ERLID#: 5420

State of Rhode Island and Providence Plantations
A. Ralph Mollis
Secretary of State

Rules and Regulations Filing Form

1. Agency Name and Address
Public Utilities Commission
89 Jefferson Blvd., Warwick, RI

2. Title of Rule
Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Service

3. Statutory Source of Authority
R.I.G.L. §39–1 et seq. and §42–35 et seq., and Public Law 08–445

4. Concise Explanatory Statement – §42–35–2.3
The regulations are intended to govern the termination and restoration of residential utility service provided by regulated electric, gas and water utilities

5. Type of Filing

Emergency Rules

A1. Emergency 120–day initial – §42–35–3(b)
☐ Adoption
☐ Amendment of ERLID:
☐ Repeal of ERLID:

A2. Emergency 90–day renewal – §42–35–3(b)
☐ Adoption
☐ Amendment
Indicate ERLID of 120–day initial:

Brief Statement of Reason for Finding Imminent Peril §42–35–3(b)(2):

Final Rules

☑ B1. Amendment ☐ B2. Adoption ☐ B3. Repeal ☐ C. Technical Revision

Supersedes ERLID: 5059 Repeals ERLID: Expires ERLID: 0

If B1 or C, please indicate new, amended, deleted, or revised sections:

6. Notice and Hearing Information
Date of Public Notice – §42–35–3(a)(1):08/07/2008
Date of Public Hearing – §42–35–3(a)(2):Hearing Not Required
End of Comment Period:09/08/2008

7. Agency Additional Information – Web Page
http://www.ripuc.org/eventsactions/docket/3976page.html .

8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42–35) and that they are true copies of this Department, attest,

Lucy E. Massaro
Name

Commission Clerk
Title

Patricia L. Lucarelli
Notary Public My commission expires 4/17/10

Subscribed and sworn before me
this 19th day of September, 2008

ERLID#: 5420

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RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

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

Date of Public Notice:	August 7, 2008
Date of Public Hearing:	None requested
Effective Date:	October 19, 2008

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ADMINISTRATIVE RECORDS

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I. PROMULGATING AGENCY
SECTION 1. PUBLIC UTILITIES COMMISSION

These rules and regulations are promulgated and are adopted by the Public Utilities Commission.

II. DEFINITIONS

SECTION 1 – TERMS USED THROUGHOUT THE RULES AND REGULATIONS

The following terms are used throughout the Rules and Regulations and shall be defined as follows:

(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) "Protected Status Customer" shall mean a residential customer about whom the public utility has evidence that the customer is:

(1) unemployed as demonstrated through verification by DLT that the person is currently receiving unemployment compensation;

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

(3) recipients of Low Income Heating Assistance Program (LIHEAP); or

(4) seriously ill, as defined by Part II, Section 1(H) of these Rules and Regulations;

(5) living in a residence where there is domiciled a person under the age of two (2) years and there is a financial hardship.

(6) A utility "has evidence" that a person is a Protected Status Customer when the utility has written verification from a legitimate agency that such person falls within one of the above-listed categories of Protected Status Customers (e.g. Rhode Island drivers license showing age, DLT photo identification card, a letter from a licensed physician showing that a person is seriously ill or handicapped, a Social Security Number, written verification of LIHEAP enrollment, written verification of eligibility for food stamps);

(F) "Eligible for Termination" shall mean a residential customer whose service may be terminated pursuant to Part III, Section 2 of these Rules and Regulations;

(G) "Financial hardship category" 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 category based on either their annual income or their income over the most recent three (3) months;

(H) "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;

(I) "Utility termination moratorium period" shall mean the period of time between 12:01 a.m. on November 1st and 11:59 p.m. on April 15th of each year.

(J) "Multi-language utility service termination card" shall mean a card that includes the following statement in English, Spanish, Portuguese, French and any other languages that either the utility deems appropriate or that are required for a specific utility by the Division based on the majority demographics of its customer base: "I am here to terminate service to this home for failure to pay. I have a document showing the amount due on your account. If you can not pay this now, please provide me with access to your meter."

(K) "Very low income customer" shall mean a LIHEAP eligible household with a gross annual income equal to or less than one-hundred twenty-five percent (125%) of the Federal poverty guideline for the household, as verified by the Office of Energy Resources or other applicable agency.

III. 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.

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 IV, Section 2 of these Rules and 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 Public Utilities Commission, the Administrator of the Division of Public Utilities and Carriers, a designee of the Public Utilities Commission or Administrator of the Division of Public Utilities and Carriers 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 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 of Public Utilities and Carriers by a licensed physician. 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) arranges for payment of this bill with the public utility pursuant to Part IV, Section 2 hereof, or (b) requests a hearing pursuant to Part VI, 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 VI, Section 1 or 4 of these regulations 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 pursuant to Part VI hereof.

(3) If a licensed 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 hereof.

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

(C) (1) During the utility termination moratorium period, 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 $500.00, and where such service is not the primary source of heat, except when the delinquent balance exceeds $200.00. For purposes of this subsection a "delinquent balance" shall be that amount which has been unpaid for at least ten (10) calendar days after a payment was due.

(2) During the utility termination moratorium period, no gas or electric public utility subject to these Rules and Regulations shall terminate service to a residence for nonpayment of utility charges where the public utility has evidence that the person or persons whose services are scheduled to be terminated is a Protected Status Customer.

(3) In those instances where a Protected Status Customer 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 each customer who receives a termination notice in accord with Part III, 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 the 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-two (62) years of age or older (for purposes of this entire document, this includes a household in which there is only one adult member and that adult member is 62 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-two (62) 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-two (62) 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-two (62) 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.

