable initial payment followed by reasonable payments. All payment plans shall also consider a customer's ability to pay, amount of and time period of delinquent bill, payment history, and reason for delinquency. [113.0404]	Utilities may disconnect services for failure to abide by payment plan terms and are not obligated to renegotiate a payment plan. [113.0404]
Wyoming		

Table 3.5: Security Deposits Requirements by State

Table 3.5	Deposit/Guarantee Requirement
Alabama	Utilities may require deposit before beginning or continuing service; deposit not to exceed the amount of an estimated bill for 2 billing periods [GR 8]
Alaska	Utilities may require deposit before beginning or continuing service; deposit not to exceed the amount of an estimated bill for 2 billing periods [52.415]
Arizona	Utilities may require deposit before beginning or continuing service for issues relating to non-payment; deposit not to exceed estimated bill for two months [14-2-203]
Arkansas	Utilities may require deposit before beginning or continuing service for issues relating to non-payment of this or prior bills or misrepresentation; deposit not to exceed specified amount. Such amount increases if there is evidence of tampering; deposit payable in 2 installments; instead of deposit, utility may allow guaranty of a qualified third party [4.01; 4.02; 4.03; 4.04]
California	May require deposit before commencing service; deposit not to exceed estimated bill for 3 months [394.4(g)]
Colorado	Utility may require a applicants and customers to make cash deposit, not to exceed estimated 90 days' bill. [723-3-11]
Connecticut	New customers: company may require deposit if customer cannot provide specified info; Other customers: company may require deposit if company has terminated prospective customer's utility service during past 2 years for non-payment; A customer from whom a security deposit is required shall be informed that service will not be denied if the customer lacks the financial ability to pay it; Deposit shall not exceed 3/12 of a year's estimated billing and may be paid in installments. [16-262j-1(b)]
Delaware	Utility may require a deposit from any customer or prospective customer for purpose of guaranteeing payment, and the deposit may be retained as long as necessary to ensure payment; deposit not to exceed the max. estimated charge for service of the lesser of 2 consecutive billing periods or 90 days [10 800 007.8]
District of Columbia	Utility shall not require a cash deposit or guarantee from a person who has never been a customer of the utility; utility shall not require a cash deposit from a person who has been a customer of a utility before, except in certain circs; utility shall not require a cash deposit as a condition of continued service except in limited circs; deposit not to exceed lesser of \$100 or twice the estimated maximum monthly bill [307]
Florida	A new or existing customer may be required to pay a deposit or provide a guarantee of payment if they fail to meet the tariff's criteria for establishing credit. Deposits not to exceed 2 months actual estimated bill [25-6.097]
Georgia	Utility may require deposits from customers before beginning or continuing service if they judge the deposit necessary. Deposit not to exceed the amount of an estimate bill for 2.5 billing periods (gas deposits not to exceed \$150) [515-3-1.10]
Hawaii	Deposits may not be less than \$10 for electric or \$5 for gas and may not exceed twice the maximum estimated charge for 2 consecutive months

