

Rules and Regulations Governing the Termination of Residential Electric, Gas and Water  
Utility Service

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

RULES AND REGULATIONS GOVERNING  
THE TERMINATION OF RESIDENTIAL ELECTRIC,  
GAS AND WATER UTILITY SERVICE

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### ORDER

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

RULES AND REGULATIONS GOVERNING  
THE TERMINATION OF RESIDENTIAL ELECTRIC,  
GAS AND WATER UTILITY SERVICES

#### I. PROMULGATING AGENCY

SECTION 1. PUBLIC UTILITIES COMMISSION AND DIVISION OF PUBLIC  
UTILITIES  
AND CARRIERS

These rules and regulations are promulgated individually and jointly and are adopted individually and jointly by the Public Utilities Commission and the Division of Public Utilities and Carriers.

#### II. TERMINATION OF SERVICE

##### SECTION 1. APPLICABILITY

These regulations shall apply to all individuals, partnerships, associations, corporations, municipalities, and cooperatives which are under the jurisdiction of the Public Utilities Commission and which own or operate electric, gas, or water utilities in the State of Rhode Island. They shall apply only to residential customers of the public utility and shall not be applicable to commercial or industrial customers. As used herein, the phrase "residential customer" means a person whose utility service is provided to that person's primary single unit dwelling place on a permanent basis.

## SECTION 2. TERMINATION

(A) Subject to the requirements of these regulations, a public utility may terminate service to a residential customer, if:

(1) The customer fails within a reasonable time to pay any proper utility bill rendered in accordance with tariffs on file with the Public Utilities Commission, or fails to pay the undisputed portion of a bill that is subject to dispute pursuant to Part III, Section 2 of these regulations or

(2) The customer violates a rule or regulation of the public utility on file with the Public Utilities Commission or

(3) Disconnection is necessary for reasons of health, safety, or state or national emergencies or

(4) The customer fails within a reasonable time to make a payment pursuant to, or otherwise fails to abide by, the terms of any agreement approved by the Commission, the Administrator, a designee of the Commission or Administrator or an order issued pursuant to these regulations or

(5) The customer fails within a reasonable time to make a payment pursuant to, or otherwise fails to abide by, the terms of a residential payment plan to which the customer has agreed.

(B) Failure by a public utility to exercise its right under these regulations to disconnect service shall not affect a customer's liability, if any, for the debt.

(C) A "reasonable time" as used in this section shall mean forty (40) days after the mailing date of the original bill or ten (10) days after a payment was due pursuant to a subsection (A) (4) agreement or subsection (A) (5) residential payment plan, whichever is longer.

## SECTION 3. INSUFFICIENT REASONS FOR TERMINATION

(A) The following shall not constitute sufficient grounds for termination of utility service:

(1) Customer's failure to pay for merchandise, appliances, or rentals or service calls on rentals,

(2) Customer's failure to pay for concurrent service received at a different metering point, residence or location,

(3) Customer's failure to pay for a different class or type of utility service received at the same or a different location, provided that where more than one meter is employed at the same location for the purpose of obtaining preferential rate treatment, such service shall be construed as one service class or type.

(B) (1) No public utility shall disconnect service to the house of the customer during such times as any resident therein is seriously ill, as certified to the public utility or to the Division of Public Utilities and Carriers by a registered physician. A registered physician's certification of serious illness shall be sufficient if initially made by telephone. In such event the public utility or the Division, whichever received initial certification, shall inform the certifying physician that he or she must forward to the public utility within seven (7) days a written certification indicating the name and address of the seriously ill person, the nature of the illness, and its likely duration. The public utility shall acknowledge receipt of such written certification and shall notify the customer in writing of the date upon which service will be terminated unless the customer (a) arranges for payment of this bill with the public utility pursuant to Part III, Section 2 hereof, or (b) requests a hearing pursuant to Part V, Section 1 or 4 or (c) enrolls in a residential payment plan or other payment arrangement. The termination date shall be not less than three (3) weeks from receipt by the public utility of the written certification. If the duration of the illness exceeds three (3) weeks from the certification to the public utility, the customer may request a review pursuant to Part V, Section 1 or 4 of these regulations to determine whether the initial exemption shall continue, for how long, and under what circumstances.

(2) "Seriously ill" for the purposes of this subsection shall mean an illness that is life-threatening or that will cause irreversible adverse consequences to human health or that has a significant potential to become life threatening or to cause irreversible adverse consequences to human health.

(3) A public utility must honor a registered physician's certification of serious illness, but may seek Division review of the validity of the certification pursuant to Section V of these rules and regulations.

(4) If a registered physician's certification does not comply with the requirements of this subsection and is rejected by a public utility, the public utility must inform the customer immediately in writing of the reasons for rejection of the certification and the customer's right to have the Division review the utility's rejection of the certification pursuant to Part V of these rules and regulations.

(5) Non-termination for any reason does not in any way relieve the customer of liability incurred for utility services.

(C) (1) Between 12:01 a.m., November 1st and 11:59 p.m. on March 31st, no gas or electric public utility subject to these regulations shall terminate service to any residence for nonpayment of a delinquent account, where such service is the primary source of heat, except where the delinquent balance of the account exceeds \$375.00, and where such service is not the primary source of heat, except when the delinquent balance exceeds \$110.00. For purposes of this subsection a "delinquent balance" shall be that amount which has been unpaid for at least ten (10) calendar days after rendition of bill.

(2) Between 12:01 a.m., November 1st and 11:59 p.m. on March 31st no gas or electric public utility subject to these regulations shall terminate service to a residence for nonpayment of utility charges where the public utility is advised that the person whose services are scheduled to be terminated is:

(a) unemployed as demonstrated through the presentation of a current Rhode Island Department of Employment Security ("DES") photo ID card or other verification by DES that the person is currently receiving unemployment compensation.

(b) elderly or handicapped, as defined by Part II, Section 3E(1)(a) and (b) of these Rules and Regulations.

(c) eligible for public energy assistance aid through verification by the agencies administering energy assistance.

(3) In those instances where an individual, who is validly protected from shut-off during the above moratorium period, has his or her utility service terminated because he or she and/or the public utility are unaware of that individual's protected status, that individual's utility service shall be restored immediately.

(4) The public utility shall inform all customers of the availability of the above moratorium protections during the month preceding the commencement of the moratorium period by sending each customer a written statement which describes the protections and shall inform each customer who receives a termination notice in accord with Part II, Section 4 of these rules and regulations of the availability of the moratorium protections.

(D) Termination of Service in Cases Involving Marital Dispute

(1) No public utility subject to these regulations shall terminate service to a customer for nonpayment of utility charges where the public utility is advised by the spouse of the named customer or the named customer that the reason for nonpayment is the absence of the named customer or the major wage-earning spouse from the residence because of a marital dispute, and where the spouse remaining in the residence:

(a) establishes by independent evidence that named customer or major wage-earning spouse is no longer living at the residence. A copy of a Petition for divorce or separation, or a letter attesting to a pending divorce or separation proceeding from legal counsel, or proof of eligibility for Aid to Families with Dependent Children, or other evidence satisfactory to the public utility, shall constitute sufficient independent evidence under this subsection,

(b) agrees to provide information concerning the location and employment of the named customer or the major wage-earning spouse, and

(c) agrees to establish a new account in his or her own name for prospective charges and to make a deposit as security for payment of prospective charges, if a deposit would be otherwise permitted under these rules and regulations.

(E) Termination of Service in Cases Involving Elderly and/or Handicapped.

(1) Every public utility shall devise procedures and methods reasonably designed to identify, before termination of service for failure to pay an outstanding indebtedness for such service, accounts affecting households in which all adult residents are sixty-five (65) years of age or older or in which any resident is handicapped. A member of such a household may request the protection afforded by these rules by submitting to the public utility on a form supplied by the public utility the account number, the service address, and, in the case of the elderly, name, date of birth, and Social Security number of each elderly member of the household and, in the case of the handicapped, appropriate identification criteria for each handicapped member of the household.

(a) For the purpose of determining whether all adult residents in a household are sixty-five (65) years of age or older, the electric, gas or water utility may request that the customer, in whose name the service is listed, furnish certified copies of birth certificates or other documentation such as, but not limited to, marriage certificates, for all of the adult members of that household.