(F) Infant and Hardship Protection

(1) 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 as defined in Part II, Section 1(G) of these regulations.

(a) 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 or gas company or sent to the company by facsimile

to a number which shall be provided to the customer by the electric or gas company or by the Division of Public Utilities and Carriers.

(b) If initial notification is made by telephone to the Division of Public Utilities and Carriers, the Division shall inform the electric or gas company 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.

(c) Upon receipt of initial notification by the Division of Public Utilities and Carriers or from the customer, the electric or gas company 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 or gas company 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 of Public Utilities and Carriers.

(d) If the electric or gas company 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.

(e) 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 or gas company with a birth certificate or other verifiable (i.e. hospital or physician) certification.

(f) Upon receipt of a birth certificate or other verifiable (i.e. hospital or physician) documentation from the customer, the electric or gas company 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 payment plans.

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 unpaid balance, 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 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, 89 Jefferson Boulevard, Warwick, RI 02888 Telephone - 780-9700, and a statement that service will not be disconnected pending proceedings before a reviewing officer appointed by the Administrator of the Division of Public Utilities and Carriers;

(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 that if any resident in the home is under two (2) years and the customer's service has not been previously shut off for nonpayment before the birth of the child, and there is a financial hardship, disconnection may be averted in accordance with the safeguards and protections described in Section 3F, above.

(10) 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 April 15th in accordance with Section 3 (C) (1) and (C) (2); and

(11) A statement which informs the customer of his or her right to enroll in a residential payment plan as described in Part V hereof.

(12) A statement that the State of Rhode Island, through the Low Income Heating and Assistance Program, provides eligible customers with public energy assistance aid. Customers who believe they may qualify for such assistance should contact their local Community Action Program.

(D) Each utility shall include on all final notices of termination the statement in English, Spanish, Portuguese, and French and any other languages the utility deems appropriate, the following: "THIS IS A UTILITY SERVICE TERMINATION NOTICE. TRANSLATE IMMEDIATELY." and the appropriate symbol for 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) During the utility termination moratorium period, no public utility subject to these Rules and 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, II and III in Appendix B), 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) and neither observed nor was informed of any circumstances, including illness, which would make termination of service a violation of these Rules and 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 Form II in Appendix B 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 VII, 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 utility 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 of Public Utilities and Carriers 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 licensed 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 utility termination moratorium period, or (iii) in the opinion of the public utility, Division of Public Utilities and Carriers or the Public Utilities Commission an emergency exists which requires immediate restoration. The public utility may charge the customer a reconnection fee authorized by the Public Utilities Commission.

IV. 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 Part III, Section 3(E). In handling inquiries regarding disconnects, such employee shall also inquire as to the customer's eligibility for the protections contained in Part III, 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 therefore, 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 III, Section 4 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 Rules and 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 RESIDENTIAL PAYMENT PLANS

Each electric and gas public utility shall make residential payment plans, as described in Part V of these Rules and 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 residential payment plans available to residential customers as long as they provide the Commission with evidence that they have a procedure in place to provide reasonable payment plans to customers carrying an unpaid balance.

SECTION 5. BILL INSERT

Gas and electric public utilities will include a bill insert one month prior to the commencement of, and two months prior to the conclusion of, the utility termination moratorium period. The bill insert will inform customers that gas and electric public utilities cannot terminate residential service during the utility termination moratorium period (November 1st to April 15th) for nonpayment of a delinquent account if the customer is a Protected Status Customer (unemployed, seriously ill, elderly, handicapped or a recipient of LIHEAP funds). The bill insert will contain a copy of Part V, Section 4 of the Rules, as amended.

V. 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 payment plan 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.

In the event a rate change approved by the Public Utilities Commission becomes effective while a residential customer is enrolled in and in compliance with a payment plan, the effect of the rate change shall be included ratably over the remainder of the payment plan period. Included with the first adjusted bill, the utility shall provide notice to the customer explaining the

reason for the change and showing a calculation of how the utility arrived at the new monthly payment.

At the end of the ten-month or twelve-month period, if a residential customer chooses to renew a payment plan, any credit or balance due on the customer's account shall be rolled ratably into the monthly payments due by the customer in the customer's next payment plan. If a residential customer chooses to maintain an account with the public utility but chooses not to re-enroll at the conclusion of a ten-month or twelve-month payment plan, the customer will have the option of having any balance due be collected over a period of up to six months with a minimum payment of $25 per month. Any credit balance will be applied toward current usage until exhausted.

The public utility shall inform all residential customers of the availability of such a payment plan at least twice annually, once in October and once, two months prior to the end of the utility termination moratorium period by means of a written statement which describes the payment plan and shall inform each customer who receives a termination notice in accord with Part III, Section 4 of these Rules and Regulations of the availability of such a payment plan.

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

SECTION 2. DEFINITIONS

The following terms are defined for purposes of Part V:

(A) "Estimated prospective 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 prospective 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 prospective annual utility costs. If the customer disputes the estimated prospective annual utility cost, the public utility shall upon request prepare a written statement which details the factors it considered in determining the estimate.

(B) "Termination of Utility Service, Service is Terminated" shall mean:

(1) Disconnection or physical shutoff of utility service; or

(2) A visit to a customer's residence in which an employee of a utility makes personal contact with the customer or with a responsible adult found within said residence, and in which the employee is unable to gain admission for purposes of disconnection of service. In order for such a visit to qualify as a termination for purposes of Part V of these Rules and Regulations, the utility must file with the Division an affidavit of one of its employees in the

form approved by the Division (see Form III appended hereto) that states under oath that such a visit occurred but that access was denied. The affidavit must indicate that the employee identified himself or herself and indicated he or she was there to terminate service or, if the adult did not speak the same language as the utility employee, that the adult was provided with a multi-language utility service termination card.

