

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

RULES AND REGULATIONS GOVERNING THE TERMINATION OF RESIDENTIAL
ELECTRIC AND NATURAL GAS SERVICE

Date of Public Notice: October 28, 2013

Date of Public Hearing: November 21, 2013

Effective Date:

1.0 Authority

These Rules and Regulations are promulgated by the Rhode Island Public Utilities Commission pursuant to R.I. Gen. Laws §§ 39-1.1-1, 39-1.1-2, 39-1.1-2.1, 39-1.1-3, 39-1.1-4, 39-2-1 and 42-35-3 et seq.

2.0 Purpose

The purpose of these Rules and Regulations is to implement the statutory requirements that public utilities which distribute electricity or supply natural gas to residential customers must follow prior to the termination of utility service.

3.0 Definitions

- A. “Commission” means the Rhode Island Public Utilities Commission.
- B. “Division” means the Rhode Island Division of Public Utilities and Carriers.
- C. “Electric Utility” means a public utility which distributes electricity to residential customers.
- D. “Financial Hardship” means those families or groups of unrelated individuals residing in one dwelling unit which are LIHEAP eligible or which have a combined gross income equal to or less than sixty (60) 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 §96.85 or its successor regulation.
- E. “Gas Utility” means a public utility which distributes natural gas to residential customers.
- F. “LIHEAP” means the federal Low Income Home Energy Assistance Program.

- G. "National Grid" means The Narragansett Electric Company d/b/a National Grid or its successor.
- H. "Residential customer" means a person whose utility service is provided to that person's primary single unit dwelling place on a permanent basis.
- I. "Seriously ill" 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.
- J. "Termination Notice" means a written notice provided to the customer of record through the mail, or by electronic means if previously agreed to by the customer of record, no less than ten (10) days prior to the effective date of the proposed termination of service.
- K. "Winter Moratorium Period" shall mean the period of time between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st of each year unless extended by the Division.

4.0 General Rules Governing Termination of Service

- A. Termination of utility service for outstanding indebtedness shall be authorized only after the Electric Utility or Gas Utility has complied with Reasonable Methods of Debt Collection as defined by the Division.
- B. No Electric Utility or Gas Utility shall terminate service to any household in which all adult residents are sixty-five (65) years of age or older and qualify under the definition of Financial Hardship for failure to pay an outstanding indebtedness for

service without the Electric Utility or Gas Utility first complying with reasonable methods of debt collection as defined by the Division.

- C. No Electric Utility or Gas Utility shall terminate service to any household in which any resident is disabled and qualifies under the definition of Financial Hardship for failure to pay an outstanding indebtedness for service without the Electric Utility or Gas Utility first complying with reasonable methods of debt collection as defined by the Division.
- D. No Electric Utility or Gas Utility may terminate service to any household which qualifies under the definition of Financial Hardship during the Winter Moratorium Period.
- E. No Electric Utility or Gas Utility may terminate service to any household without providing a Termination Notice.

5.0 Statutory Limitations on Termination of Service

- A. National Grid shall not shut off service to a household which qualifies under the definition of Financial Hardship if the customer's outstanding bill is three hundred dollars (\$300) or less and not more than two (2) months in arrears. Service may not be terminated unless two (2) notices of termination have been sent.
- B. No public utility shall disconnect service to the permanent residence of the customer during such times as any resident therein is seriously ill, as certified to the public utility or to the Division by a licensed physician.
 - 1. A licensed 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) has arranged for payment of this bill with the public utility; (b) requests a hearing from the Division; (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 from the Division to determine whether the initial exemption shall continue, for how long, and under what circumstances.

2. A public utility must honor a licensed physician's certification of serious illness, but may seek Division review of the validity of the certification.
3. If a licensed physician's certification does not comply with the requirements of this subsection and is rejected by a public utility, the Electric Utility or Gas 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.
4. Non-termination for any reason does not in any way relieve the customer of liability incurred for utility services.