(b) For the purpose of determining whether any resident is handicapped, the electric, gas or water utility may request that the customer, in whose name the service is listed, submit an affidavit setting forth the following or similar facts:

"residing permanently at this address is (name), (date of birth), who is related to me as (state relationship) (or who is not related to me), and who has a physical or mental impairment (state impairment with particularity) which substantially limits one or more of such person's major life activities, and which would ordinarily prove a serious hindrance to obtaining employment. This impairment is material, rather than slight, relatively static as distinguished from definitely active or rapidly progressive, and relatively permanent in that it is seldom fully corrected by medical replacement, therapy or surgical means."

(2) Upon receipt, the public utility will verify the information and identify the accounts. The public utility will send notification to the households stating that records have been appropriately noted and that as long as the outlined conditions exist, the public utility will not terminate service for failure to pay without the approval of the Division of Public Utilities and Carriers.

(3) Written approval from the Division of Public Utilities and Carriers must be obtained by the public utility before terminating service in a household in which all adult residents are sixty-five (65) years of age or older, or in which any resident is handicapped.

(4) On receipt from a public utility of an application to terminate service, the Division of Public Utilities and Carriers (Division) in the course of an investigation will establish that (a) the residents of the household have received proper notification, and (b) the public utility has in good faith attempted to secure payment by reasonable means other than termination and has not refused to accept payment arrangements that are just and equitable. The Division may hold hearings as a result of the investigation. The Division shall notify the public utility and the residents of the results of the investigation and of any hearing.

(5) If a member of a household in which all adult residents are sixty-five (65) years of age or older, or in which any resident is handicapped so desires, the public utility shall provide to a third person designated by such customer, notices pertaining to termination of service. In no event shall the third party so designated be liable for the account of the customer.

(6) At the time of application for service or with the first bill and thereafter, at least once a year, a public utility shall enclose a written statement with a bill for service that clearly informs customers of the elderly and handicapped protections. The written statement shall include a form that can be returned with a bill payment which allows a customer to identify himself or herself as eligible.

(7) Nothing in this Section 3E shall be construed to supersede the requirements of Section 3(C)(2) above.

#### SECTION 4. NOTICE

(A) Service shall not be terminated for nonpayment unless the customer has been sent written notice of the public utility's intention to disconnect, mailed so as to be received, under reasonable circumstances, at least ten (10) days in advance of the date of the proposed disconnection. Notice shall be mailed by the public utility to the address where bills or charges are usually sent. If service is provided at an address other than the billing address or to occupants at the billing address who do not live in the same residential unit as the customer, the public utility shall make reasonable effort to notify such users of the pending termination of service at least ten (10) days prior to termination. In addition to or in lieu of mailing notice to such occupants, the public utility shall attempt to notify such occupants by posting a notice of shutoff on the premises in a conspicuous place or by delivering notices of shutoff. During any notice period, the customer shall either pay the arrearage, make a reasonable effort to reach a mutually satisfactory settlement with the public utility, enroll in a residential payment plan or, if agreed to by the Public Utility and customer, institute another payment arrangement. Where disconnection is necessary for reasons of health, safety, or state or national emergencies, the public utility shall attempt to provide as much advance notice of the utility's intention to disconnect service as is reasonably possible under the circumstances.

(B) Where service is provided to a residence and the account is in the name of one who does not reside in the residence, the public utility, prior to disconnecting service for nonpayment of a bill, shall afford the person or persons receiving service notice and a reasonable opportunity to negotiate directly with the public utility and to purchase service in their own names.

(C) The notice sent to the customer shall contain a direct and specific explanation, in easily legible, conspicuous print, of the following:

- (1) The particular ground upon which the proposed disconnection is based;
- (2) The public utility's intention to discontinue service unless the customer either pays the bill, reaches a mutually satisfactory settlement with the public utility or seeks review of the bill pursuant to these regulations;
- (3) The date on, or within a reasonable time after which, service will be disconnected if the customer does not take appropriate action;
- (4) The name and telephone number of the public utility's office or employee to whom the customer may address any inquiry or complaint;
- (5) The customer's right to submit the matter to: Reviewing Officer, Division of Public Utilities and Carriers, 100 Orange Street, Providence, Rhode Island 02903, Telephone - 277-2443, and a statement that service will not be disconnected pending proceedings before a reviewing officer appointed by the Public Utilities Administrator;

(6) A statement that the customer should not submit the matter to the Division of Public Utilities and Carriers until he or she has first discussed the case with a representative of the public utility;

(7) A statement that if there is a seriously ill resident in the home, disconnection will be postponed upon presentation of the doctor's certificate and subject to the conditions described in Section 3B, above;

(8) A statement that if any resident in the home is handicapped, and/or all residents of the home are elderly, disconnection may be averted in accordance with the safeguards and protections contained in Section 3E upon the conditions described therein;

(9) A statement which informs the customer that he or she may be protected from disconnection during the period between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st in accordance with Section 3 (C) (1) and (C) (2); and

(10) A statement which informs the customer of his or her right to enroll in a residential payment plan as described in Part IV of these regulations.

(D) Each utility shall include on all final notices of termination the statement in Spanish and Portuguese "THIS NOTICE IS IMPORTANT. TRANSLATE IMMEDIATELY." or the appropriate symbol for service termination as set out in Appendix C to these regulations.

(E) The contents of the notice shall be limited to the matters described above and shall not, without authorization from the Division, include any other statements or items, provided, however, that where notice is given to an occupant who is not responsible for payment of the utility charges, the provisions of Sections 4C and 4E shall not be applicable.

(F) Between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st, no public utility subject to these regulations shall terminate service to a residential customer unless it has, at least forty-eight (48) hours (not including Saturday, Sunday or holidays) prior to said termination, filed with the Division an affidavit of one of its employees in the form approved by the Division (see Forms I and II appended hereto), which states under oath the following:

(1) That subsequent to expiration of the 10-day period set out in its shutoff notice (a copy of which shall be attached to the affidavit), the affiant has personally called at the customer's residence and has spoken directly with the customer or with an adult found within said residence, and that the affiant has advised the person to whom he has spoken that service will be terminated unless within forty-eight (48) hours the customer makes satisfactory arrangements with the public utility or follows the procedures for obtaining a review by the Division, that he has informed the person to whom he has spoken of procedures for obtaining such review, that in the affiant's opinion the person to whom the affiant spoke understood the communication, and that during his visit the affiant advised

the person to whom he has spoken of the protections available under Sections 3(B), (C), (D) and (E) of these regulations and neither observed nor was informed of any circumstances, including illness, which would make termination of service a violation of these regulations. Or in the alternative,

(2) That subsequent to the expiration of the 10-day period set out in the shutoff notice (a copy of which shall be attached to the Affidavit) that the affiant has personally called at the residence of the customer on at least two (2) occasions, one of which was made on a weekday between 5:00 p.m. and 7:00 p.m. or on a Saturday between 9:00 a.m. and 5:00 p.m., that on each occasion the affiant was unable to gain admission or if admitted found no adult person at home, and that the affiant left a written notice containing the information set out above in a form approved by the Division (see Forms III, IV and V appended hereto) prominently tacked or otherwise affixed to the front door of the customer's residence.

(G) Nothing in Section 4F shall be construed to supersede any of the requirements in Section 3 above.

## SECTION 5. DISCONNECTION

(A) Service shall not be disconnected on any Friday, Saturday, Sunday, legal holiday, or day before any legal holiday, or at any time when the public utility's business offices are not open for business. Service may be disconnected only between the hours of 8:00 a.m. and 4:00 p.m. of the date specified in the notice or within a reasonable number of days thereafter. The utility shall have personnel available until 5:00 p.m. or three (3) hours after the time of shutoff, whichever is later, authorized to reconnect service and enter into agreements pursuant to Section 6 below.

(B) When service is disconnected, the individual making the disconnection shall immediately inform a responsible adult that service has been terminated, or, if a responsible adult is not on the premises at the time of disconnection, the individual making the disconnection shall leave on the premises in a conspicuous place a note or letter advising that service has been terminated. A written notice shall also be given to the responsible adult or left on the premises in a conspicuous place advising that service may be restored immediately if (a) the customer was validly protected from shut-off during the moratorium period as described in Section 3(C), or (b) if service is necessary to protect the health, welfare and safety of the residents of the dwelling as described in part VI, or (c) upon the customer's enrollment in a residential payment plan or some other payment plan arrangement described in Section 2(A) (4) and 2(A) (5).