(C) "Income Schedule" shall mean the frequency with which income is received by the customer. This includes, but is not limited to, weekly, bi-weekly, semi-monthly, monthly, or seasonal income.

SECTION 3. EFFECT OF RESIDENTIAL PAYMENT PLANS

While enrolled in a residential payment plan a residential 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 the 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. PROVISIONS

(A) Maximum Terms

The maximum allowable residential 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) Residential Payment Plans – In General

Each gas and electric public utility shall make available residential payment plans that allow a Protected Status Customer, a residential customer qualified for the financial hardship

category, or a residential customer who does not qualify for financial hardship or the Protected Status Customer categories, to maintain or restore service in the event that such customer is Eligible for Termination, or such customer's service has been terminated. If a public utility has evidence that a residential customer is a Protected Status Customer or is qualified for the financial hardship category, subject to the terms as outlined below, such residential customer shall be allowed to enroll in one of the residential payment plans, subject to and in accordance with the requirements outlined in Section 4(E)(1) below, hereinafter entitled "Protected Customer Payment Plans." If a public utility has evidence that a residential customer is not a Protected Status Customer or is not qualified for the financial hardship category, such customer shall be allowed to enroll in one of the residential payment plans as outlined in Section 4(E)(2) below, hereinafter entitled "Standard Customer Payment Plans".

(C) Enrollment

A residential customer shall become enrolled in a residential payment plan upon that customer's (i) agreeing to a Terms of Agreement for Residential Payment Plan (as set forth in Part V, Section 5) that is provided by the public utility, and (ii) paying, or arranging for payment of, the initial payment, if any, required under such a Plan. Enrollment shall be available at any time during the year. Subject to the terms of the residential payment plans outlined in Section 4 below, enrollment shall be available prior to a residential customer being Eligible for Termination, subsequent to a residential customer being Eligible for Termination, or subsequent to termination of utility service.

(D) Disenrollment

(1) Protected Customer Payment Plans and Standard Customer Payment Plans

A residential 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/or the Terms of Agreement for Residential Payment Plan agreed to 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. Upon disenrollment, the public utility may proceed to terminate utility service in accord with the other provisions of these Rules and Regulations, namely, Part III, Section 4. Subsequent to disenrollment, in order to maintain or restore service, a residential customer must enroll in a residential payment plan, subject to the terms of the residential payment plans as outlined in subsection (E) below, or must pay 100% of the customer's unpaid balance.

If a customer becomes disenrolled from a payment plan that did not require a down payment to enroll, he or she must enroll in the next step of the payment plan, including making any required down payment, to avoid termination or to restore service. If a customer becomes disenrolled from a payment plan that required a down payment, but prior to termination, is able to provide a payment sufficient to bring his or her account current according to the terms of the payment plan in which the customer became disenrolled, that customer shall be re-enrolled and allowed to continue with the payment plan in which the customer was most recently enrolled. If a customer fails to bring his or her account current under this section within the period of time in which two payments are due on the customer's payment plan, such customer shall be required to make the initial down payment required under the plan from which the customer was disenrolled, and shall be required to re-negotiate a new residential payment plan in order to maintain service.

A customer whose service is terminated shall not be allowed to re-enroll in the plan from which the customer was disenrolled.

(2) Arrearage Forgiveness Payment Plan

A residential customer who has enrolled in an Arrearage Forgiveness Payment Plan shall become disenrolled from that plan if that customer fails to remain current with the required payments. Remaining current with payments shall mean that the customer: (a) misses no more than a total of three (3) payments in the thirty-six (36) month period covered by the agreement; (b) misses 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.

(E) Terms of Residential Payment Plans

Each residential payment plan to which a utility customer is a party shall fall within a Step in either the Protected Customer Payment Plans or the Standard Customer Payment Plans. Absent a showing of special circumstances, as determined by the Division of Public Utilities and Carriers, a residential customer shall not be allowed to descend the Steps in the residential payment plans outlined below unless such a residential customer has paid 100% of his or her unpaid balance, in which case such customer shall be entitled to additional residential payment plans as outlined below. A residential customer's step will increase to Step 3 upon disenrollment from a Step 1 or Step 2 payment plan or upon termination of service. A residential customer's step will only increase above a Step 3 upon termination of service. (e.g., If a residential customer is disenrolled from a Step 3 Protected Customer Payment Plan, and his or her service is terminated, such customer must enroll in a Step 4 Protected Customer Payment Plan in order to restore service).

(1) Protected Customer Payment Plans

A residential customer who qualifies for the financial hardship category or is a Protected Status Customer shall be allowed to enroll in one of the Protected Customer Payment Plans as outlined in this subsection. If such a customer pays 100% of his or her unpaid balance, such customer shall be entitled to additional residential payment plans, starting again at Step 1, as outlined below.

(A) Prior to Termination of Utility Service

A residential customer who qualifies for the financial hardship category or is a Protected Status Customer shall be allowed to enroll in a Step 1A Protected Customer Payment Plan, prior to being Eligible for Termination, or subsequent to being Eligible for Termination but prior to termination of utility service, so long as the customer has not defaulted from a previous Step 1A Protected Status Customer Payment Plan or a Step 1C Protected Status Customer Payment Plan in the past, unless the customer has paid 100% of his or her unpaid balance subsequent to defaulting on the prior payment plan. Upon enrollment, the customer must agree to pay either 1/12 of that customer's unpaid balance plus the current usage for each month during enrollment or 1/12 of that customer's unpaid balance plus 1/12 of the estimated prospective annual usage per month, whichever produces a lower monthly payment.