Table 3.5	Deposit/Guarantee Requirement
Idaho	Deposit shall not be required unless there is proof that the applicant or customer is a credit risk or is likely to damage utility property. A deposit may be required due to issues relating to non-payment for service (4 year look-back pd), misrepresentation or providing false information, lack of credit history combined with a lack of 12 consecutive months of previous service within the last 4 years, 2 or more final termination notice within last 12 months, or filing for bankruptcy relief; deposit not to exceed 1/6 of annual usage; when gas is primary source of heat, deposit shall not exceed a total of 2 months of the highest monthly bills from the previous 12. Deposits can be paid in two installments [31.21.01.101 and .105]
Illinois	A utility may request a deposit from a present residential customer during the first 24 months (and beyond in cases of tampering) that the customer receives utility service from that utility if certain conditions are met (repeated late payment; tampering). Deposit shall not exceed 1/6 annual charges for service. [280.60] Utility shall not require a deposit from applicant is eligible for LIHEAP [280.50]
Indiana	Deposit may be required to receive or continue to receive due to issues related to non-payment of services for past and present utility service [4-1-15]; Deposit not to exceed 1/6 of actual/estimated billing (gas:1/3); Deposit/guarantee shall not be required if an applicant/customer can demonstrate a consistent employment history, purchase or long-term rental of residence to be service, a graduate student, or is being discharged from the military. [4-1-15]
Iowa	Deposit or guarantee may be required as a condition for receiving, or continuing to receive service. Deposit not to exceed actual/estimated bill for one month of service from previous 12 months [19.4(2)]; Service shall not be denied for failure to pay a deposit during the winter protection months. [19.4(16)]
Kansas	New or existing customers may be required to pay a deposit or provide a guarantee; Deposit not to exceed an estimated bill for two billing periods; Deposits can be paid in monthly installments [Section III]
Kentucky	Deposit or guarantee may be required as a condition for receiving, or continuing to receive service. Deposit not to exceed 2/12 of annual actual/estimated bill where bills are rendered monthly [5:006 s 7]
Louisiana	Utility may required deposit not to exceed 2.5 months of actual/estimated service
Maine	Utility may require deposit due to poor utility payment history, customer is deemed a credit risk, lack of employment or income or bankruptcy filing. Deposit not to exceed 2 of the highest consecutive billing periods; Deposit may be paid with an initial 50% payment followed by 2 equal payments in 30-day intervals [81-5]
Maryland	Utility may require deposit; deposit not to exceed 2.5 months of estimated charges for ensuing 12 months [30.02.04]

Table 3.5	Deposit/Guarantee Requirement
Michigan	Utility may require deposit for issues relating to non-payment within last 6 years; misrepresentation of or failure to provide credit info; unauthorized access or diversion of service; inability to provide utility history from past 6 years; an aptmt of a receiver or bankruptcy filing [460.2131]; Deposit not to exceed twice the peak usage rate or 4 times that rate if unauthorized use is at issue. [460.2134]
Massachusetts	
Minnesota	Deposits permitted where payment cannot be assured or where existing customer's service has been disconnected [7820.4300]; No utility shall charge deposit to a residential customer who has declared to the utility inability to pay and is income eligible [7820.1750]; A customer may assure payment by written guarantee [7820.4500]
Mississippi	Utility may require a deposit where necessary to assure payment except from those who are 60+ years old; Deposit not to exceed one month's estimated bill for residential service [Rule 9]
Missouri	New/existing customers may be required to make a deposit where necessary to assure payment; Deposit amounts vary depending on billing cycle; when assessed Nov-Jan, deposits may be paid in 6 installments [240-13.030]
Montana	Utility may require deposit or guarantee [R. 38.5.1103]; Deposit not to exceed 1/6th the annual estimated billing [R. 38.5.1105]
Nebraska	
Nevada	Deposit may be required. Deposit not to exceed 150% (or 50% for an elderly customer) of an average estimate monthly bill for an applicant or 150% of the highest monthly bill for existing customers. The elderly may have to pay additional deposit in case of delinquency. [327; 328] Deposit not required where there is a guarantor [329]; Deposit may be payable in 3 installments [331]
New Hampshire	New applicants may be required to pay deposit or provide guarantee for non-payment within 3 years of application; existing customers may be required to pay deposit for numerous disconnection notices within past 12 months; Deposit not to exceed total for two months high usage [1203.02]
New Jersey	Utilities may require deposit as requirement for service if customer hasn't established credit; Deposit approx 2 months average billing [14:3-7.1]; May require deposit for existing customers in default [14:3-7.3]
New Mexico	Deposit/Guaranty may be required for unsatisfactory credit, chronic delinquency or unauthorized use of utility service [5.410.16] Deposit may not exceed 1/6 annual estimated bill or 1.5 times an estimated monthly bill. [5.410.18]