## SECTION 6. RESTORATION OF SERVICE

If service has been disconnected, the public utility shall restore service promptly (a) upon the customer's request when (i) the cause of the disconnection of service has been removed, or (ii) satisfactory credit or payment plan arrangements have been made, or (iii) the customer was validly protected from shutoff during the moratorium period as described in Section 3(C), or (b) upon order of the Public Utilities Commission or in the absence of the Commission the order of the Associate Administrator for Consumer Affairs or the Chief Consumer Agent of the Division or (c) upon the customer's enrollment in a residential payment plan. The public utility shall endeavor to restore service during the public business hours of the day of the request. At the latest, reconnection shall be made during business hours on the first working day after the day of the request. When the customer requests that service be restored at other than regular business hours, the public utility shall reasonably endeavor to make the reconnection, provided, however, that the public utility shall be under no obligation to do so except when (i) a registered physician certifies that the health or safety of the customer or of any member of the affected household is endangered, or (ii) the customer is seeking restoration of his or her primary source of heat during the period between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st or (iii) in the opinion of the public utility, Division or Commission an emergency exists which requires immediate restoration. The public utility may charge the customer a reconnection fee authorized by the Public Utilities Commission.

## III. PUBLIC UTILITY RESPONSIBILITIES

### SECTION 1. CUSTOMER INQUIRIES REGARDING DISCONNECTS

(A) The public utility shall provide for an officer or employee to be available and prepared during business hours to handle customers' questions and complaints. Such officer or employee shall be capable of rapidly familiarizing himself with the details of the case and shall be authorized and required to answer thoroughly each of the customer's reasonable inquiries. In handling customer's inquiries regarding disconnects, such officer or employee shall inquire as to the customer's eligibility for the elderly and handicapped protections contained in Section 3(E).

In handling inquiries regarding disconnects, such employee shall also inquire as to the customer's eligibility for the protections contained in Section 3(B) (C) and (D).

Employees responsible for the receiving of customer telephone calls and office visits shall be properly qualified and instructed in the screening and prompt handling of the complaints and service requests to assure prompt reference of the complaint or request to the person or department capable of effective handling of the matter, and to obviate the necessity of the customer's repetition of the entire complaint to employees lacking in ability and authority to take appropriate action.

## SECTION 2. DISPUTE AS TO CUSTOMER'S LIABILITY AND/OR CONDITIONS OF PAYMENT

Where the customer informs the public utility that he or she disputes liability for any part of a bill as rendered, or disputes the terms or conditions of payment, the public utility shall not terminate service therefor, but rather shall investigate the dispute promptly and thoroughly, report the results of its investigation to the customer, and make a diligent attempt to reach a mutually satisfactory settlement as to the dispute. If a mutually satisfactory settlement is not reached, the public utility shall inform the customer of his or her right within the notice period provided in Part II, Section 4 of these regulations or within ten (10) days after receipt of the report, whichever is longer, to appeal to the Division of Public Utilities and Carriers for review of the dispute and hearing. If a mutually satisfactory settlement is not reached and the customer does not appeal to the Division within the time permitted, the public utility may disconnect the service subject to all other requirements of these termination rules and regulations.

## SECTION 3. TENDER OF PAYMENT TO FIELD PERSONNEL

If the public utility sends an employee to the customer's premises for purposes of disconnecting service, and the customer then and there tenders payment of the bill in full or in part in accord with the provisions of the residential payment plan sections of these regulations, the service shall not be disconnected. For purposes of this section, the public utility's field personnel and employees shall be deemed to be authorized and shall be required to accept such payment from the customer and to give the customer a receipt for any payment made but shall not be required to make change or to enter into agreements with the customer. Any public utility employee sent to disconnect service shall bring with him either a copy of the customer's bill showing the amount outstanding, or all the information contained therein.

## SECTION 4. ESTABLISHMENT OF STANDARD RESIDENTIAL PAYMENT PLANS

Each electric and gas public utility shall make a standard residential payment plan, as described in Part IV of these regulations, available to each residential customer who desires to enroll in such plan or who is liable to service termination for non-payment of bills. Water public utilities shall have the discretion, but shall not be required, to make such standard residential payment plans available to residential customers.

## IV. RESIDENTIAL PAYMENT PLANS

### SECTION 1. AVAILABILITY OF RESIDENTIAL PAYMENT PLANS

(A) Each gas and electric public utility shall make available to its residential customers for utility service provided at the customer's primary residence a billing procedure which averages estimated utility costs over a ten month or twelve-month period to eliminate, insofar as it is practicable, seasonal fluctuations in utility bills. The public utility shall inform all customers of the availability of such a billing procedure at least twice annually, once in October and once in March, by means of a written statement which describes the billing procedure and shall inform each customer who receives a termination notice in accord with Part II, Section 4 of these rules and regulations of the availability of such a billing procedure.

(B) Water utilities shall not be required, but shall have the discretion, to offer payment plans as described above to residential customers.

(C) The requirements of this Part IV shall not be mandatory with regard to seasonal customers, transient customers or to arrearages incurred by a residential customer at that customer's secondary or seasonal residence.

### SECTION 2. DEFINITIONS

(A) Residential customer - shall mean a person whose utility service is provided to that person's primary single unit dwelling place on a permanent basis.

(B) Primary residence - shall mean a person's permanent dwelling place or the equivalent. A person shall be deemed to have one permanent residence.

(C) Transient or seasonal customer - shall mean a person who utilizes utility service at a particular address on a nonpermanent or seasonal basis. The term transient or seasonal customer shall include, but not be limited to, college students who do not establish permanent residence and customers whose utility service is provided to a vacation dwelling.

(D) Secondary residence - shall mean a dwelling place other than a person's primary residence.

(E) Heating customer - shall mean a customer whose utility service is that customer's primary source of heat or a customer whose utility bill includes arrearages which predominantly (i.e. over 50%) result from service which was the customer's primary source of heat. A customer whose utility service is not currently that customer's primary source of heat shall have the burden to show by verifiable evidence that his or her arrearage results predominantly (i.e., over 50%) from service which was the customer's primary source of heat.

(F) Non-heating customer - shall mean a customer whose utility service is not that customer's primary source of heat, except as provided in subsection (E), above.

(G) Financial hardship - shall mean those families or groups of unrelated individuals residing in one dwelling unit with a combined gross income equal to or less than seventy-five percent of the Rhode Island median income as calculated by the U.S. Bureau of Census and as adjusted for family or group size by the U.S. Department of Health and Human Services regulation 45 CFR Sec.96.85 or its successor regulation. (Appendix A to these Rules and Regulations sets out the Rhode Island median for family or group size and shall be regularly updated in accordance with HHS regulations governing the federal low-income Home Energy Assistance Program.) Households can qualify under the financial hardship based on either their annual income or their income over the most recent three (3) months.

(H) Estimated prospective average annual utility cost - shall mean a reasonable estimate of the household's cost of service over the next twelve months. A reasonable estimate shall be based on:

(1) The household's usage over the past twelve months in the same dwelling where they now reside,

(2) If a twelve-month history as stated in Subsection (1) is not possible, a projection based on the household's past use at the same dwelling where they now reside during at least one month between December and March and at least one month between April and October, or (3) If estimates based on Subsections (1) and (2) are not possible, projections which take into account the usage of the prior occupant of the dwelling, the number of the customer's household members, the number of major appliances in the customer's home, the extent to which household members are at home and the use the household intends to make of the utility service.

Customers can dispute the estimated annual utility cost by requesting a review by the Division of Public Utilities and Carriers and can renegotiate their payment plan terms at any time based on a revised estimate of annual utility costs. If the customer disputes the estimated annual utility cost, the public utility shall upon request prepare a written statement which details the factors it considered in determining the estimate. At the end of twelve months, any credit owed to or any deficit owed by the customer due to an overestimate or underestimate of the annual utility cost shall be subtracted from or added to, as appropriate, the estimated annual utility cost for the payment plan covering the next twelve-month period. Upon termination of service any credit owed to a customer shall be promptly refunded.

### SECTION 3. EFFECT OF RESIDENTIAL PAYMENT PLANS

While enrolled in a residential payment plan a customer's utility service may not be terminated unless the residential customer violates a rule of the public utility on file with the Public Utilities Commission or Division of Public Utilities and Carriers, disconnection is necessary for reasons of health, safety, or state or national emergencies or termination is ordered by the Public Utilities Commission.