The customer shall be entitled to move from a Step 1A Protected Customer Payment Plan to a Step 2 Protected Customer Payment Plan, a one-time payment plan re-negotiation, if the customer renegotiates his or her payment plan prior service termination. In addition, prior to termination of service, a LIHEAP recipient will have the opportunity to renegotiate his or her payment plan at the time when he or she receives a promissory note from the LIHEAP program or the utility receives the LIHEAP grant, whichever occurs first. Provided, however, that if the

LIHEAP customer has already been enrolled in a Step 2 Protected Customer Payment Plan, the customer will only be allowed to enter into a payment plan wherein he or she agrees to pay 1/12 of his or her unpaid balance plus 1/12 of the estimated prospective annual usage per month.

(B) After Termination of Utility Service

A residential customer who qualifies for the financial hardship category or is a Protected Status Customer shall be allowed to enroll in a Step 1B Protected Customer Payment Plan after his or her service has been terminated, provided the customer was not previously disenrolled from a Step 1A payment plan prior to termination. In order to restore service, the customer must make an initial down payment of 25% of the customer's unpaid balance and agree to pay either 1/12 of the unpaid balance plus the current usage for each month during enrollment or 1/12 of the unpaid balance plus 1/12 of the customer's estimated prospective annual usage per month, whichever produces a lower monthly payment.

The customer shall be entitled to move from a Step 1B Protected Customer Payment Plan to a Step 2 Protected Customer Payment Plan, a one-time payment plan re-negotiation, if the customer renegotiates his or her payment plan prior to service termination. In addition, prior to termination of service, a LIHEAP recipient will have the opportunity to renegotiate his or her payment plan at the time when he or she receives a promissory note from the LIHEAP program or the utility receives the LIHEAP grant, whichever occurs first. Provided, however, that if the LIHEAP customer has already been enrolled in a Step 2 Protected Customer Payment Plan, the customer will only be allowed to enter into a payment plan wherein he or she agrees to pay 1/12 of his or her unpaid balance plus 1/12 of the estimated prospective annual usage per month.

(C) Six-Month Option

A residential customer who qualifies for the financial hardship category or is a Protected Status Customer shall be allowed to enroll in a Step 1C Protected Customer Payment Plan designed to recover the customer's unpaid balance over a six-month term. To enroll in a six-month payment plan prior to termination of service, the customer shall be required to pay 1/6 of his or her unpaid balance plus the current usage for each month during enrollment. To enroll in a six-month payment plan following termination of service, the customer shall be required to make an initial down payment of 25% of the customer's unpaid balance and agree to pay 1/6 of the customer's unpaid balance plus the current usage for each month during enrollment. Successful completion of a six-month payment plan shall entitle the customer to enroll in any residential payment plan, including another six-month payment plan, appropriate for that customer.

The customer shall be entitled to move from a Step 1C Protected Customer Payment Plan to a Step 2 Protected Customer Payment Plan, a one-time payment plan re-negotiation, if the customer renegotiates his or her payment plan prior service termination. In addition, prior to termination of service, a LIHEAP recipient will have the opportunity to renegotiate his or her payment plan at the time when he or she receives a promissory note from the LIHEAP program or the utility receives the LIHEAP grant, whichever occurs first. Provided, however, that if the LIHEAP customer has already been enrolled in a Step 2 Protected Customer Payment Plan, the customer will only be allowed to enter into a payment plan wherein he or she agrees to pay 1/12 of his or her unpaid balance plus 1/12 of the estimated prospective annual usage per month.

A residential customer who is disenrolled from Step 1A, 1B, 1C or Step 2 of a Protected Customer Payment Plan and whose service is terminated must enroll in a Protected Customer Payment Plan at Step 3 in order to restore service. A residential customer who has not enrolled

in a Step 1A, 1B or Step 2 Protected Customer Payment Plan and whose service is terminated must enroll in a Protected Customer Payment Plan at Step 3 in order to restore service. In order to restore service in either case, the customer must make an initial down payment of 25% of the customer's unpaid balance and agree to pay 1/12 of that customer's estimated prospective annual usage, plus 1/12 of the customer's unpaid balance per month.

A residential customer who is disenrolled from a Step 3 Protected Customer Payment Plan and whose service is terminated must enroll in a Protected Customer Payment Plan at Step 4 in order to restore service. In order to restore service, the customer must make an initial down payment of 35% of the customer's unpaid balance and agree to pay 1/12 of that customer's estimated annual prospective usage plus 1/12 of the customer's unpaid balance per month. Prior to the termination of service, a customer who is disenrolled from a Step 3 Protected Customer Payment Plan would be allowed to enroll in a new Step 3 plan, provided the customer pays the required 25% down payment and agrees to pay 1/12 of that customer's estimated annual prospective usage plus 1/12 of the customer's unpaid balance per month.

A residential customer who is disenrolled from a Step 4 Protected Customer Payment Plan and whose service is terminated must enroll in a Protected Customer Payment Plan at Step 5 in order to restore service. In order to restore service, the customer must make an initial down payment of 50% of the customer's unpaid balance and agree to pay 1/12 of that customer's estimated prospective annual usage plus 1/12 of the customer's unpaid balance per month. Prior to the termination of service, a customer who is disenrolled from a Step 4 Protected Customer Payment Plan would be allowed to enroll in a new Step 4 plan, provided the customer pays the required 35% down payment and agrees to pay 1/12 of that customer's estimated annual prospective usage plus 1/12 of the customer's unpaid balance per month.

