

## Your Rights As Our Customer

*A guide for NY residential gas utility customers, as specified under the Home Energy Fair Practice Act*

### INTRODUCTION

As a natural gas customer, you have certain rights and responsibilities that are stipulated by the Home Energy Fair Practice Act (HEFPA). This guide provides an overview of those rights and rules, and also tells you how to get help if you feel your rights have been violated.

- **Application for Service**
- **Billing**
- **Deposits**
- **Service Terminations**
- **Special Protections**
- **Deferred Payment Agreements**
- **Third Party Notification**
- **Shared Meter Conditions**
- **Delayed Billing**
- **Late Payment Charges**
- **Complaints**
- **PSC Phone Numbers**

### APPLICATION FOR SERVICE

#### Refusal to Provide Service

In most situations, when you apply for service either in person, by the telephone or in writing, the utility will provide service to you within five business days of receiving your application. However, the utility can refuse to provide service if you owe money on a previous account in your name, unless one of the following situations applies to you:

- You pay the amount owed in full.
- You make a payment agreement to pay the balance owed in installments (see **Deferred Payment Agreements**).
- You have a pending bill complaint with the utility concerning the unpaid balance.
- You receive or have applied for public assistance, Supplemental Security Income or additional state payments, and the local social service office has agreed to pay for amounts owed on your previous account and agreed to provide the utility with guarantee of future payment on your new account.
- The PSC directs the utility to provide service.

### **Delays in Providing Service**

Your utility is excused from providing service within the five-day time period for any of the following reasons:

### **Safety Considerations**

When prevented by physical problems such as weather conditions, incomplete construction, or access difficulties.

- When prevented by labor strikes or by law.
- When the customer has not paid, or agree to pay, for lawfully required line extension costs.
- When the customer has failed to comply with requirements or rights-of-way, gas insulation and/or underground line requirements.

In such cases, the utility will provide service as soon as possible after the problem is resolved.

### **Written Applications**

Although you can apply for service in-person or by telephone, the utility can require a written application in certain situations. Some examples are an amount is owed at your residence from a previous account, someone has tampered with the meter, the meter reading has advanced since the last customer left, or the application is made in your name by someone other than yourself.

For an in-person or telephone application, you are only required to provide your name, address and telephone number and the address and account number of any prior account.

If a written application is requested, the utility can also require reasonable proof of your identity (such as a driver's license or credit card) to validate your name and prior address; and proof of responsibility for service at your residence (such as a lease, a deed, or a bill of sale).

### **Denial of Application**

If the utility denies your application, it must send you a notice within three business days of your date of application, informing you of:

- The reasons for the denial.
- Steps you must take to obtain service.
- Your rights to a PSC review of the denial.

## **BILLING**

### **When you Pay**

Payment for most utility bills is due upon receipt. A payment is overdue 23 days after the bill is mailed to the customer. If you pay after that, your utility can add a late payment charge. If you have any questions about your bill, contact your utility immediately at the phone number listed on the bill. If you are not satisfied with the utility's response, call the PSC. For customers who are visually impaired, bills are available in large print. Contact our office to make arrangements.

### **How to Pay**

Most utilities prefer that you pay your bill by mail because that helps process your payment quickly.

However, you can pay in person at any authorized payment office. If you want to know the location of your nearest payment center, or have any questions concerning your account, please call your utility.

### **Balance Billing**

A balanced, or levelized, payment plan helps even out bills that are high in one season and low in another so that your energy charges stay the same throughout the year.

This payment plan does not reduce your overall energy expenses for the year, but it does help you manage your budget. Your utility can provide more information about its' balanced billing program.

### **Estimated Billing**

By reading your meter, your utility is able to send you a bill based on the actual amount of gas.

In certain circumstances, your utility will send you an estimated bill, based on your previous usage. Your utility may give you an estimated bill when it is physically prevented from reading its' meter, when the actual reading may be incorrect, or if the PSC has approved a billing system for a utility where estimated rather than actual readings are provided every other month.

You may also receive an estimated bill if you are a seasonal or short-term customer, but an actual reading must be taken when service is cancelled.

Any difference between an estimated reading and the actual consumption for that billing period is resolved automatically when the next actual reading is taken.

### **Access to the Meter**

If your utility has sent you estimated bills for four consecutive months, it must take additional measures to obtain an actual reading. They can include making an appointment to gain access to the meter at a time other than normal business hours or asking you to read the meter.

If your utility has sent you estimated bills for six months, it must send you -- and the person who controls access to the meter -- a notice, offering to make a special appointment to read the meter. If your utility has sent you estimated bills for eight months, it may send a letter advising you that if you do not make an appointment to have an actual reading, a \$25 charge will be added to your next bill or that of the party controlling access to the meter. The utility can also get a court order to gain access to the meter.

