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Know your rights as a residential **UTILITIES CONSUMER**



COURTESY OF...
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Your rights as a residential **UTILITIES CONSUMER**

The Home Energy Fair Practices Act (HEFPA) sets clear guidelines on public utilities' services to residential customers. This is a guide to the laws and regulations of the Public Service Commission (PSC) as they apply to utility companies in New York State.



Security deposits

A utility company may only request a security deposit for a new service from seasonal or short-term customers.

Utilities may require a deposit if you fall behind in paying your bills, but the deposit can't exceed two months of service.

The utility provider cannot hold your deposit for more than one year unless you are delinquent, and you are entitled to interest on your deposit.

No deposits can be requested from customers 62 years of age or older unless the customer has had service terminated by the utility for nonpayment within the preceding six months.

No deposits may be requested from someone receiving public assistance or Supplemental Security Income (SSI).

Service refusal

Your utility provider must provide service unless you owe the utility for a previous service (see the "Payment Plan Options" section inside).

A utility can't make you pay someone else's bill, such as a former roommate, as a requirement for providing you service. Also, they may not refuse you residential service because of the previous debt of a business that was in your name.

Service requirements

If there is a medical emergency in your household, your utility company can't terminate your service because of late payments or nonpayment. If loss of service will aggravate an existing medical emergency, give your utility certification from your doctor, nurse practitioner or local board of health to get service turned on or to continue service.

Also, a utility provider may not terminate your service during the cold weather period (Nov. 1 - April 15) if it will cause serious impairment to health or safety.

Meter reading

If your utility can't get a meter reading for four months or two billing periods, whichever is longer, it must take additional measurements to get an actual reading, such as making an appointment or giving you a card to report your meter reading.

Agents of a utility are only allowed to enter a dwelling to read meters if they show identification and provide written authority.



Late billing

If a customer is not billed immediately due to the utility's neglect, the utility company can't bill the customer again for services rendered more than six months before the first bill was issued.

If the utility discovers it underbilled a customer due to its own fault, the company can only rebill for the last 12 months of service. In cases where the company was not at fault, it has two years to send the customer a corrected bill. Also, the company must send a letter explaining the adjustment for services you used over 12 months ago and for which you were already billed.

Payment plan options

In most cases, your utility company can't ask you to pay the entire amount you owe to avoid current services being shut off or to get gas, electric, water or telephone service turned on. You may be able to pay off an old bill under a "deferred payment agreement" and continue receiving service or get new service.

If you receive public assistance or SSI, the Department of Social Services may be required to pay some of your old gas or electric bill and guarantee future payment. If you do not receive public assistance or SSI, you can still apply to the Department of Social Services for assistance with a deferred payment agreement. If the Department of Social Services makes a payment on your behalf, the utility company must provide service.

Complaints

If you disagree with your bill or utility company, start by filing a complaint with your provider. Then, you can file a complaint with the PSC by calling the helpline at **800-342-3377** or by going online to **dps.ny.gov/file-complaint**. Your complaint will be investigated, and a written response will be issued if requested. You may also appear in person to state your case.

While they are investigating your complaint, service must be continued as long as you pay the charges that are not under protest.

Shut-off notices

Your utility company's termination notice must be sent at least 20 days after the payment due date and must allow you 15 days to resolve the issue.

During the cold weather period of Nov. 1 to April 15, your service provider must make a special effort to determine if shutting off your heat-related service will cause a problem to your health and safety or that of a household member.

Telephone companies must send you a notice to suspend or terminate service at least eight days prior and allow you 20 days to pay the bill, unless there are exceptional circumstances.

If your service provider is aware that you and all adults living with you are 62 or older, blind or disabled, and all remaining household residents are 18 or younger, it must make special attempts to contact you by phone or in person at least three days before a scheduled service shut-off.

If you are a tenant and your landlord pays for services, the utility must post notices in public areas of the building at least 15 days before service termination; mail a separate notice to tenants at least 15 days before shut-off in an apartment building; give 15 days' notice before shut-off to tenants in a two-family house; and provide 30 days' notice during the cold weather period of Nov. 1 to April 15. You may be able to avoid the shut-off by paying some or all of your bill to the utility company or by opening an account in your own name.

Service restoration

If your service has been shut off, your utility company must restore service:

- if a serious impairment to health or safety is likely to occur; or
- whenever there is an ongoing formal dispute as to why or how the utility shut service off.

You can request your service be restored under these circumstances by calling the PSC emergency hotline at **800-342-3355** on weekdays from 7:30 a.m. to 7:30 p.m. Deaf or hard of hearing consumers can contact the Department of Public Service through the NYS Relay Service by dialing **711**.



Remember...
your service cannot be shut off if health or safety problems will result.

Shut-offs can be investigated by the utility and the Department of Social Services.