After a residential customer becomes disenrolled from a Step 5 Protected Customer Payment Plan or from any subsequent reasonable payment plan described herein, and following termination of service, the customer and company may establish a reasonable payment plan with a negotiated down payment of at least 50%. When establishing a reasonable payment plan, the company shall consider the income schedule of the customer, if offered by the customer, the customer's payment history, the size of the unpaid balance and current bill, the amount of time and reason for the delinquency and whether the delinquency was caused by unforeseen circumstances.

The calculation of the total monthly payment under any Protected Customer Payment Plan shall be made after taking into account the customer's estimated annual payment from the public energy assistance programs, *i.e.*, a written promise made to a utility on behalf of the customer.

See Chart on following page.

The terms of each Step of the Protected Customer Payment Plans are as follows:

Step 1A Protected Customer Payment Plan Pre – termination	• No down payment required • Must pay each month for twelve months the sum of (1/12 of the unpaid balance plus the balance due for current usage) or (1/12 of the unpaid balance plus 1/12 of the prospective usage after reducing the amount due by any public energy assistance funds received or promised). • Not available after disenrollment from a previous Step 1A, Step 1B, Step 1C or Step 2 Protected Customer Payment Plan.	**Step 1B** Protected Customer Payment Plan Post - Termination	• Initial down payment of 25% requir • Must pay each month for twelve months the sum of (1/12 of the unpaid balance plus the balance due for current usage) or (1/12 of the unpaid balance plus 1/12 of the prospective usage after reducing the amount due by any public energy assistance funds received or promised). • Not available to a customer who has become disenrolled from a Step 1A Payment Plan.	**Step 1C** Protected Customer Payment Plan Six Month Option	**Pre –Termination** • No down payment required • Must pay each month for 6 months the sum of (1/6 of the unpaid balance plus the amount due for current usage). • Not available to a customer who has become disenrolled from a Step 1A Payment Plan. **Post-Termination** • 25% down payment required • Must pay each month for 6 months the sum of (1/6 of the unpaid balance plus the amount due for current usage).
Step 2 Protected Customer Payment Plan Pre-termination Re-negotiation	• No down payment required • Must pay each month for twelve months the sum of (1/12 of the unpaid balance plus the balance due for current usage) or (1/12 of the unpaid balance plus 1/12 of the prospective usage after reducing the amount due by any public energy assistance funds received or promised). • LIHEAP recipients may renegotiate one additional time upon receipt of a LIHEAP promissory note or at the time when the utility receives the LIHEAP grant, whichever is first. Customer must pay each month for twelve months the sum of (1/12 of the unpaid balance plus 1/12 of the prospective use after reducing the amount due by the amount of the LIHEAP grant/promise). • Only available prior to termination of service.				
Step 3 Protected Customer Payment Plan	• Initial down payment of 25% of the customer's unpaid balance required. • Must pay each month for twelve months the sum of (1/12 of the estimated prospective average annual utility cost less the estimated annual payment from the public energy assistance programs) + (1/12 of the customer's unpaid balance).				
Step 4 Protected Customer Payment Plan	• Initial down payment of 35% of the customer's unpaid balance required. • Must pay each month for twelve months the sum of (1/12 of the estimated prospective average annual utility cost less the estimated annual payment from the public energy assistance programs) + (1/12 of the customer's unpaid balance).				
Step 5 Protected Customer Payment Plan	• Initial down payment of 50% of the customer's unpaid balance required. • Must pay each month for twelve months the sum of (1/12 of the estimated prospective average annual utility cost less the estimated annual payment from the public energy assistance programs) + (1/12 of the customer's unpaid balance).				
Reasonable Payment Plan Based on Individual Case-By-Case Analysis	• Customer and company may establish a reasonable payment plan with a negotiated down payment of at least 50%. When establishing a reasonable payment plan, the company shall consider the income schedule of the customer, if offered by the customer, the customer's payment history, the size of the unpaid balance and current bill, the amount of time and reason for the outstanding bill and whether the delinquency was caused by unforeseen circumstances.				

(2) Arrearage Forgiveness Payment Plan

A very low income customer who is terminated from gas and/or electric service or has received a notice of termination from the gas or electric company or has received a decision by the Division of Public Utilities and Carriers as being scheduled for actual shut-off of service on a date specified, shall be eligible one time to have electric and/or gas utility service restored providing the following conditions are met:

(i) the customer pays twenty-five percent (25%) of the customer's unpaid balance;

(ii) the customer agrees to pay one thirty-sixth (1/36) of one half (1/2) of the customer's remaining balance per month for thirty-six (36) months;

(iii) the customer agrees to remain current with payments for current usage; and

(iv) the customer has shown, to the satisfaction of the division, that the customer is reasonably capable of meeting the payment schedule provided for by the provisions of Part V Section 4(E)(2)(i) and (ii) of these Regulations. 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 subsection shall be grounds for the customer to be dropped from the repayment program established by this subsection, and the balance due on the unpaid balance shall be due in full and shall be payable in accordance with these Regulations. A customer who completes the schedule of payments pursuant to this subsection shall have the balance of any arrearage forgiven, and the customer's obligation to the gas and/or electric company for such balance shall be deemed to be fully satisfied. The amount of the arrearage so forgiven shall be treated as bad debt for purposes of cost recovery by the gas or the electric company.

(2) A customer terminated from service under the provisions of Part V Section 4(E)(2) shall be eligible for restoration of service in accordance with the applicable provisions of Part V section 4(E)(1)(C) (Six Month Option), of these Regulations.