A bill based on an actual reading after one or more estimated bills may show that the estimates were too low. If your actual consumption is 50 percent greater than your estimated bill, or \$100 or more, you can pay that difference in monthly installments over a period of at least three months.

Utility personnel who come to your residence to read the meter are required to carry photo identification badges

## **DEPOSITS**

### **Conditions Where Deposits May be Required**

As a residential customer, you may be required to pay a deposit to your utility if:

- You had your service shut off for nonpayment of bills within the last six months.
- You did not pay two or more utility bills in a row without making a partial payment of at least half the amount you owe.
- You are a short-term or seasonal customer. (A short-term customer wants service for less than a year. A seasonal customer receives service periodically each year).

### **Conditions Where Deposits May Not Be Required**

The utility must notify you in writing, 20 days in advance, that if you do not make a timely payment, it may require you to pay a deposit. Utilities cannot require a deposit if you are a recipient of public assistance or Supplemental Security Income.

Utilities cannot require a deposit if you are 62 years or older, unless your service has been shut off for nonpayment within the past six months.

### **Deposit Amounts and Payment Periods**

A deposit cannot be more than twice your average monthly bill (or twice the estimated average monthly heating season bill if you are a heating customer). If you are not a seasonal or short-term customer, you can pay the deposit in at least 12 monthly installments.

### **Deposit Interest and Refund**

Utilities must pay monthly interest on your deposit. You are entitled to have your deposit refunded, plus interest, if after a year, your payments have been current.

## **SERVICE TERMINATION FOR NONPAYMENT OF BILLS**

Failure to pay overdue bills may result in a service discontinuance. Your utility may turn off your service after giving you written notice. You then have 15 days to pay your overdue bill or make a payment arrangement.

### **Final Termination Notice**

Your utility must send you a Final Termination Notice before it can turn off your service, if you have not paid a bill, a payment agreement installment, or a deposit payment. The notice will explain the reasons for the intended shutoff, the earliest date a shutoff may occur, the address and phone number of your utility, and your rights under HEFPA. This notice can be sent 20 days after the payment was due. After

you have been notified, the utility must allow 15 days for you to resolve the problem before it can shut off your service.

If your payment is made by check rejected by the bank, your utility can shut off service without sending another notice.

### **When Service Can Be Shut Off**

Utilities can only shut off your service between the hours of 8 a.m. and 4 p.m. from Monday through Thursday.

### **When Your Service Cannot Be Shut Off**

Your service cannot be shut off by the utility if:

- A Final Termination Notice has not been sent to you.
- The amount owed was billed and due more than a year ago, and your utility did not begin termination procedures.
- A doctor certifies there is a medical emergency (see **Medical Emergencies**).
- You have a billing dispute filed with your utility or the PSC concerning the amount owed.
- You make a payment agreement with your utility that covers the amount owed (see **Deferred Payment Agreements**).
- Further, your service cannot be shut off for non-payment on a public holiday, the day before a holiday, the two-week period that includes Christmas and New Year's Day, or on a day before your utility's business office is closed.

### **Landlord Problems**

If you live in an apartment building or a two-family house and your landlord fails to pay the utility bill for the building, your utility must notify you of this nonpayment.

If you live in an apartment building, your utility must post notices in the building and mail you a separate notice at least 18 days before disconnection.

If you live in a two-family house, your utility must mail or give you a separate notice at least 15 days before disconnection. If your service is heat related, you will be given at least 30 days' notice between November 1 and April 15 of a possible service discontinuance.

Your utility can help you and other tenants avoid a service disconnection, even if the landlord refuses to make payments. The PSC will also assist tenants in making payment arrangements with their utility.

State law allows tenants to pay current utility bills directly and deduct the amount from their rent payments. Your utility can help you with this option.

### **Reconnection Of Service**

If your service had been shut off for nonpayment, it must be turned back on within 24 hours, when possible, in the following situations:

- You have paid the amount due or signed a payment agreement and made the down payment, if required (see **Deferred Payment Agreements**).
- When the local Department of Social Services agrees to make a direct payment on your behalf or provides a written guarantee of payment.
- Where the utility is notified that serious harm to health or safety is likely to result if service is not reconnected (see Special Protections, below).
- When directed by the PSC.

## **SPECIAL PROTECTIONS**

Special protections are available for consumers with medical emergencies; or who are elderly, blind, or disabled. All consumers are protected during the cold weather period between November 1 and April 15.

If you qualify for elderly, blind, or disabled protections, you should immediately notify your utility. It will code your account with this information, which will be kept in strict confidence.

### **Medical Emergencies**

Your service will be kept on for 30 days if your doctor or the local Board of Health certifies a medical emergency exists that will be aggravated by the lack of utility service.