Table 3.5	Deposit/Guarantee Requirement
New York	Customers already receiving service, who aren't delinquent in payment or had services terminate within the previous 6 months shall not be required to pay a deposit. A delinquent payment is 2 consecutive months of arrears without making reasonably payment (1/2 of total arrears) or failure to make a reasonable payment on a bimonthly bill within 50 days after the bill is due; Deposits shall not be required of customers or applicants receiving public assistance or SSI or for elderly customers (62+) unless service has been terminated within previous 6 months.[11.12]
North Carolina	Deposit or guarantee may be required for new/existing customers [11.R.12-2]
North Dakota	<u>Gas</u> : deposit or guarantee may be required for new/existing customers; deposit not to exceed 1.5 times estimate for monthly billing [69-09-01-17]
Ohio	Applicant or customer with previous disconnection or late payments, regardless of actual disconnection, may be required to pay a deposit [4901:1-17-04]; Deposit not to exceed 1/12 plus 30% of the estimated monthly charge. [4901:1-17-05]
Oklahoma	Deposit may be required for new/existing customers; deposit not to exceed 1/6 estimated annual bill; Deposits may be made in installments[165:35-19-10]
Oregon	Customer/applicant may be required to pay deposit to ensure ability to pay. Deposit not to exceed 1/6 annual estimated usage. Deposits payable in installments of \$30 or 1/3 whichever is greater [860-021-0200; 860-021-0205]
Pennsylvania	May require deposit or third party guarantor for applicants and existing customers; deposit not to exceed estimated bill for 2 months; payable in installments [56.38;56.41;56.51]
Rhode Island	Deposit may be required for new and existing customers; not to exceed 2 months of estimated billing. [90 070 005]
South Carolina	Deposit may be required for new and existing customers; not to exceed 2 months of estimated billing [103-332;103-333]
South Dakota	Credit may be established by paying a deposit or providing a guarantee of no more than 1/6 an annual estimated bill [R.20:10:19:02]; Deposits may be paid in 4 equal monthly installments [R.20:10:19:04]
Tennessee	Deposits to insure payment of services shall not exceed the lesser of an estimated billing period or 90 days [1220-4-4-.15]
Texas	Applicant or customer may be required to pay deposit if their credit is not sufficiently established. Deposit not to exceed 1/6 of annual estimated billing [25.24]
Utah	Deposit or guarantee may be required to receive or continue receiving service. Customers shall have right to pay deposit in 3+ monthly installments if the first payment is made when required [R746-200-3]

Table 3.5	Deposit/Guarantee Requirement
Vermont	Deposit may be required from customers and applicants deemed a credit risk or who have had previous utility service disconnected or sent 2 disconnection notices within previous 24 months; may be paid in 3 monthly installments; deposit not to exceed 2.5 times actual/estimated monthly usage [3.202-3.204]
Virginia	Deposit shall not exceed 2 months estimated usage and customer shall have right to pay deposit > \$40 in 3 consecutive installments. [5-10-20]
Washington	Deposit/guaranty not to exceed 2.5 estimated annual billing may be required from an applicant or existing customer. Utility shall allow a customer or applicant to pay deposit in installments: 50% initial payment with the remaining 50% to be paid in 2 equal monthly installments [480-90-113]
West Virginia	Deposit not to exceed 1/12 estimated annual charges. [150-3-4-2]
Wisconsin	Deposit or guarantee shall not be required if the customer or applicant provides the utility with information showing that his or her gross quarterly income is at or below 200% of the federal income poverty guidelines. Deposit/guarantee shall not be required unless a customer has an outstanding account balance with any Wisconsin electric utility which accrued within last 6 years and for which there is not a payment agreement or dispute. [113.0402]; Deposit not to exceed two estimated consecutive billing periods. [113.0402]
Wyoming	Applicant or customer may be required to ensure payment. Deposit not to exceed 90 days estimated or actual billing [241]