(3) Standard Customer Payment Plans

A residential customer who does not qualify for the financial hardship category and is not a Protected Status Customer shall be allowed to enroll in a Standard Customer Payment Plan as outlined in this subsection 2. Such a customer shall be limited to a maximum of three (3) residential payment plans in the Standard Customer Payment Plans before such customer may be required to pay up to 100% of his or her unpaid balance to restore service. If such a customer pays 100% of his or her unpaid balance, such customer shall be entitled to three (3) additional residential payment plans, as outlined in this subsection 2.

(A) Prior to Termination of Utility Service

A residential customer who does not qualify for the financial hardship category and is not a Protected Status Customer shall be allowed to enroll in a Step 1A Standard Customer Payment Plan prior to termination of utility service so long as the customer has not defaulted from a previous Step 1A Standard Customer Payment Plan or a Step 1B Standard Customer Payment Plan in the past, unless the customer has paid 100% of his or her unpaid balance subsequent to becoming disenrolled from the prior payment plan. Upon enrollment, the customer must agree to pay for twelve months, 1/12 of that customer's estimated prospective annual usage plus, for each of the first six months of the plan, 1/6 of the customer's unpaid balance.

The customer shall be entitled to move from a Step 1A Standard Customer Payment Plan to a Step 2 Standard Customer Payment Plan, a one-time payment plan re-negotiation, if the customer renegotiates his or her payment plan prior to service termination.

A residential customer who does not qualify for the financial hardship category and is not a Protected Status Customer who becomes disenrolled from a previous Step 1A or Step 2 Standard Customer Payment Plan must enroll in a Standard Customer Payment Plan at Step 3 in order to establish another payment plan.

(B) Six-Month Option

Prior to termination of utility service, a residential customer who does not qualify for the financial hardship category and is not a Protected Status Customer shall be allowed to enroll in a Step 1B Standard Customer Payment Plan designed to recover the customer's unpaid balance over a six-month term so long as he or she has not become disenrolled from a previous Step 1A Standard Customer Payment Plan or a Step 1B Standard Customer Payment Plan in the past, unless the customer has paid 100% of his or her unpaid balance subsequent to defaulting on the prior payment plan. To enroll in a six-month payment plan prior to termination of utility service, the customer shall be required to pay 1/6 of his or her unpaid balance plus the current usage for each month during enrollment. Successful completion of a six-month payment plan shall entitle the customer to enroll in any residential payment plan, including another six-month payment plan, appropriate for that customer

The customer shall be entitled to move from a Step 1B Standard Customer Payment Plan to a Step 2 Standard Customer Payment Plan, a one-time payment plan re-negotiation, if the customer renegotiates his or her payment plan prior to service termination.

A residential customer who does not qualify for the financial hardship category and is not a Protected Status Customer who becomes disenrolled from a previous Step 1B or Step 2 Standard Customer Payment Plan must enroll in a Standard Customer Payment Plan at Step 3 in order to establish another payment plan.

(C) After Termination of Utility Service

In order to restore service after termination, a residential customer must enroll in a Step 3 Standard Customer Payment Plan or pay 100% of his or her unpaid balance. In order to enroll in a Step 3 Standard Customer Payment Plan and have service restored, the customer must make an initial down payment of 60% of the customer's unpaid balance and agree to pay for twelve months, 1/12 of that customer's estimated prospective annual usage plus, for each of the first three months of the plan, 1/3 of the customer's unpaid balance.

A residential customer who is disenrolled from a Step 3 Standard Customer Payment Plan and whose service has been terminated, may be required to pay up to 100% of the customer's unpaid balance in order to have service restored. Prior to the termination of service, a customer who is disenrolled from a Step 3 Standard Customer Payment Plan would be allowed to enroll in a new Step 3 plan, provided the customer pays the required 60% down payment and agrees to pay 1/12 of that customer's estimated annual prospective usage plus 1/3 of the customer's unpaid balance per month for the first 3 months of the plan.

See Chart :

The terms of each Step of the Standard Customer Payment Plans are as follows:

<table>
<tr><td>Step 1A
Standard Customer Payment Plan Pre-Termination</td><td>· No down payment required.
· Must pay each month the sum of (1/12 of the estimated prospective annual utility cost) + (1/6 of the customer's unpaid balance for the first 6 months of the plan).
· Not available to customers after termination of service or after disenrollment from a previous Step 1A or Step 1B plan.</td><td>Step 1B
Standard Customer Payment Plan Pre-Termination Six Month Option</td><td>· No down payment required.
· Must pay each month the sum of (1/6 of the unpaid balance plus the amount due for current usage).
· Not available to customers after termination of service or after disenrollment from a previous Step 1A or Step 1B plan.</td></tr>
<tr><td>Step 2
Standard Customer Payment Plan Pre-Termination Re-negotiation</td><td colspan="3">· No down payment required.
· Must pay each month the sum of (1/12 of the estimated prospective average annual utility cost) + (1/6 of the customer's unpaid balance for the first 6 months of the plan).
· Not available to customers after termination of service.</td></tr>
<tr><td>Step 3
Standard Customer Payment Plan Post-Termination</td><td colspan="3">· Initial down payment of 60% of the customer's unpaid balance required.
· Must pay each month the sum of (1/12 of the estimated prospective annual utility cost) + (1/3 of the customer's unpaid balance for the first 3 months of the plan).</td></tr>
<tr><td>Step 4
Post-Termination 100% may be required</td><td colspan="3">· A customer may be required to pay up to 100% of the customer's unpaid balance to restore service.</td></tr>
</table>

(F) Record Keeping

Each public utility shall maintain records of each residential customer's payment history, and each residential customer's enrollment in, and disenrollment from, utility's residential payment plans. Such records shall be used to determine the Step of the Protected Customer Payment Plans or the Standard Customer Payment Plans, if any, at which a residential customer is eligible to enroll. Such records may be maintained using the utility's billing system.