C. Infant Protection

1. No Electric Utility or Gas Utility 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.
2. For the purpose of determining whether there is a residence in which there is a person under the age of two (2) years domiciled, the gas or electric company shall require certification from the customer in the form of a birth certificate or other verifiable (i.e. hospital or physician) documentation within seven (7) days of claiming the protection. Such documentation may be mailed to the Electric Utility or Gas Utility or sent to the company by facsimile or electronic mail to a number or email address which shall be provided to the customer by the Electric Utility, Gas Utility or the Division.
3. If initial notification is made by telephone to the Division, the Division shall inform the Electric Utility or Gas Utility of the customer's name and information. The Division shall also inform the customer that he or she must forward to the electric or gas company within seven (7) days a birth certificate or other verifiable (i.e. hospital or physician) documentation.
4. Upon receipt of initial notification by the Division or from the customer, the Electric Utility or Gas Utility shall review the customer's account to verify that the customer's service has not been previously shut off for nonpayment before the birth of the child. In the event the electric or gas company deems a customer

ineligible for the protection, the Electric Utility or Gas Utility shall immediately notify the customer in writing of the determination and advise the customer of his or her right to a review of the determination to the Division.

5. If the Electric Utility or Gas Utility determines the customer's service has not been previously shut off for nonpayment before the birth of the child, the electric or gas company shall place a seven (7) day hold on the account to prevent termination of service pending receipt of a birth certificate or other verifiable (i.e. hospital or physician) documentation. After the expiration of the seven (7) day period, if the electric or gas company has received no certification from the customer in the form of a birth certificate or other verifiable (i.e. hospital or physician) documentation, termination of service may continue, absent the existence of any other protection to which the customer may be entitled.
6. In the event a customer's service was terminated after the birth of a child, but before the electric or gas company was notified, the customer may have his or her service restored upon providing the Electric Utility or Gas Utility with a birth certificate or other verifiable (i.e. hospital or physician) certification.
7. Upon receipt of a birth certificate or other verifiable (i.e. hospital or physician) documentation from the customer, the Electric Utility or Gas Utility shall notify the customer in writing of the protection and the date of expiration of the protection. No less than ten (10) days prior to the expiration of the protection, the electric or gas company shall notify the customer of the impending expiration and shall include any notice of termination of service together with the balance, if any, due on the account and the availability of any payment plans.

6.0 Arrearage Forgiveness Program

Effective October 15, 2011, a Financial Hardship customer of record, who has been terminated from gas and/or electric service or is recognized, pursuant to a rule or decision by the Division, as being scheduled for actual shut-off of service on a specific date, shall not be deprived electric and/or gas utility service provided the following conditions are met:

- A. Enrollment is completed when the customer makes an initial payment of ten percent (10%) of the customer's unpaid balance; and
- B. The customer agrees to pay an amount equal to one-thirty sixth ($1/36$) of forty percent (40%) of the customer's unpaid balance, per month for thirty-six (36) months; and
- C. The customer agrees to, and in fact does remain current with payments for current usage. Payments for current usage shall be projected by the Electric Utility or Gas Utility and spread equally over a twelve-month period. For purposes of this subsection, remaining current with payments shall mean that the customer:
 1. Misses no more than a total of three (3) payments in the thirty-six (36) month period covered by the agreement;
 2. Misses no more than two (2) payments in any one calendar year, provided that such missed payments in a calendar year are not consecutive and that payments for the year are up-to date by October 31st; and
 3. That the amount due under that agreement is paid in full, by the conclusion of the period of the agreement; and

- D. The customer has shown, to the satisfaction of the Division that he or she is reasonably capable of meeting the payment schedule set forth in this Part.
- E. The restoration of service, provided for by this subsection, shall be a one-time right; failure to comply with the payment provisions set forth in this Part shall be grounds for the customer to be removed from the repayment program established by this Part and the balance due on the unpaid balance, shall be due and payable in full, in accordance with the rules of the commission governing the termination of residential electric, gas, and water utility service.
- F. A customer, who completes the schedule of payments, pursuant to this Part, shall have the balance of any arrearage forgiven, and the customer's obligation to the gas and/or electric company for such unpaid balance shall be deemed to be fully satisfied.
- G. A customer terminated from service under the provisions of this Part shall be eligible for restoration of service upon entering into a plan for repayment with the Electric Utility or Gas Utility.

7.0 Severability

- A. The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section or part of this chapter.
- B. The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be preempted by

Federal Law, such preemption shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section or part of this chapter.