The notification may be made by phone but must be followed by written notification within five business days. That notification must include required identification information on the certifying authority. You may receive an additional 30-day extension upon your doctor's recommendation. This notification must explain why a service discontinuance would aggravate your medical condition. The doctor must also include an estimate of how long that medical condition will continue. You must also show why you are unable to pay your utility bill.

If your medical condition is chronic, a longer time period can be approved.

If utility service is required to operate a life-support system, the doctor's certificate remains effective unless terminated by the PSC. However, every three months, you must show your utility why you are unable to pay your natural gas service bill. Your utility will code your account to ensure service is continued to your residence.

during a period of medical emergency, you must make a responsible effort to pay utility charges for service. PSC staff will help you work out reasonable payment arrangements so you don't owe a large amount at the end of the medical emergency.

### **Elderly, Blind or Disabled**

If your utility is aware that all adults living in the residence are 62 years of age or older, blind, or disabled, it will make special attempts to contact you by phone or, if necessary, in person, at least three days before a scheduled service shut off. Your utility will try to work out a payment agreement with you (see **Deferred Payment Agreements**), obtain payment or a guarantee of payment from the local

Department of Social Services or a private organization. If arrangements cannot be made, the company will notify the local Department of Social Services of the pending service shutoff and will continue service for another 15 business days.

Your utility will try to reach you within 10 days after your service has been terminated to determine whether alternative arrangements for utility service have been made, or whether service can be restored through an arrangement to pay the amount due.

### **Cold Weather Protections November 1 to April 15**

During the cold weather period of November 1 to April 15, your utility will attempt to contact you or another adult at your home by phone or in person at least three days before and on the day of a scheduled shutoff to determine whether shutting off your heat-related service could cause harm to the health or safety of anyone in your home.

If the utility finds harm might result, it must notify the local Department of Social Services, which will conduct its' own investigation. Meanwhile your utility cannot shut off your service for another 15 business days.

If the utility finds that you may be unable to protect yourself from neglect or hazardous situations, it will notify an agency, such as your local Department

of Social Services, to help you. Your heat-related service will continue for at least another 15 business days.

If your heat-related service is shut off before your utility was able to contact an adult at your home, it will attempt to determine whether the home is occupied, or if there might be serious harm to that person's health or safety. If someone in your home may be harmed by a service discontinuance, your utility will restore your service for 15 business days and notify the Department of Social Services.

### **DEFERRED PAYMENT AGREEMENTS**

#### **Payment Agreement Terms**

If you have a financial problem that prevented you from paying previous bills, you can make a deferred payment agreement, allowing you to pay the overdue amount in reasonable installments.

However, the utility can refuse to offer you a payment agreement when it and the PSC determines that you have the ability to pay the amount due.

While your utility may offer you a specific payment agreement, you are not obligated to accept the terms. You can propose your own payment terms. However, these terms must be based on your ability to pay on any outstanding amount as well as make full payments on your current bills. Your utility must accept any terms you propose that are fair and equitable, considering your financial circumstances. It can refuse any terms where you would be paying less than \$10 a month on what you owe.

Unless you agree to larger installment payments, your monthly installments on a payment agreement cannot be more than half of your average monthly utility bill, or 10 percent of what you owe, whichever is greater.

If your financial situation changes due to circumstances beyond your control, your utility will change your agreement at your request.

### **Down Payments**

The size of your down payment, if any, is based on your financial circumstances. Unless you agree otherwise, HEFPA allows down payments no greater than:

- 15 percent of the amount owed, or one-half of your average monthly bill, whichever is greater.
- More than 50 percent of what you owe if the total amount you owe is less than this amount.

For example, if you owed \$400 and your average monthly bill is \$50, 15 percent of what you owe is \$60 and one-half of your bill is \$25. Therefore, the largest down payment that the utility can require is the greater of the two, or \$60.

### **Broken Agreements**

If you fail to make timely payments on your agreement, your utility can cancel the agreement and take action to have your service shut off. At least eight days before shut off proceedings begin; your utility will send you a notice offering you an opportunity to make your payments current. You may also change the terms of the agreement if your financial situation has changed due to circumstances beyond your control.

However, if you have a broken agreement that required payments higher than the greater of one-half of a month's average usage, or 10 percent of the remaining amount that you owe, the utility must give you another agreement. This agreement, which would be sent with any final termination notice, would require monthly payments equal to the greater of those two amounts.

### **THIRD-PARTY NOTIFICATION**

As a residential customer, you can select a third party, such as a relative or friend, to receive termination notices or other utility credit action relating

to your account. The third party agrees in writing to accept these notices. The third party can contact your utility on your behalf and help you arrange payment terms. However, the third party is not responsible for paying your bills.

Your utility will help you designate a third party to help you with these notices. A third party is an especially valuable protection for consumers who are unable to fully understand company notices. Third-party designation can be very useful if you have a relative or friend upon whom you can rely.