SECTION 5. TERMS OF AGREEMENT

(A) 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.

(B) 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. PROOF OF FINANCIAL HARDSHIP

(A) Each public utility customer who seeks enrollment in a residential payment plan under the financial hardship category shall annually 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. The utility will provide customers with a copy of the Financial Hardship Statement (See Form V in Appendix B hereto) on an annual basis in a separate mailing. The notice included in the mailing will explain the purpose of the Statement and indicate that the Statement must be returned within forty (40) days of the mailing date.

(B) Affirmation forms for implementation of paragraph 6A 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 of Public Utilities and Carriers. The Division of Public Utilities and Carriers shall then investigate and promptly determine whether the customer qualifies for the financial hardship category. In the course of its investigation the Division of Public Utilities and Carriers 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 of Public Utilities and Carriers 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

VI, Section 3(B) of these rules and regulations. The public utility and customer shall abide by the results of the Division of Public Utilities and Carriers 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 of Public Utilities and Carriers investigation shall request a hearing before the Administrator of the Division of Public Utilities and Carriers or designee of the Administrator of the Division of Public Utilities and Carriers. Such hearing shall be conducted in accord with Part VI, Section 4 of these Rules and Regulations.

(E) During the pendency of a Division of Public Utilities and Carriers 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.

VI. 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 of Public Utilities and Carriers, the customer or the public utility may request a review by the Administrator of the Division of Public Utilities and Carriers 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 III, 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 Administrator of the Division of Public Utilities and Carriers. 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 applicable Residential Payment Plan provisions of these Rules and Regulations. Payment terms which are less stringent than the applicable 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 Administrator of the Division of Public Utilities and Carriers or designee of the 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 VI, 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 Administrator of the Division of Public Utilities and Carriers 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 of the Division of Public Utilities and Carriers or its personnel. Upon receipt of a request for an evidentiary hearing, the 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, legal counsel or another person in accordance with Rhode Island state law.

(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 Administrator of the Division of Public Utilities and Carriers retains the jurisdiction to grant an exception to the provisions of these regulations to any party for good cause shown.

Notwithstanding anything in the forgoing, if special circumstances warrant, the Division of Public Utilities and Carriers shall have the authority, after an informal or formal hearing, or after an informal investigation, to require a public utility to adjust the terms of a customer's residential payment plan under either the Protected Customer Payment Plans outlined in Part V, Section 4(E)(1), or the Standard Customer Payment Plans outlined in Part V, Section 4(E)(2).

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).

VII. RESTORATION OF SERVICE BY ORDER OF THE PUBLIC UTILITIES COMMISSION

SECTION 1. EMERGENCY RESTORATION ORDER

(A) The Administrator of the Division of Public Utilities and Carriers or his designee shall have the emergency authority to order immediate restoration of utility service 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. The Administrator's designee under this Section shall not have been involved in prior review of the customer's account.

(B) If there is no Division of Public Utilities and Carriers employee available to act as the Administrator's designee, 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 of Public Utilities and Carriers, 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. In considering the request, the Commission will determine whether the requestor has attempted to avoid termination through the procedures set forth in these Rules and will not act as an appellate body to the Division of Public Utilities and Carriers. Further, in addition to obtaining information from the requestor, the Commission will seek input from the utility company and Division of Public Utilities and Carriers prior to making any decision and if quorum exists, will comply with the Open Meetings Laws of the State of Rhode Island.

(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 VI, 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 VI, Sections 4, 5 and 6 of these regulations.

VIII. SUMMER MORATORIUM

Every public utility subject to these regulations shall not terminate the service of any residential customer for non-payment on those days for which the National Weather Service has issued a heat advisory or excessive heat warning for Rhode Island.

IX. REPEAL OF PRIOR REGULATIONS

All Rules and Regulations Governing the Termination of Residential Electric, Gas and Water Utility Services adopted on prior dates are hereby repealed and superseded by these Rules and Regulations in their entirety.

X. 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.

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APPENDIX A

RHODE ISLAND MEDIAN INCOME (October 1, 2008-September 30, 2009)

(72 Federal Register 59.14580)
(RI Median Incomes for Family Sizes is based on a Family of Four at **$62,339**)

Family Size	Family Size Adjustment Factor*	Median Income	Maximum Annual Financial Hardship (75% Median Income)	Maximum Quarterly Financial Harship***
1	**52%**	**$40,658**	**$30,494**	**$ 7,624**
2	**68%**	**$53,169**	**$39,877**	**$ 9,969**
3	**84%**	**$65,679**	**$49,259**	**$12,314**
4	**100%**	**$78,189**	**$58,641**	**$14,660**
5	**116%**	**$90,699**	**$68,024**	**$17,006**
6	**132%****	**$103,209**	**$77,406**	**$19,351**

* To adjust the median income of a family of four for a different family size, multiply the median income of **$78,189** 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 the maximum annual financial hardship income.

APPENDIX B
FORMS

(Name of Utility)
(Utility Customer Service Phone Number)

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

Notary Public

"FORM I"

(Name of Utility)
(Utility Customer Service Phone Number)

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 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 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 , 20 , 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)
(Utility Customer Service Phone Number)

Customer	Account Number
Address	Delinquent Balance
Name of Person Notified	Intended Date and Time of Termination

AFFIDAVIT OF PERSONAL CONTACT

I, (Name of employee in print), hereby state under oath that on (date(s)) at (time(s)), I personally visited the above address, made personal contact with the customer or with a responsible adult found within the above address, but was unable to gain admission for purposes of disconnection of service. If the individual and I were not able to converse in a common language, I presented the individual with a multi-language utility service termination card as defined in Part II, Section 1(J) of the Rules and Regulations but I was still unable to gain admission for purposes of disconnection of service.