### SECTION 4. STANDARD RESIDENTIAL PAYMENT PLAN

#### (A) Maximum Terms

The maximum allowable payment plan terms that may be required by a gas, water or electric public utility are set out below. Nothing in these rules and regulations shall prevent a gas, water or electric public utility from setting up a standard residential payment plan or a payment plan for an individual residential customer with less stringent requirements.

#### (B) Payment Plan Prior to Termination

The maximum allowable payment plan terms that may be required of a residential customer who is receiving gas, water or electric services are:

(1) a residential customer who does not qualify for the financial hardship category as defined by these regulations must pay each month the sum of the following amounts:

- a) one twelfth of the estimated prospective average annual utility cost and
- b) one third of the customer's unpaid balance per month for three months for non-heating customers or one sixth of the customer's unpaid balance per month for six months for heating customers.

2) a residential customer who qualifies for the financial hardship category as defined by these regulations must pay each month the sum of the following amounts:

- a) one twelfth of: the estimated prospective average annual utility cost less the estimated annual payment from public energy assistance programs and
- b) one sixth of the customer's unpaid balance per month for six months for non-heating customers or one twelfth of the customer's unpaid balance per month for twelve months for heating customers.

### (C) Payment Plan after Termination

The maximum allowable payment plan terms that may be required of a residential customer whose gas, water or electric service has been terminated because of non-payment of charges are:

(1) a residential customer who does not qualify for the financial hardship category as defined by these regulations must pay 50% of the customer's unpaid balance if the customer is a heating customer and 75% of the customer's unpaid balance if the customer is not a heating customer as an initial down payment and the sum of the following monthly amounts:

- a) one twelfth of the estimated average annual utility cost and
- b) one third of the customer's unpaid balance per month for three months.

(2) a residential customer who qualifies for the financial hardship category must pay 50% of the customer's unpaid balance as an initial down payment if the customer is a non-heating customer and the sum of:

- a) one twelfth: of the estimated prospective average annual utility cost less the estimated annual payment from public energy assistance programs and
- b) one-sixth of the customer's unpaid balance per month for six months.

(3) a residential customer who qualifies for the financial hardship category who is a heating customer must pay 35% of the customer's unpaid balance as an initial down payment if the customer enrolls in a payment plan from March 1 through October 31 or 25% of the customer's unpaid balance if the customer enrolls in the payment plan from November 1 through February 28 or 29 and the sum of:

- a) one twelfth: of the estimated prospective average annual utility cost less the estimated annual payment from public energy assistance programs and
- b) one twelfth of the customer's unpaid balance for 12 months.

### (D) Change in Residence

In the event that a customer moves from one residence to another while enrolled in a Residential Payment Plan or other payment plan and the customer wishes to remain enrolled in such a plan, the existing payment plan shall remain in effect except that an adjustment shall be made to account for any increase or decrease in the estimated prospective average utility cost in the new residence. A recalculation of a payment plan following a change in residence shall not be treated as a disenrollment of that plan.

## SECTION 5. ENROLLMENT

(A) A residential utility customer shall become enrolled in a residential payment plan upon that customer's agreeing to and signing of a Terms of Agreement for Residential Payment Plan that is provided by the public utility and upon paying, or arranging for payment of, the initial payment required under such plan. Enrollment shall be available at any time during the year.

(B) Each Terms of Agreement for Residential Payment Plan shall include a plain statement of each requirement of the payment plan, the exact monthly amounts to be paid by the customer, the date on which such payments are due to be paid and the manner in which payments can be made, and shall explain the customer's right to renegotiate the terms of the Plan.

(C) The form for the Terms of Agreement for Residential Payment Plan shall be submitted to and approved by the Division of Public Utilities and Carriers prior to its use.

## SECTION 6. DISENROLLMENT AND TERMINATION

(A) A residential utility customer who has enrolled in a residential payment plan shall become disenrolled from that plan, if that customer fails within a reasonable time to pay any proper utility bill rendered in accordance with tariffs on file with the Public Utilities Commission and the Terms of Agreement for Residential Payment Plan agreed to and signed by the customer. For the purposes of this subsection, a "reasonable time" shall be at least forty (40) days after the mailing date of the bill, or ten (10) days after the payment is due, whichever is longer.

(B) Any residential customer who becomes disenrolled from a residential payment plan pursuant to paragraph 6A above shall be allowed to renegotiate another residential payment plan that will account for unpaid utility service incurred after the customer's initial enrollment, provided however, that pursuant to this paragraph 6B a residential customer shall as a matter of right only be allowed to renegotiate the terms of a residential payment plan twice in any twelve month period.

(C) Upon disenrollment pursuant to paragraph 6A above and the failure to, or inability of, a customer to renegotiate the terms of a residential payment plan pursuant to paragraph 6B above, the public utility may proceed to terminate utility service in accord with the other provisions of these rules and regulations.

## SECTION 7. PROOF OF FINANCIAL HARDSHIP

(A) Each public utility customer who seeks enrollment in a residential payment plan under the financial hardship category shall affirm in writing that his or her family or group income is at or below the annual or quarterly gross income levels established for financial hardship in these rules and regulations.

(B) Affirmation forms for implementation of paragraph 7A above shall be prepared by each public utility and shall be approved prior to use by the Division of Public Utilities and Carriers.

(C) If the utility has reason to believe that a customer, who has applied for enrollment, or who has enrolled, in a residential payment plan under the financial hardship category, does not in fact qualify for the financial hardship category, the public utility shall inform the Division. The Division shall then investigate and promptly determine whether the customer qualifies for the financial hardship category. In the course of its investigation the Division may require that the customer provide copies of such documentation as is necessary to accurately establish the customer's annual or quarterly family or group income. The Division shall send written notice of the results of its investigation to the public utility and customer along with a notice of the customer's right to appeal such a decision pursuant to Part V, Section 3(B) of these rules and regulations. The public utility and customer shall abide by the results of the Division investigation unless revised on appeal.

(D) Within ten (10) days after receiving written notice pursuant to Section 6C above, a customer or public utility aggrieved by the results of the Division investigation shall request a hearing before the Administrator or designee of the Administrator. Such hearing shall be conducted in accord with Part V, Section 4 of these Rules and Regulations.

(E) During the pendency of a Division investigation pursuant to Section 6C above, or during the pendency of a hearing pursuant to Section 6D above, the public utility may not refuse the customer enrollment in a residential payment plan under the financial hardship category if that customer complies with all other requirements of these Rules and Regulations.

## V. REVIEW PROCEDURES

### SECTION 1. INFORMAL REVIEW BY THE DIVISION OF PUBLIC UTILITIES AND CARRIERS

(A) In the event of a dispute between the public utility and the customer which cannot be adjusted with mutual satisfaction after an initial consultation with an employee of the Consumer Section of the Division, the customer or the public utility may request a review by the Public Utilities Administrator or his designee who shall investigate the complaint, afford each party to the dispute a reasonable opportunity to be heard, and communicate his findings to the parties. During the pendency of such review the utility shall not discontinue service to the customer due to the circumstances out of which the dispute arose. The customer or the public utility may request a review of the disputed issue at any time and the request may be made in any reasonable manner including telephoning the Division of Public Utilities and Carriers.

(B) Requests for informal review regarding disputes about the amount or payment of bills must be made within the notice period as defined in Part II, Section 2 (C) of these regulations or, in the case of a dispute regarding other than the amount or payment of bills, within ten (10) days after the public utility action or decision which is disputed.

### SECTION 2. INFORMAL REVIEW PROCEDURE

(A) An informal review shall consist of a factual investigation into the dispute by a reviewing officer designated by the Public Utilities Administrator. Each party to the dispute shall be afforded a reasonable opportunity to be heard. Upon completion of the review the reviewing officer shall render a written decision and order.

(B) Where a disputed issue involves an outstanding bill for previous residential utility service or a delinquent account and the reviewing officer finds that the debt is owed or that the account is delinquent and the customer does not have and cannot obtain funds to pay the debt or delinquent account in full on demand, the reviewing officer shall mandate the terms and conditions of a deferred payment agreement consistent with the Standard Residential Payment Plan provisions of these regulations. Payment terms which are less stringent than the Standard Residential Payment Plan and which allow a customer to pay the outstanding bill in other reasonable installments may be ordered, at the discretion of the reviewing officer in extraordinary situations.