### **SHARED METER CONDITIONS**

A shared meter condition exists when a utility meter is providing gas service to a tenants' apartment as well as service to space outside that dwelling.

Service to outside space includes equipment, such as air conditioning or a water heater, operated for the benefit of common areas of the building or other apartments.

When a Shared Meter Condition situation exists, then the utility must establish an account in the landlords' name until the condition is corrected. The utility cannot charge you for energy you are not



using. If you believe you are being wrongly charged for energy others are using, call your utility for assistance.

### **DELAYED BILLING**

You are responsible for service charges incurred more than six months ago, if you have not been previously billed, unless the delayed billing was not caused by your utility's negligence or was caused by your actions. Under these conditions, it is proper for the utility to bill after the six months have passed, but it must explain the reason for the delay and offer in writing an installment payment plan.

That plan may include a down payment of no more than 50 percent of the amount due or three months' average billing, whichever is less.

Similarly, a utility cannot increase the amount you owe on a bill that was sent to you over a year ago, unless:

- Your utility's failure to provide a correct bill resulted from your actions.
- The bill was not due to the negligence of the utility or is necessary to adjust a budget billing payment plan.
- You had a dispute concerning the amount of that bill, which, after investigation, is being changed to the correct amount.

If there is an increase in a previous bill of at least \$100 and this increase was not because of your actions, you can pay this amount in monthly installments over a period of at least three months. Your utility will explain to you in writing the reasons for any re-billing of a bill sent more than a year ago.

### **LATE PAYMENT CHARGES**

If you have not paid your bill 20 days after it was due, the utility can add a late payment charge amounting to 1.5 percent per month on your unpaid balance on your next bill. You are not responsible, however, for late fees on amounts in dispute with the utility or the PSC while that dispute is being investigated. But, if you are found to owe the amounts in dispute, then you will also have to pay the applicable late charges.

### **COMPLAINTS**

If you doubt the accuracy of any bill or deposit amount, or have a service problem, you can call your utility and complain. If your complaint involves a financial matter, your utility service cannot be disconnected for nonpayment of that disputed amount while the complaint is being investigated and for 15 days after the decision on the complaint has been made by your utility.

However, if you owe an amount other than the disputed amount, your utility can take action to terminate your service for nonpayment of the undisputed amount.

If you are dissatisfied with your utility's decision on your complaint, you can appeal to the PSC to review that decision. You can contact the PSC by writing to:

**NYS Department of Public Service Consumer Services Division  
3 Empire State Plaza Albany, NY 12223**

Or call toll-free **HELPLINE, 1-800-342-3377** between 8:30 a.m. and 4:30 p.m. on business days. (See the pamphlet entitled PSC Guide: Complaint Handling for details on the PSC complaint process.)

If your service has been or is about to be terminated for nonpayment, you can call the special toll-free **HOTLINE, 1-800-342-3355** between 7:30 a.m. and 7:30 p.m. on business days.

If you call either the **HELPLINE** or the **HOTLINE** after these scheduled hours, a recorded announcement will say the office is closed and tell you when the office will re-open.

Remember: If you have a problem or complaint, call your utility immediately. Call the PSC if you are unable to resolve your problem with your utility.

### **PSC PHONE NUMBERS**

If a utility has terminated, threatened to terminate, or refused to provide residential natural gas service, call:

**Emergency HOTLINE: 1-800-342-3355**

If you have complained to a utility concerning your natural gas service and are not satisfied with the utility's response, call:

**HELPLINE: 1-800-342-3377**

Weekdays. 8:30 a.m. - 4:30 p.m.

**Conservation and Customer Assistance Programs: 1-800-852-FREE**

- **SAVING POWER:** Free energy surveys and low-interest loans for energy efficiency improvements.
- Free PSC consumer publications.
- Help from the PSC Ombudsperson for elderly, blind or disabled consumers with utility complaints they have been unable to resolve with their utility companies.

### **Services For The Hearing Impaired**

- If you have a hearing and/or speech impairment and have access to a TDD (telecommunications device for the deaf), you may call the New York Relay Service at **1-800-662-1200**.
- To contact any of the PSC phone numbers, hearing persons can call **1-800-421-1220**.
- In New York City, call our TDD number directly at 212-219-4292.

### **Bilingual Service**

- Many utilities have customer representatives who speak Spanish. If you wish, call your utility's local customer relations office, and ask if a Spanish-speaking representative is available. The PSC also has Spanish-speaking Consumer Services Representatives.
- **Servicio Bilingue**
- Muchas compañías tienen representantes que hablan español. Si usted necesita este service, llame a la oficina local de ayuda para los clientes y pregunte por un representante que hable español. La Comisión de Servicios Públicos también tiene representantes en la oficina de servicios al consumidor que hablan español y lo pueden ayudar.