(Signature of Employee)

On , 20 , the person whose signature appears above personally appeared before me and swore that the statements contained herein are true.

Notary Public

"FORM III"

(Name of Utility)
(Utility Customer Service Phone Number)

[APPROPRIATE TERMINATION SYMBOL PURSUANT TO APPENDIX C]

This is a Utility Service Termination Notice.
[in all languages required by Part III, Section 4(D)]
Translate Immediately!
[in all languages required by Part III, Section 4(D)]

Our records indicate an unpaid balance on the account covering this residence.
(TYPE OF SERVICE) SERVICE TO THIS RESIDENCE WILL BE TERMINATED WITHOUT FURTHER NOTICE ON OR AFTER (DATE).

YOU MAY AVOID TERMINATION:
Your utility service will not be terminated, on or before (same date as noted above), if satisfactory arrangements are made to pay this balance. As a first step, you must call our Customer Service Department at (telephone number) as soon as possible.

If a satisfactory arrangement can not be agreed upon, you have the right to submit this matter to the Reviewing Officer of the Division of Public Utilities and Carriers at (401) 780-9700. If you are unable to reach a satisfactory arrangement over the telephone, you have the right to a hearing, which you must request, on whether the termination is justified. (NAME OF UTILITY) will not disconnect your service pending proceedings before a reviewing officer appointed by the Administrator of the Division of Public Utilities and Carriers.

PROTECTION AGAINST TERMINATION:
The Public Utilities Commission has Rules and Regulations that provide protection from termination of service for the seriously ill, handicapped and households in which all residents are at least 62 years of age. Please contact our Customer Service Department to determine eligibility.

Under certain circumstances a customer may be protected from termination of service during the period between 12:01 AM November 1st and 11:59 PM April 15th. Please call our Customer Service Department to determine eligibility.

If you or anyone currently and normally living in your house has a child under two (2) years old, we will not terminate or (TYPE OF UTILITY SERVICE) service, provided you also have a financial hardship. Please call our Customer Service Department to determine eligibility.

LOW INCOME HEATING ASSISTANCE PROGRAM (LIHEAP)
LIHEAP provides eligible customers with public energy assistance aid. Customers who may qualify should contact their local Community Action Program.

RULES AND REGULATIONS

A copy of the Rules and Regulations Governing Termination of Residential Electric, Gas and Water Utility Service are available for review at our office located at (address), (day) through (day) between the hours of (start time) and (end time). A copy of the Rules and Regulations is also available for review at the office of the Division of Public Utilities and Carriers located at 89 Jefferson Boulevard, Warwick, Rhode Island, Monday through Friday 8:30 AM to 3:30 PM. A copy of the Rules and Regulations may also be obtained via the Internet at www.ripuc.org

"FORM IV"

(Name of Utility)
(Utility Customer Service Phone Number)

FINANCIAL HARDSHIP STATEMENT

Name	Date
Address	Account Number
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 for an initial application and within forty (40) days if this is a renewal. 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 in household aged 62 or over_____

Number in household 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:

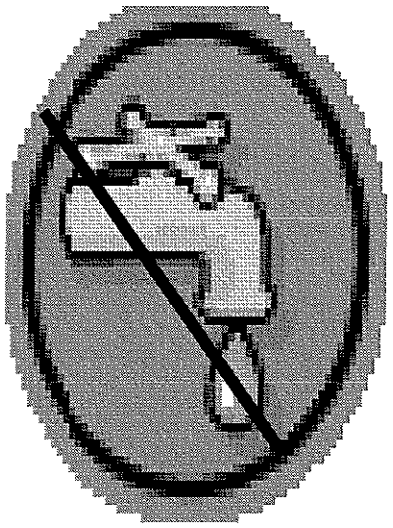
Date Received_____	Accepted_____Rejected_____ Company Representative_____
Resubmittal Date_____	Resubmittal Waived_____ Company Rep._____

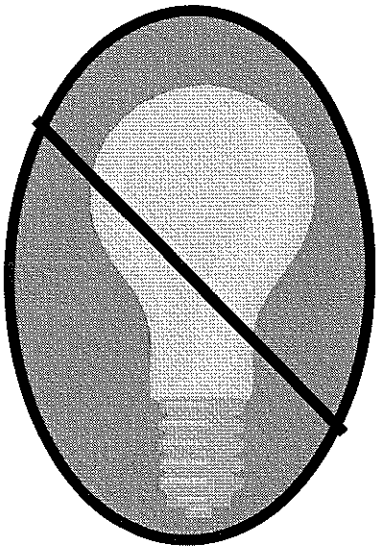
"FORM V"

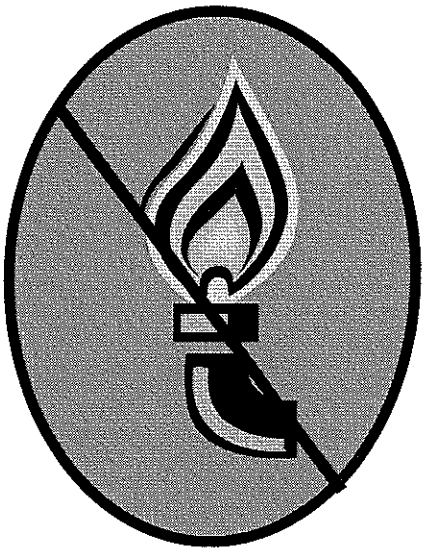
APPENDIX C

TERMINATION SYMBOLS

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







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