Table 3.6: Late Payment Fees by State

Table 3.6	Late Payment Fee Provision
Alabama	If company sends collector to customer's premises, it may charge for the visit, an amount authorized by the Commission. Late payment charges specified in tariff.
Alaska	Late payment charges are specified in tariff, and may not exceed the state's "legal rate of interest." Currently, that rate is 10.5% per year.
Arizona	Payment not received within 15 days of rendering are considered delinquent and could incur a late payment charge, to be determined in tariff.
Arkansas	Late payment charges only on an overdue portion of a bill for utility service; may not exceed 10 percent of the first 30 dollars of the customer's bill and 2 percent of the remainder. Actual amount to be set in tariff.
California	Allowed; specified in tariff.
Colorado	Currently under review by Public Utilities Commission in Docket No. 06S-234EG
Connecticut	Companies may charge 6% simple interest on unpaid balances
Delaware	No regulatory provision, but charges approved in tariff. E.g., Delmarva Power approved to charge 1 1/2% monthly on late, unpaid balance.
D.C.	Amount paid after due date initially charged a fee of 1%; 1.5% charged monthly on any remaining unpaid balance thereafter
Florida	No provision
Georgia	Natural gas marketers may charge late fee of 1.5% or \$10 -- whichever is greater -- on late payment, so long as unpaid balance is \$30 or more.
Hawaii	No provision.
Idaho	Provisions approved in tariff; e.g., approved Utah Power late fee is 1% monthly on unpaid balance.
Illinois	Late payment charges set at 1.5%/mo on all past due by up to 12 months. Customers on levelized billing plans not charged late fees.
Indiana	Fee of 10% on the first \$3 and 3% on balance over \$3 allowed on a one-time basis.
Iowa	Utility may assess a 1.5% charge for bills not paid within the 20-day due date. Each account shall be granted at least one complete forgiveness of a late payment charge each calendar year.
Kansas	Delinquent bill may be subject to a 2% service charge on the amount due. Customers may receive a 14 day due-date extension in exchange for 1% service charge.

Table 3.6	Late Payment Fee Provision
Kentucky	A penalty (amount unspecified in regulation) may be assessed if a customer fails to pay a bill for services by the due date shown on the customer's bill. The penalty may be assessed only once on any bill for rendered services. Any payment received shall first be applied to the bill for service rendered. Additional penalty charges shall not be assessed on unpaid penalty charges.
Louisiana	5% charge allowed on bills not paid within 20 days of issuance.
Maine	Late fees may be approved by Commission and may not exceed prime rate plus 800 basis points, rounded to nearest quarter per percent (0.25%) or 18% annually. Utility must inform customers of late payment charges at least 30 days before instituting a late program, disclosing the interest rate.
Maryland	Late fee of 1.5% may be charged.
Massachusetts	No residential late fees have been approved to date.
Michigan	2% late fee may be charged to all late-paying residential customers except Winter Protection Program participants.
Minnesota	Late charge of up to 1.5%/mo. allowed except income-eligible customers who have declared inability to pay.
Mississippi	Provided in approved tariffs; typically 5%/month.
Missouri	Provided in approved tariffs.
Montana	No provision
Nebraska	No provision
Nevada	Provided in approved tariffs. Typically 1.5%/mo
New Hampshire	The commission shall grant approval of a utility's proposed late payment charge tariff, whether new or amended, only if the utility demonstrates that proposed charge does not exceed the actual costs incurred by the utility due to lateness
New Jersey	Residential late payment charges may not be assessed.
New Mexico	Commission may approve late payment charge in proposed tariff filings.
New York	One time charge not to exceed 1.5 of unpaid monthly balance may be assessed.
North Carolina	Late fee of 1% per month may be assessed.
North Dakota	Provided in approved tariffs. E.g., Excel Energy tariff includes a 1% per month charge on late payments.
Ohio	May be approved in tariff
Oklahoma	May be approved in tariff, not to exceed 1.5%/month.
Oregon	Late charges may not be assessed on amounts less than \$200 and or carried over for two consecutive months.

