

## A message from...

Assemblymember

**Linda B. Rosenthal**



Dear Friend,

*There are few things that have the ability to inspire the ire of even the most mild mannered than a run-in with a utility company. Utilities provide vital services to their customers,*

*but their practices and procedures can be complex and confounding.*

*The New York State Assembly has passed a number of laws to protect consumers against unwarranted service interruptions and baseless rate increases. In addition, we are working to pass legislation to establish the State Office of the Utility Consumer Advocate, which would advocate on behalf of consumers involved in disputes with their utility companies. New York is one of the only, and by far the largest, states without such an office.*

*Until we pass this important legislation, I hope this brochure will help you navigate the labyrinth-like bureaucracy in the meantime. If you have questions about this or any other issue, please contact my office.*

Sincerely,

*Linda Rosenthal*  
**Linda B. Rosenthal**

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# Know your rights



as a  
residential  
utilities  
consumer

Assemblymember  
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## Your rights as a residential utilities consumer

The Home Energy Fair Practices Act (HEFPA), which has been law for more than 30 years, 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 not ask for a security deposit for a new service except from seasonal or short-term customers. Utilities may require a deposit if you become delinquent in paying your bills, but the deposit can be no more than twice the cost of your average monthly bill. The utility 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 of 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 of someone receiving public assistance or Supplemental Security Income (SSI).

### Service refusal

Your utility must provide service unless you owe the utility for previous service (See Payment Plan Options inside). A utility can't make you pay someone else's bill, such as a former roommate, in order to provide you service. Also, they may not refuse you residential service because of the prior debt of a business that was in your name.

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# Remember...

Your service **CANNOT** be shut off if health or safety problems will result. Shutoffs can be investigated by the utility and the NYC Human Resources Administration.

## Service requirements

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

## Meter reading

If your utility cannot get a meter reading after four months or two billing periods, whichever is longer, it must take extra measures to get an actual reading, such as making an appointment or giving you a card on which to report your meter reading.

## Late billing

If a customer receiving service is not billed immediately, due to the neglect of the utility, the utility company cannot bill the customer again for services rendered more than six months prior to the first bill issued. If the utility discovers it underbilled a customer and was at 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, if the utility company has billed you for service, but is requesting you pay more for a service you used over 12 months ago, the company must send a letter explaining the adjustment.

## Payment plan options

In most cases, your utility company cannot ask you to pay everything you owe to avoid 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 New York City Human Resources Administration (HRA) 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 apply to HRA for payment assistance if you cannot meet the deferred payment arrangements. If there is a payment made on your behalf by HRA, the utility company cannot refuse to provide service.

## Complaints

If you disagree with your bill or with your utility company, you can complain to the PSC by calling 800-342-3377. 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 date and must allow you 15 days to resolve the problem. 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 the health and safety of you or a member of your household. Telephone companies must send you a notice to suspend or terminate service at least eight days prior, allowing you 20 days to pay the bill, unless exceptional circumstances are present.

If your service provider is aware that you and all adults living with you are 62 years of age or older, blind or disabled, and all remaining residents of the household are 18 years of age or under, it will make special attempts to contact you by phone or in person, at least three days before a scheduled service shutoff in order to help you keep your utility service on.

If you are a tenant and your landlord pays for services, the utility must post notices in the public areas of the building at least 15 days before service termination; mail a separate notice to tenants at least 15 days before shutoff in an apartment building; give 15 days notice before shutoff 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 shutoff 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 if service remains off
- whenever there is an ongoing formal dispute as to why or how the utility shut service off

By calling the PSC hotline at 800-342-3355, you can order your service restored under these circumstances.

You can also visit [www.dps.ny.gov](http://www.dps.ny.gov), which is the PSC website.



## Future options for consumers

The Public Service Commission requires most telephone, gas and electric companies to allow each customer to choose among service providers. In choosing a service provider, be careful about signing any agreement that waives or reduces your rights under law as a utility customer. Visit [www.askpsc.com](http://www.askpsc.com) if you would like to know more about your rights.