(c) The informal review shall be completed promptly in all cases where the customer is without service.

### SECTION 3. DECISION OF REVIEWING OFFICER

(A) A written notice of decision and order after informal review shall be sent to the parties and their counsel.

(B) A notice of decision and order must contain the following information, as appropriate:

(1) A statement of the decision and order and a statement of the material facts underlying that decision and order;

(2) The date of proposed terminations, if known and applicable,

(3) A statement of the right of any party to an evidentiary hearing before the Public Utilities Administrator or designee of the Public Utilities Administrator prior to termination, if applicable, or promptly if services have been terminated, should the reviewing officer's decision be disputed,

(4) A statement which specifies the procedure for initiating an evidentiary hearing as set forth in Part V, Section 4, and

(5) A statement of the right to retain, and to be represented by, counsel or another person of choice.

(c) Service may not be discontinued during the informal review procedure or for at least ten (10) days after notice of decision is mailed.

### SECTION 4. HEARING

Any party aggrieved by the decision of a reviewing officer after informal review shall have a right to an evidentiary hearing before a hearing officer designated by the Public Utilities Administrator to conduct hearings under this section. The hearing officer conducting the hearing shall not have been involved in the informal review or in any other proceeding relating to the current dispute. A request for an evidentiary hearing must be made within ten (10) days of receipt of a decision resulting from informal review. Where a request is made within ten (10) days from the date of mailing the notice of decision after informal review, any termination permitted by the decision and order of the reviewing officer shall be suspended pending the decision and order of a hearing officer under this section. A request for a hearing may be made in any reasonable manner such as by written notice or telephoned request directed to the Division or its personnel. Upon receipt of a request for an evidentiary hearing, the Public Utilities Administrator shall:

(A) Schedule an evidentiary hearing to be held within thirty (30) days or within fourteen (14) days when restoration of services is the subject of the dispute, and

(B) Notify all parties and their counsel of the hearing.

## SECTION 5. HEARING PROCEDURE

(A) As part of an evidentiary hearing, the parties shall have the following rights:

(1) the right to appear in person and to retain, and be represented by, counsel or another person of their choice,

(2) the right to present evidence, both oral and documentary,

(3) the right to present both oral and written argument,

(4) the right to confront and cross-examine witnesses,

(5) the right to have witnesses and documents subpoenaed pursuant to Rhode Island General Laws Section 39-1-13 and Section 39-1-15,

(6) the right to examine a list of all witnesses who will testify for the adverse party and all documents, records, files, account data, and similar material which may be relevant to the issues to be raised at the hearing at least ten (10) days prior to a scheduled hearing, and

(7) the right to a record of the hearing proceedings.

## SECTION 6. NOTICE OF DECISION

(A) A written notice of decision after evidentiary hearing shall be sent to the parties and their counsel. This notice shall be given by first class mail at least ten (10) days prior to any termination permitted after evidentiary hearing.

(B) The notice of decision shall:

(1) set forth all findings of fact and law,

(2) set forth the decision and order which shall include any termination date,

(3) set forth the reasons for the decision and order, and

(4) set forth the right to judicial review by any party aggrieved by the decision and order.

(C) The decision and order after evidentiary hearing shall govern the terms and conditions of continuation, termination or restoration of utility service.

## SECTION 7. JURISDICTION TO GRANT EXCEPTION

The Public Utilities Commission or Public Utilities Administrator retains the jurisdiction to grant an exception to the provisions of these regulations to any party for good cause shown.

## SECTION 8. JUDICIAL REVIEW

The decision and order after evidentiary hearing may be reviewed as set forth in Title 39 of the Rhode Island General Laws (as amended), and the State Administrative Procedures Act, Title 42, Chapter 35 of the Rhode Island General Laws (as amended).

## VI. RESTORATION OF SERVICE BY ORDER OF THE PUBLIC UTILITIES COMMISSION

### SECTION 1. EMERGENCY RESTORATION ORDER

(A) The Public Utilities Commission or, in the absence of two or more Commissioners, one Commissioner, may order any utility service immediately restored, pending hearing and decision by the Division, when restoration of such service is necessary to protect the health, welfare and safety of the residents of the dwelling to which utility service has been terminated.

(B) If all Public Utilities Commissioners are unavailable, the Associate Administrator for Consumer Affairs or the Chief Consumer Agent of the Division of Public Utilities and Carriers shall have the emergency authority to order immediate restoration of utility service, pending hearing and decision by the Division, when restoration of such service is necessary to protect the health, welfare and safety of the residents of the dwelling to which utility service has been terminated.

(C) An order granting or denying the restoration of services pursuant to Sections 1(A) or 1(B), above, shall be issued promptly.

### SECTION 2. RESTORATION ORDERED-REFERRAL TO DIVISION

If utility service is ordered restored pursuant to Section 1A or 1B above, the Public Utilities Commission shall immediately refer the matter to the Division of Public Utilities and Carriers with instructions to hold a hearing and render a decision pursuant to Part V, Sections 4, 5 and 6 of these regulations and shall relinquish jurisdiction of the matter to the Division of Public Utilities and Carriers.

### SECTION 3. DENIAL OF RESTORATION

Any order issued pursuant to Section 1, above, denying restoration of services shall be subject to the appropriate review procedures set forth in Part V, Sections 4, 5 and 6 of these regulations.

### VII. REPEAL OF PRIOR REGULATIONS

SECTION 1. All Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Services adopted on prior dates are hereby repealed and superceded by these rules and regulations.

### APPENDIX A

#### RHODE ISLAND MEDIAN INCOME

\$28, 170 (49 Fed. Reg. 47,603)

| Family Size | Family Size Adjustment Factor[*] | Median Income | Maximum Annual Financial Hardship (75% Median Income) | Maximum Quarterly Financial Hardship[***] |
|-------------|----------------------------------|---------------|-------------------------------------------------------|-------------------------------------------|
| 1           | 52%                              | \$14,648      | \$10,986                                              | \$2,747                                   |
| 2           | 68%                              | 19,156        | 14,367                                                | 3,592                                     |
| 3           | 84%                              | 23,663        | 17,747                                                | 4,437                                     |
| 4           | 100%                             | 28,170        | 21,128                                                | 5,282                                     |
| 5           | 116%                             | 32,677        | 24,508                                                | 6,127                                     |
| 6           | 132%[**]                         | 37,184        | 27,888                                                | 6,972                                     |

[\* To adjust the median income for a family of four for a different family size, multiply the median income of \$28,170 by the percentages set out in this second column. 45 C.F.R. Sec.96.85.]

[\*\* For each additional household member above six persons add three percentage points to the percentage for a six-person household.]

[\*\*\* One-fourth of annual Hardship income.]

## APPENDIX B

### FORMS

Form I. Affidavit of Personal Notice (Personal Notice Given)

Form II. Affidavit of Personal Notice (Written Notice Given)

Form III. Notice of Termination (English)

Form IV. Notice of Termination (Portuguese)

Form V. Notice of Termination (Spanish)

Form VI. Terms of Agreement for Residential Payment Plan

Form VII. Financial Hardship Statement

## APPENDIX C

Termination Symbols

Comments re: Adoption of Rules & Regs

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: PETITION FOR AN AMENDMENT  
OF THE RULES AND REGULATIONS GOVERNING  
TERMINATION OF SERVICE.  
DOCKET #1725

COMMENTS  
REGARDING THE ADOPTION  
of FINAL RULES and  
REGULATIONS

In November, 1984 the Public Utilities Commission (Commission) and the Division of Public Utilities and Carriers (Division) promulgated emergency rules and regulations governing the termination of electric, gas and water utility service. Portions of those rules which were identical to or which closely resembled existing rules and regulations were made effective on an emergency basis beginning November 15, 1984. Portions of those rules and regulations which were entirely new, primarily those rules and regulations which dealt with the establishment of residential payment plans, were made effective on December 1, 1984. Pursuant to the provisions of the Administrative Procedures Act the effect of these emergency rules and regulations was extended in March, 1985 pending adoption of final rules and regulations. On June 7, 1985 the Public Utilities Commission and the Division of Public Utilities and Carriers promulgated final rules and regulations which supersede the emergency rules and regulations promulgated in 1984.

