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September 4, 2008

Luly E. Massaro
Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

In Re: Rules and Regulations Governing the Termination of Residential Electric, Gas, and
Water Utility Service – Docket No. 3976

Dear Luly:

As you know, this office represents Providence Water Supply Board (Providence Water).

Providence Water is submitting this letter in response to your August 7, 2008 Notice of Proposed Rulemaking. The Notice deals with the implementation of Public Law 08-445 which amends R.I.G.L. § 39-1.1-2.1 to provide in pertinent part that:

“No gas or electric company shall terminate gas or electric service in any residence in which there is domiciled a person under the age of two (2) years and the customer’s service has not been previously shut off for nonpayment before the birth of the child; provided, that the customer cannot afford to pay any overdue bill because of financial hardship. The commission shall promulgate such rules and regulations consistent with this section as it deems reasonable and necessary to implement the provisions of this section. Said rules shall, as a minimum, require certification of such infancy by birth certificate or other verifiable certification and that such certification of infancy shall remain in effect without renewal until the child reaches the age of two (2) years.” (Emphasis added, a copy is enclosed for your convenience).

This new law became effective July 8, 2008. The only change from the previous law is that the age of the child was changed from 12 months to 2 years.

The important point for Providence Water, however, is that this law applies only to gas and electric services provided by gas and electric companies; it does not apply to water service.

Moreover, the Commission's existing and the proposed revised Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Service, which incorporate this provision, have always applied only to gas and electric service. For example, on page 10 of the existing and proposed rules in Section 3(F)(1), the language is clear that the infant protection applies to "gas or electric service" only.

Accordingly, although the Notice of Proposed Rulemaking made reference to water utilities, we assume that this reference was either a minor error or was a reference to the generic title of the Rules and Regulations Governing the Termination of Residential Electric, Gas, and Water Utility Service.

Accordingly, because by law these non-technical amendments do not apply to water utilities, Providence Water has no comments at this time. However, if my reading of the law and regulation is in any way incorrect, please let me know.

An original and nine copies of this letter are enclosed.

Very truly yours,



Michael R. McElroy

MRMc:tmg

cc: Pamela Marchand, P.E.
Joseph Murphy
Ricky Caruolo
Boyce Spinelli

Chapter 445
2008 -- S 2608 AS AMENDED
Enacted 07/08/08

A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS - TERMINATION OF SERVICE TO
PERSONS WHO ARE DISABLED AND SERIOUSLY ILL

Introduced By: Senators Sosnowski, Miller, Revens, Gibbs, and Moura

Date Introduced: February 26, 2008

It is enacted by the General Assembly as follows:

SECTION 1. Section 39-1.1-2.1 of the General Laws in Chapter 39-1.1 entitled "Termination of Service to Persons Who Are Disabled and Seriously Ill" is hereby amended to read as follows:

39-1.1-2.1. Termination of service in residence where infant domiciled Termination of service in residence where child domiciled. -- No gas or electric company shall terminate gas or electric service in any residence in which there is domiciled a person under the age of ~~twelve (12) months~~ two (2) years and the customer's service has not been previously shut off for nonpayment before the birth of the child; provided, that the customer cannot afford to pay any overdue bill because of financial hardship. The commission shall promulgate such rules and regulations consistent with this section as it deems reasonable and necessary to implement the provisions of this section. Said rules shall, as a minimum, require certification of such infancy by birth certificate or other verifiable certification and that such certification of infancy shall remain in effect without renewal until the ~~infant child~~ reaches the age of ~~twelve (12) months~~ two (2) years.

SECTION 2. This act shall take effect upon passage.

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