Table 3.6	Late Payment Fee Provision
Pennsylvania	Late charges may not be assessed on payments received up to 5 days after due date, and are not to exceed 1.5% per month.
Rhode Island	No residential late fees have been approved to date.
South Carolina	Late fee of 1.5% may be charged.
South Dakota	Provisions approved in tariff; e.g., approved MidAmerican Energy late fee is 1.5% monthly on unpaid balance.
Tennessee	Regulations provide for late payment fees. Late payment fees approved in tariff, e.g., Chattanooga Gas Company adds a 5% charge to payments received after the due date.
Texas	Customers with a deferred payment plan may be charged a 5% late payment fee.
Utah	Late charges allowed, rate changed periodically by Public Service Commission.
Vermont	No provision for late payment charges in regulations
Virginia	Late payment charges of up to 1.5% per month may be charged.
Washington	Regulations require customer notification prior to increase in any charge that a customer may incur without being quoted a rate, such as a late payment charge.
West Virginia	Utilities are allowed to charge interest or impose a 6% carrying charge on late payments from customers with deferred payment agreements.
Wisconsin	Regulations provide for late payment charges not to exceed 1% per month. Alternatively, Public Service Commission may approve a one-time charge of 3% of the monthly bill.
Wyoming	Provisions approved in tariff. E.g., Wyoming Gas Company tariff provides for a late payment charge of 1.5% per month.

APPENDIX 4
A Regulatory Consumer Protection Policy
Adopted by the National Energy Assistance Directors' Association (March 9, 2006)

Rising and volatile energy prices threaten access to vital electric and natural gas utility service in low-income households. Governmental appropriations for funding of low-income energy affordability programs such as the Low Income Home Energy Assistance Program (LIHEAP) have declined in real terms over the past decade. State utility consumer protection rules and regulations – adopted in most cases during the 1970s and 1980s – are no longer effective in protecting low-income customers from loss of service irrespective of good faith efforts to remain current on utility bill payments.

While considerable public attention is focused on securing increased state and federal funding for low-income payment assistance programs, there is a notable lack of attention paid to the importance of regulatory provisions as a means of protecting vulnerable customers from loss of necessary service. The work of state energy assistance directors and subgrantees to secure sources of funding to keep low-income households connected to service is complicated by customer service rules that raise the cost of service, and impose unworkable service disconnection timelines and service restoration provisions. Further, state rules that do not provide meaningful service termination protections place the most vulnerable members of our society in danger of the health and safety threats associated with loss of service.

State utility consumer protection structures consist of provisions involving the following aspects of service:

- Billing/Payment Timelines
- Notification of Disconnection of Service
- Disconnection/Reconnection Procedures
- Termination Protections
- Payment Plans
- Security Deposits and Late Payment Fees

There are currently vast disparities between the provisions that have been adopted in individual states, with some providing much stronger protections and others imposing rules that do almost nothing to protect vulnerable customers. In nearly all cases, existing state customer service and consumer protection rules fail to adequately reflect the energy price and economic realities of today. In addition, too often, utilities treat low-income customers on a "one size fits all" basis. For example, once a moratorium ends, if a customer is in arrears they receive a shutoff notice. To the extent possible, utility companies/fuel suppliers should look at each circumstance and act/react accordingly.

In order to improve the effectiveness of energy assistance directors, NEADA should actively support changes to state consumer protection rules that make them consistent with the policy objectives of payment assistance programs. Specifically, NEADA should support low-income utility consumer protections that provide the following:

- Billing and payment timelines that are sufficient to allow payment-troubled customers and their advocates to secure any available funds to prevent service disconnections;
- Notification of service disconnections, either in person or by telephone, that allows vulnerable customers to respond appropriately;
- Protections against termination of service during harsh weather, and particularly for low-income seniors, children, ill and disabled persons;
- Reasonable income and illness certification and recertification processes;
- Affordable payment plans for customers threatened with service termination that are of at least one year in duration, and which reflect actual financial circumstances of the household;
- Prohibitions against use of biased and unreliable credit scoring practices to determine level of security deposits or other aspects of utility service provisions; and
- Meaningful limitations against low-income, residential late payment fees or security deposits that raise the cost of utility service.