These "Comments Regarding the Adoption of Final Rules and Regulations" state the Commission's and Division's reasons for adopting or refusing to adopt changes in the 1984 emergency rules and regulations. These comments address the rule changes proposed during and after the January 8, 1985 public hearing held in this docket. The majority of proposed changes were made by Rhode Island Legal Services (Legal Services) in its January 3, 1985 submission to Public Utilities Commission Chairman, Edward F. Burke, January Hearing, Exhibit 3, and responses to those proposed changes by the Narragansett Electric Co. (Narragansett), the Blackstone Valley Electric Co. (Blackstone) and the Providence Gas Company (Providence). The attached "Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Services With Commentary" addresses the Legal Service's proposed changes and the responses by Narragansett, Blackstone and Providence to those proposed changes. Other proposed rule changes or requests for interpretation of the rules were received at the January 8, 1985 hearing. The following comments will address those proposals and requests.

1. On October 31, 1984 the Public Utilities Commission received an inquiry from Narragansett Electric Company requesting clarification of the eligibility requirement for moratorium protection for those individuals eligible for energy assistance. January Hearing, Exhibit 5. The Division and Commission subsequently clarified the requirement with the following statement "[t]he Commission and Division interpret the above rules as applying to and protecting from termination of electric service those residential customers who heat their homes with an energy source other than electricity in addition to those customers who heat their homes with electricity. The Commission noted, among other things, that an oil burner requires electricity to start." January Hearing, Exhibit 10. The final rules and regulations have not changed in this respect. Those eligible for energy assistance are protected by winter moratorium provisions whether or not their utility service is used for heating.

2. On November 5, 1984 Legal Services sent to Public Utilities Commission Chairman Edward F. Burke a letter requesting certain changes in the emergency rules and regulations. January Hearing, Exhibit 7. The following will discuss those proposed changes: (a) Legal Services proposed to change the basis for establishing eligibility for energy assistance so that the requirement of verification of eligibility by a state agency would be eliminated. Legal Services suggested that a customer's claim that he or she is eligible for energy assistance be sufficient to enable that customer to claim moratorium protections. We have not adopted this change because we feel that verification by a state agency is not burdensome and provides an objective basis for determining eligibility for this moratorium protection. (b) Legal Services proposed that moratorium protections for those eligible for energy assistance be extended heating and non-heating customers. We did this under the emergency rules and regulations and continue this practice in the final rules as stated above in Section 1. (c) Legal Services proposed various methods of outreach to inform utility customers of the protections afforded by the Termination Rules and Regulations. We have in the number of instances in the Final Rules and Regulations provided for additional notification to customers of the various provisions of the Termination Rules and Regulations. (d) Legal Services proposed that service be immediately restored to customers whose service was improperly terminated, i.e. in those instances where a customer had his or her service terminated and did not know, or did not inform a utility, that his or her service could not be terminated during the moratorium season. Legal Services would require that such a customer's service be immediately restored. We have adopted this proposed change in the Final Rules and Regulations and in fact previously informed the various public utilities that this was our interpretation of the Emergency Rules and Regulations. January Hearing, Exhibit 12. (e) Legal Services also urged the Public Utilities Commission to revise its emergency rule relating to Restoration of Service Orders. January Hearing Exhibit 7. Legal Services suggests that Emergency Rule #1 issued on October 29, 1985 (ORDER #11373) be modified so that a decision to issue a restoration order will be "based solely upon the customer's health and safety" and not on the following criteria set out in the rule.

(i) Whether the customer has a medical doctor's certification that the shut-off will create an imminent peril to the customer's health, safety or welfare,

(ii) Whether the customer is financially unable to pay part or all of the utility bill,

(iii) Whether the customer has made reasonable efforts pursuant to Division of Public Utilities Rules and Regulations to avoid shut-offs of the utility service, and

(iv) Whether the customer has exhausted the resources of all relevant governmental and private social agencies.

Notwithstanding the fact that the above Emergency Rule #1 has expired, we feel it necessary to explain how the final rules address emergency restoration orders and to comment on Legal Services rationale, which we do not adopt. As in the emergency rules and regulations, the final rules and regulations give a Commissioner and, in the absence of all Commissioners, the Division's Associate Administrator for Consumer Affairs or the Division's Chief Consumer Agent the discretionary authority to order service restoration "where such service is necessary to protect the health, welfare and safety of the residents of the dwelling." See Part VI, Section 1 & 2. A decision to order restoration of service must be followed by a formal hearing as provided in Part V. Since the authority to order service restoration is discretionary, a separate review procedure has not been established for those instances when restoration is not ordered. A customer may, of course, obtain review under Part V of the utility's decision to terminate service. Thus whether or not a restoration order has been issued, a customer will in all instances be able to obtain formal Division review of Termination of Service.

Consistent with Part VI of the emergency rules and regulations we have not included the doctor's certificate, financial ability, reasonable effort and exhaustion of other relevant resource criteria in the final rules. Lack of inclusion of these criteria, however, does not mean that we agree with Legal Services that such criteria should not be considered when a decision is made regarding the issuance of emergency restoration orders. On the contrary such criteria can appropriately and should be considered. We are not persuaded by Legal Service's argument that these factors are "either not probative of .... health and safety consideration[s] or impose unnecessary burdens on customers." The decision to issue a restoration order must be made with consideration of all the provisions and protections afforded by all the rules. Consideration as to whether the customer complied with the rules is appropriate. This is not to say that exceptional circumstances should be ignored. We have not set out specific criteria in the rules, because we believe that on a case by case basis a Commissioner, the Associate Administrator or the Chief Consumer Agent should be able to consider any criteria he or she finds relevant.

3. On November 7, 1984 Legal Services wrote to Public Utilities Commission Chairman Edward F. Burke regarding the extension of moratorium protections to individuals whose service was terminated prior to November 1, the beginning of the moratorium period. January Hearing, Exhibit 6. Legal Services urges us to extend moratorium protections to individuals whose service was terminated before the beginning of the moratorium. That is if an individual is eligible for a specific moratorium protection, for instance eligibility for energy assistance, but has his or her service terminated prior to November 1 of any year, Legal Services would have that individual's service reinstated for the moratorium period. The purpose of the moratorium on utility service terminations has been to afford protection to those individuals who cannot pay for their utility service during the winter months, when heat is an absolute necessity and when individuals may not be able to immediately pay high winter bills. To mandate that the moratorium protections be extended to those individuals whose service was terminated prior to the moratorium simply extends the moratorium protections far beyond the intended scope of those protections. We do not adopt this proposed change.

4. Legal Services and the Consumers' Committee Report Attachment H presented the Commission and the Division with a "proposal for budgeting large arrears for households with income below 75% of the RI Median Income". These proposals would establish separate and less stringent payment requirements for those individuals whose payment arrears are substantial. January Hearing, Exhibit 13 and 14. We note that the payment plan provisions in the emergency and final rules and regulations were the result of extensive meetings and negotiations among utility, consumer, and state agency representatives. The payment plan provisions recommended by these representatives represent the consensus of those groups. These provisions have been in place now for only one year. We think it unwise at this point to substantially change or add to those payment plan provisions until we have more experience with the present rules. Future evaluation may dictate that these payment plans provisions should be changed. We believe, however, that more experience with these rules and regulations is required before we make changes, particularly because these rules were the result of consensus among the participants that developed the rules. Thus we will not at this time adopt the proposal for budgeting large arrears proposed by Legal Services and the Consumers' Committee Report.

5. On January 7, 1985 in a letter to the Public Utilities Commission Chairman Edward F. Burke, the Narragansett Electric Company proposed that Section (3)(c)(1) of the emergency rules and regulations, i.e. the moratorium provisions, be repealed. January Hearing, Exhibit 5. Narragansett also proposed that the emergency rules not be adopted as permanent rules. *Id.* Narragansett concludes that the standard residential payment plans make the moratorium provisions unnecessary. It may well be that time will show that the standard residential payment plan will make the moratorium provisions unnecessary. However, at this point we have only one season's experience with the residential payment plans. We believe that this experience is too limited at the present time to allow us to make a conclusion about the success or lack of success of the residential payment plans. Since our experience with these plans is so limited and since we have commissioned a separate study to investigate the feasibility of enacting a percent of income payment plan, we believe that the moratorium provisions should remain in place to insure maximum protection for those disadvantaged individuals who would be most affected by utility service terminations during the cold weather months. Thus we will not adopt Narragansett's proposed repeal of Section 3(c)(1).

The reasoning and basis for Narragansett's proposal that the emergency rules not be made permanent is unclear. The emergency rules have been examined closely by all parties and all interested parties have had the opportunity to comment. Thus we find no reason to delay promulgating these rules as final rules. Indeed under the Administrative Procedures Act we could not extend the effect of the emergency rules.

6. The Blackstone Valley Electric Company also filed comments with the Public Utilities Commission regarding revisions to the moratorium provisions. January Hearing, Exhibit 8. In addition the Narragansett Electric Company, Blackstone Valley Electric Company, Pascoag Fire District, Providence Gas Company, Valley Gas Company and Newport Electric Company filed joint comments regarding moratorium protections. January Hearing, Exhibit 4. All of these utilities expressed dissatisfaction with the continuance of moratorium protections in light of the establishment of the residential payment plans. Similar to the Narragansett comments the utilities would require that customers enter into payment plans as a precondition of their obtaining moratorium protections. It may well be that moratorium protections should be premised on enrollment in residential payment plans. However at the present time, as stated above, we have little experience with the success or lack of success of the residential payment plans provisions. We have also commissioned a study to determine the feasibility of enacting a percentage of income payment plan for those low income customers who may not be able to pay their utility bills regardless of the residential payment plan provisions. Until we have more experience with the residential payment plans and until the percentage of income payment plan study is completed, we feel that the moratorium protections should remain in place in their present form. We will thus not adopt the suggestion of the Blackstone Valley Electric and other utilities regarding Section 3 of the rules and regulations.

#### PUBLIC UTILITIES COMMISSION

#### DIVISION OF PUBLIC UTILITIES AND CARRIERS

# A P P E N D I X A

## RHODE ISLAND MEDIAN INCOME

\$28,170 (49 Fed. Reg. 47,603)

| <u>Family<br/>Size</u> | <u>Family Size<br/>Adjustment<br/>Factor*</u> | <u>Median<br/>Income</u> | <u>Maximum Annual<br/>Financial Hardship<br/>(75% Median Income)</u> | <u>Maximum Quarterly<br/>Financial Hardship***</u> |
|------------------------|-----------------------------------------------|--------------------------|----------------------------------------------------------------------|----------------------------------------------------|
| 1                      | 52%                                           | \$14,648                 | \$10,986                                                             | \$2,747                                            |
| 2                      | 68%                                           | 19,156                   | 14,367                                                               | 3,592                                              |
| 3                      | 84%                                           | 23,663                   | 17,747                                                               | 4,437                                              |
| 4                      | 100%                                          | 28,170                   | 21,128                                                               | 5,282                                              |
| 5                      | 116%                                          | 32,677                   | 24,508                                                               | 6,127                                              |
| 6                      | 132%**                                        | 37,184                   | 27,888                                                               | 6,972                                              |

\*To adjust the median income for a family of four for a different family size, multiply the median income of \$28,170 by the percentages set out in this second column. 45 C.F.R. §96.85.

\*\*For each additional household member above six persons add three percentage points to the percentage for a six-person household.

\*\*\*One-fourth of annual Hardship income.

APPENDIX B

FORMS

Customer \_\_\_\_\_

Account Number \_\_\_\_\_

Address \_\_\_\_\_

Delinquent Balance \_\_\_\_\_

Name of Person Notified \_\_\_\_\_

Intended Date of Termination \_\_\_\_\_

AFFIDAVIT OF PERSONAL NOTICE

I, (Name of employee in print), hereby state under oath that on ( date ) at ( time ), I personally called at the above address and notified the person whose name appears above that service to the resident would be terminated unless within forty-eight hours satisfactory arrangements were made to pay the delinquent balance or otherwise settle the account unless the customer obtained review by the Division of Public Utilities and Carriers; that I informed the person to whom I spoke of the procedures for making such arrangements for obtaining a review by the Division; that I informed the person to whom I spoke of the availability of residential payment plans; that in my opinion the person to whom I spoke understood my communication and that during my call at the residence I neither observed nor was informed of any illness or other circumstance which would make termination of service a violation of the regulations of the Commission.

\_\_\_\_\_  
(Signature of Employee)

On \_\_\_\_\_, 19\_\_\_\_, the person whose signature appears above personally appeared before me and swore that the statements contained herein are true.

\_\_\_\_\_  
Notary Public

"FORM I"

Customer \_\_\_\_\_

Account Number \_\_\_\_\_

Address \_\_\_\_\_

Delinquent Balance \_\_\_\_\_

Name of Person Notified \_\_\_\_\_

Intended Date of Termination \_\_\_\_\_

AFFIDAVIT OF PERSONAL NOTICE

I, (Name of employee in print), hereby state under oath that on the date(s) and time(s) above, I personally visited the above address but was (cross out inapplicable alternative) unable to gain admission / found no adult person therein/ and that I left a written notice of the company's intention to terminate service in the form approved by the Division of Public Utilities and Carriers prominently tacked or otherwise securely affixed to the front door.

\_\_\_\_\_  
(Signature of Employee)

On \_\_\_\_\_, 19\_\_\_\_, the person whose signature appears above personally appeared before me and swore that the statements contained herein are true.

\_\_\_\_\_  
Notary Public

"FORM II"

(Name of Utility)

NOTICE OF TERMINATION

Our records show a delinquent balance on the account covering this residence.

( type of service) service to this residence will be discontinued without further notice after ( time ) a.m./p.m. on ( date ) unless prior to that time satisfactory arrangements are made to pay this balance or an Order preventing discontinuance is issued by the Public Utilities Commission or Division of Public Utilities and Carriers. You may avoid termination by enrolling in a residential payment plan which will allow you to pay your outstanding bill over a six (6) or twelve (12) month period. You must contact our Credit Department at (telephone number) or the Division of Public Utilities and Carriers at 277-2443 if you wish to avoid discontinuance of service.

If you receive any form of Public Assistance from the State of Rhode Island, you should immediately bring this notice to the attention of your case or social worker.

"FORM III"

(NAME OF UTILITY)  
AVISO DE TERMINACAO

Os nossos registos mostram que a sua residencia está em atraso no pagamento da sua conta.

O fornecimento de (gas, electricidade ou agua) será cortado sem novo aviso depois de (hour A.M. or P.M., day, month, year) a não ser que antes deste tempo sejam feitos acordos satisfactorios à fim de pagar esta conta, ou uma ordem impedindo descontinuação e emitida pela P.U.C. (Comissao de Servicos Publicos) ou Divisão de Utilidades e Transportes Publicos. Pode evitar um corte de servico pelo estabelecer um plano de pagamento que a permitirá pagar a conta atrasada durante um periodo de seis (6) ou doze (12) meses. Deve pôr-se em contato com o Departamento de Credito da nossa companhia (telefone - \_\_\_\_\_) ou com o Divisão de Utilidades e Transportes Públicos (Telefone (401) 277-2443) se voce quiser evitar um corte do nosso servico.

Se você receber alguma forma de Assistência Pública do Estado de Rhode Island, deverá comunicar, imediatamente ao seu "Case" ou "Social Worker", ou seja aos Servicos de Welfare.

"FORM IV"

(Portuguese)

(Name of Utility)

AVISO DE TERMINACION

Nuestras cuentas muestran falta de pago de la cuenta de este hogar. El servicio de (gas, electricidad, o agua) será desconectado sin nuevo aviso después de (hour A.M. or P.M., day, month, year) a menos que antes de ese tiempo se hagan acuerdos aceptables para pagar esta cuenta o se emita una orden impidiendo la discontinuación por la Comisión de Servicios Públicos o la División de Utilidades Públicas y Transportación. Usted puede evitar la discontinuación del servicio estableciendo un plan de pagos para su residencia que le permitirá pagar sus cuentas atrasadas por un periodo de seis (6) a doce (12) meses. Usted debe ponerse en contacto con el Departamento de Crédito de nuestra compañía (telefono\_\_\_\_\_) o con la División de Utilidades Públicas y Transportación (telefono (401) 277-2443) si usted quiere evitar discontinuación de servicio.

Si Usted recibe Asistencia Pública del Estado de Rhode Island debe de traer este aviso inmediatamente a la atención de su "Case" o "Social Worker".

"FORM V"

(Spanish)

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TERMS OF AGREEMENT FOR  
RESIDENTIAL PAYMENT PLAN

DATE: \_\_\_\_\_ ☐ Financial hardship  
☐ Non-financial hardship

Customer's Name \_\_\_\_\_ Account No. \_\_\_\_\_  
 Address \_\_\_\_\_ Social Security No. (Optional) \_\_\_\_\_  
 City \_\_\_\_\_ Zip \_\_\_\_\_ Telephone No. \_\_\_\_\_

I, the undersigned, have agreed to participate in the following payment plan, in order to bring my utility account up to date in a reasonable period of time.

FORMULA FOR CURRENT MONTHLY BILL AMOUNT

|                                                             |             |                                                    |                                       |               |                                                    |
|-------------------------------------------------------------|-------------|----------------------------------------------------|---------------------------------------|---------------|----------------------------------------------------|
| <u>Estimated</u><br><u>Yearly Cost</u><br><u>of Service</u> | <u>Less</u> | <u>Energy</u><br><u>Assistance</u><br><u>Grant</u> | <u>Divided by</u><br><u>12 months</u> | <u>Equals</u> | <u>Monthly Payment</u><br><u>for Current Bills</u> |
| \$ _____                                                    | -           | _____                                              | /12                                   | =             | \$ _____                                           |

FORMULA FOR ARREARS AMOUNT

|                       |                             |                                                                            |               |                                              |
|-----------------------|-----------------------------|----------------------------------------------------------------------------|---------------|----------------------------------------------|
| <u>Arrears Amount</u> | <u>Divided</u><br><u>by</u> | <u>Min. Term.</u><br><u>3/6 Mos. (Non-heat)</u><br><u>6/12 Mos. (Heat)</u> | <u>Equals</u> | <u>Monthly Payment</u><br><u>for Arrears</u> |
| \$ _____              | /                           | _____ Months                                                               | =             | \$ _____                                     |

FORMULA FOR TOTAL MONTHLY PAYMENT PLAN AMOUNT

|                                         |             |                                         |               |                                        |
|-----------------------------------------|-------------|-----------------------------------------|---------------|----------------------------------------|
| <u>Monthly</u><br><u>Current Amount</u> | <u>Plus</u> | <u>Monthly</u><br><u>Arrears Amount</u> | <u>Equals</u> | <u>Total</u><br><u>Monthly Payment</u> |
| \$ _____                                | +           | \$ _____                                | =             | \$ _____                               |

DOWN PAYMENT FOR RESTORATION OF SERVICE  
The following percentage of the unpaid balance:

|                       |                               |                            |
|-----------------------|-------------------------------|----------------------------|
| 50% (Non Heat)        | 35% (Heat-March 1-October 31) | 25% (Heat-Nov. 1-March 31) |
| <u>Unpaid Balance</u> | <u>Times</u>                  | <u>Percent</u>             |
| \$ _____              | X                             | _____ %                    |
|                       |                               | <u>Equals</u>              |
|                       |                               | =                          |
|                       |                               | <u>Downpayment</u>         |
|                       |                               | \$ _____                   |

I understand that according to the formula shown above, I am to pay \$ \_\_\_\_\_ for \_\_\_\_\_ months, from \_\_\_\_\_ until \_\_\_\_\_. I also understand that my services will not be terminated if I pay the amount due each month. A "Final Notice" may be sent to me each month as long as I owe any arrears. However, this "Final Notice" will not result in the termination of my service as long as this Agreement is kept.

**IMPORTANT:** If your income or expenses change or if you are unable to meet this monthly Agreement payment, you should contact the company before the payment is due and ask to have the terms of this Agreement lowered. Failure to keep this Agreement without prior notification to the company could mean termination of service.

\_\_\_\_\_  
Company Representative Signature

\_\_\_\_\_  
Customer Signature

"FORM VI"

p. 2 of 3

FURTHER INFORMATION REGARDING FORMULA  
FOR CURRENT MONTHLY BILL AMOUNT

The company will estimate your yearly cost of service based on your previous year's history at the same address, or, if this is not available, by looking at your more limited history at the same address, or by looking at the previous tenant's use.

The Energy Assistance Grant figure will be the amount of money (\$) your local energy assistance agency has agreed to provide you this year. This figure may not include emergency energy assistance funds which you may be eligible for. See below.

YOU MAY BE ENTITLED TO MORE ENERGY ASSISTANCE

Persons eligible for energy assistance who have agreements like this one with their utility company can qualify for a supplemental energy assistance grant. To qualify, show this agreement to your local energy assistance agency. The amount of the primary grant, the supplemental grant, and any emergency grant promised to you by your local energy assistance agency should be deducted from your estimated annual cost and should lower your monthly payment under this agreement. Even if you are not promised an emergency grant at the time you enter this agreement, you may still be eligible for emergency grants when they are made available by your local energy assistance agency. You should contact that agency for further details.

YOU HAVE A RIGHT TO A REVIEW IF YOU HAVE ANY DISPUTE WITH THE COMPANY

Any dispute with the company which you cannot resolve to your satisfaction with a company representative can be reviewed by the Division of Public Utilities and Carriers by contacting the Division in person, by mail, or by telephone at (100 Orange Street, Providence, 277-2443) if you have any further questions or disputes concerning these special protections.

SPECIAL YEAR-ROUND PROTECTIONS ARE AVAILABLE  
TO PEOPLE WHO ARE DISABLED, ELDERLY OR SERIOUSLY ILL

If anyone in your household is disabled or seriously ill, or if everyone in your household is 65 years of age or older, you are eligible for special protections from the company. Contact the company to ask about and apply for these protections and contact the Division of Public Utilities and Carriers (100 Orange Street, Providence, 277-2443) if you have any further questions or disputes concerning these special protections.

YOU MAY BE ENTITLED TO PROTECTION AGAINST SHUT-OFFS IN THE WINTER

By order of the Public Utilities Commission, the following customers cannot have their services terminated from November 1 through March 31:

1. Customers eligible for energy assistance,
2. Customers who are unemployed with a current DES card,
3. Customers who are disabled or who are living with a disabled person, and
4. Customers in households where everyone is 65-years old or older.

You must inform the company you are eligible for the special winter protection against shut-offs.

You can be shut off after March 31 if you owe arrears and if you are not making payments in accordance with an Agreement with the company.

Portuguese:      Esta noticia e muito importante.  
                         Faca favor de traduzir imediatamente.

Spanish:        Aviso importante.  
                         por favor pida que lo traduzcan lo mas pronto posible.

FINANCIAL HARDSHIP STATEMENT

Name \_\_\_\_\_ Date \_\_\_\_\_  
Address \_\_\_\_\_ Account No. \_\_\_\_\_  
City/Town \_\_\_\_\_

NOTE: If you are claiming Financial Hardship under the Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Services, please answer the following questions and return this form to the address shown on your bill within seven (7) days. DO NOT ENCLOSE THIS STATEMENT WITH YOUR BILL PAYMENT.

INCOME INFORMATION

|                         |      |     |     |     |    |              |                      |             |
|-------------------------|------|-----|-----|-----|----|--------------|----------------------|-------------|
| Source of Gross Income: | Work | ( ) | Yes | ( ) | No | Amount _____ | Week _____           | Month _____ |
| (For family or group)   | SSI  | ( ) | Yes | ( ) | No | Amount _____ | Per Month _____      |             |
| Welfare:                | AFDC | ( ) | Yes | ( ) | No | Amount _____ | Per Semi-Month _____ |             |
|                         | GPA  | ( ) | Yes | ( ) | No | Amount _____ | Per Week _____       |             |
| Other (Specify)         |      | ( ) | Yes | ( ) | No | Amount _____ | Per Two Weeks _____  |             |

Total number in household \_\_\_\_\_ Number over 65 \_\_\_\_\_ Number handicapped \_\_\_\_\_

I, the undersigned, do hereby certify that the information provided is complete and the truth, to the best of my knowledge.

Date \_\_\_\_\_ Signature \_\_\_\_\_

FOR OFFICE USE ONLY:

Date Received \_\_\_\_\_ Accepted \_\_\_\_\_ Rejected \_\_\_\_\_  
Company Representative \_\_\_\_\_  
Resubmittal Date \_\_\_\_\_ Resubmittal Waived \_\_\_\_\_  
Company Rep. \_\_\_\_\_

"FORM VII"

APPENDIX C

Gas, Water, Electric Termination Symbols as shown below may be used by public utilities on termination notices:

