



House of Representatives

General Assembly

File No. 204

January Session, 2007

Substitute House Bill No. 7250

House of Representatives, March 29, 2007

The Committee on Energy and Technology reported through REP. FONTANA, S. of the 87th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING UTILITY SERVICE TERMINATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2007*) (a) A person seeking to
2 terminate electric, gas, telephone or water service to a residential
3 dwelling shall provide identification, as defined in section 16-49e of
4 the general statutes, to the electric distribution, gas, telephone or water
5 company, electric supplier or municipal utility providing such service
6 sufficient to establish that the person authorizing the termination is the
7 customer of record. Such company, supplier or utility shall not
8 terminate service if the person does not provide reasonable
9 identification establishing that the person requesting the termination is
10 the customer of record for the residential dwelling.

11 (b) If a person or entity other than a customer of record seeks to
12 terminate electric, gas, water or telephone service to a residential
13 dwelling, the company, supplier or utility service shall not effect
14 termination of service unless, five or more days prior to the requested

15 termination date, the company, utility or supplier places a telephone
16 call to the customer of record at the customer's last known telephone
17 number or, nine or more days prior to the requested termination date,
18 the company, utility or supplier sends a notification letter to the
19 customer of record at the customer's last known address.

20 (c) Notwithstanding the requirements of this section, an electric,
21 gas, telephone or water company, electric supplier or municipal utility
22 may terminate service at any time (1) upon request of a state or local
23 fire or police authority, (2) upon determination by the company,
24 supplier or utility that failure to terminate the service may adversely
25 impact safety or the public health, or (3) upon the company, supplier
26 or utility's compliance with applicable statutes or Department of
27 Public Utility Control regulations governing termination of service not
28 requested by the customer.

29 Sec. 2. Section 16-262e of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective July 1, 2007*):

31 (a) Notwithstanding the provisions of section 16-262d, wherever an
32 owner, agent, lessor or manager of a residential dwelling is billed
33 directly by an electric, electric distribution, gas, telephone or water
34 company or by a municipal utility for utility service furnished to such
35 building not occupied exclusively by such owner, agent, lessor, or
36 manager, and such company or municipal utility or the electric
37 supplier providing electric generation services has actual or
38 constructive knowledge that the occupants of such dwelling are not
39 the individuals to whom the company or municipal utility usually
40 sends its bills, such company, electric supplier or municipal utility
41 shall not terminate such service for nonpayment of a delinquent
42 account owed to such company, electric supplier or municipal utility
43 by such owner, agent, lessor or manager unless: (1) Such company,
44 electric supplier or municipal utility makes a good faith effort to notify
45 the occupants of such building of the proposed termination by the
46 means most practicable under the circumstances and best designed to
47 provide actual notice; and (2) such company, electric supplier or

48 municipal utility provides an opportunity, where practicable, for such
49 occupants to receive service in their own names without any liability
50 for the amount due while service was billed directly to the lessor,
51 owner, agent or manager and without the necessity for a security
52 deposit; provided, if it is not practicable for such occupants to receive
53 service in their own names, the company, electric supplier or
54 municipal utility shall not terminate service to such residential
55 dwelling but may pursue the remedy provided in section 16-262f.

56 (b) Whenever a company, electric supplier or municipal utility has
57 terminated service to a residential dwelling whose occupants are not
58 the individuals to whom it usually sends its bills, such company,
59 electric supplier or municipal utility shall, upon obtaining knowledge
60 of such occupancy, immediately reinstate service and thereafter not
61 effect termination unless it first complies with the provisions of
62 subsection (a) of this section.

63 (c) The owner, agent, lessor or manager of a residential dwelling
64 shall be liable for the costs of all electricity, gas, water or heating fuel
65 furnished by a public service company, electric supplier, municipal
66 utility or heating fuel dealer to the building, except for any service
67 furnished to any dwelling unit of the building on an individually
68 metered or billed basis for the exclusive use of the occupants of that
69 dwelling unit, provided, an owner, agent, lessor or manager shall be
70 liable for service provided on an individually metered or billed basis
71 pursuant to subsection (g) of this section if the company, supplier,
72 utility or dealer is denied access to its individual meters or other
73 facilities located on the premises of the building. If service is not
74 provided on an individually metered or billed basis and the owner,
75 agent, lessor or manager fails to pay for such service, any occupant
76 who receives service in his own name may deduct, in accordance with
77 the provisions of subsection (d) of this section, a reasonable estimate of
78 the cost of any portion of such service which is for the use of occupants
79 of dwelling units other than such occupant's dwelling unit.

80 (d) Any payments made by the occupants of any residential

81 dwelling pursuant to subsection (a) or (c) of this section shall be
82 deemed to be in lieu of an equal amount of rent or payment for use
83 and occupancy and each occupant shall be permitted to deduct such
84 amounts from any sum of rent or payment for use and occupancy due
85 and owing or to become due and owing to the owner, agent, lessor or
86 manager.

87 (e) Wherever a company, electric supplier or municipal utility
88 provides service pursuant to subdivision (2) of subsection (a) of this
89 section, the company, electric supplier or municipal utility shall notify
90 each occupant of such building in writing that service will be provided
91 in the occupant's own name. Such writing shall contain a conspicuous
92 notice in boldface type stating,

93 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
94 AMOUNT YOU PAY (name of company or municipal utility) FOR
95 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
96 OR HIS AGENT."

97 (f) The owner, agent, lessor or manager shall not increase the
98 amount paid by such occupant for rent or for use and occupancy in
99 order to collect all or part of that amount lawfully deducted by the
100 occupant pursuant to this section.

101 (g) The owner, agent, lessor or manager of a residential dwelling
102 shall be responsible for providing a public service company, electrical
103 supplier or municipal utility or heating fuel dealer access to its meter
104 or other facilities located on the premises of the residential dwelling
105 promptly upon request of the public service company, electrical
106 supplier or municipal utility or heating fuel dealer during reasonable
107 hours. If such owner, agent, lessor or manager fails to provide such
108 access upon reasonable request, the owner, agent, lessor or manager
109 shall be liable for the costs incurred by the public service company,
110 electrical supplier or municipal utility or heating fuel dealer in gaining
111 access to the meter and facilities, including costs of collection and
112 attorney fees. If the failure to provide access delays the ability of the
113 public service company, electrical supplier or municipal utility or

114 heating fuel dealer to terminate service to an individually metered or
115 billed portion of the dwelling, the owner, agent, lessor or manager
116 failing to provide access shall also be liable for the amounts billed by
117 the public service company, electrical supplier or municipal utility or
118 heating fuel dealer for service provided to the individually metered or
119 billed portion of the dwelling for the period beginning five days after
120 access has been requested and ending when access is provided by such
121 owner, agent, lessor or manager.

122 [(g)] (h) Nothing in this section shall be construed to prevent the
123 company, electric supplier, municipal utility, heating fuel dealer or
124 occupant from pursuing any other action or remedy at law or equity
125 that it may have against the owner, agent, lessor, or manager.

126 Sec. 3. (NEW) (*Effective from passage*) The owner, agent, lessor or
127 manager of a building shall, when requested in writing by a public
128 service company, as defined in section 16-1 of the general statutes, that
129 provides utility service to a premise not occupied exclusively by such
130 owner, agent, lessor or manager of such building, provide access to
131 equipment that is the property of such electric, electric distribution,
132 gas, telephone or water company or municipal utility and is located on
133 or in such building for purposes of maintenance or termination of
134 service. Any such owner, agent, lessor or manager who fails to provide
135 such access not later than seven days after the date of request for
136 access shall be liable for payment of utility service provided to the
137 building from the date of notice until the date that access is provided.
138 If it becomes necessary for an electric, electric distribution, gas,
139 telephone or water company or municipal utility to incur incremental
140 costs to terminate service because of failure to grant access to the
141 premises after such written notice is issued, such electric, electric
142 distribution, gas, telephone or water company or municipal utility
143 shall bill such incremental costs to the owner, agent, lessor or manager
144 of the building.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>July 1, 2007</i>	16-262e
Sec. 3	<i>from passage</i>	New section

ET *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill requires certain action by homeowners and landlords regarding access to meters and establishes certain requirements for the termination of residential utility service. There is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 7250*****AN ACT CONCERNING UTILITY SERVICE TERMINATION.*****SUMMARY:**

This bill requires homeowners and landlords to give utilities and, in the case of residential buildings, heating fuel dealers, access to meters and other facilities located on their premises. It subjects the affected parties to sanctions if they do not, including, in the case of landlords, being held responsible for their tenant's utility bills. The sanctions appear to be inconsistent with regard to multi-family residential buildings (see COMMENT).

The bill also establishes verification requirements for the termination of residential utility service. These provisions apply to services provided by utility companies, municipal utilities, and competitive electric suppliers.

EFFECTIVE DATE: Upon passage for the non-residential landlord provisions, July 1, 2007 for the remaining provisions.

ACCESS TO METERS AND OTHER UTILITY EQUIPMENT***Residential Buildings***

The bill requires the owner, lessor, manager, or agent of any residential building promptly to give a utility or heating fuel dealer access to its individual meters or other facilities located on the premises during reasonable hours. Any such party that fails to provide access upon a reasonable request is liable for the utility or dealer's cost in gaining access to the facilities, including collection costs and attorney fees. If the failure to provide access delays the utility or dealer's ability to terminate service to an individually metered or billed portion of the dwelling, the owner, lessor, manager, or agent is

also liable for the amount billed by the utility or dealer for that part of the building, starting five days after the utility or dealer requested access and until access is provided. These provisions apply to access to equipment owned by investor-owned and municipal utilities, competitive electric suppliers, and heating fuel dealers.

All Buildings Where the Owner is Not the Sole Occupant

The bill requires the owner, lessor, manager, or agent of any building that has units occupied by other people (e.g., apartment buildings and leased office buildings) to give utility companies access to their equipment in or on the building so that the utilities can maintain or terminate service. Utilities, under this provision, are electric, gas, water, and telephone companies and municipal utilities. An owner, lessor, manager, or agent who does not provide access within seven days after a request becomes liable for paying the utility service until he provides access. If it becomes necessary for a utility to incur added costs to terminate service because of failure to gain access after a written request, the utility must bill these added costs to the owner, lessor, manager, or agent.

TERMINATIONS

The bill requires anyone who seeks to terminate electric, gas, telephone, or water service to a dwelling to provide the utility with identification sufficient to demonstrate that he is the customer of record, i.e., the person responsible for the utility bill. The utility may not terminate service if the person does not provide reasonable identification showing that he is the customer of record.

If a person other than the customer of record seeks to terminate service, the utility cannot do so unless it (1) has placed a call to the customer of record at his last known telephone number at least five days before the termination date or (2) has sent a notification to the customer at his last known address at least nine days before the termination date.

However, a utility can terminate service at any time (1) at the

request of a state or local fire or police authority, (2) at the utility's determination that failure to terminate service may harm public health, or (3) if the utility has complied with all applicable laws or Department of Public Utility Control regulations on terminations not requested by the customer.

COMMENT

Inconsistent Sanctions

Under the bill, it appears that a multi-occupant residential building, such as an apartment or condominium building, would fall under both of the bill's access requirements. Under the first requirement, the building's owner, lessor, manager, or agent becomes liable for his tenant's utility or fuel bill five days after he fails to provide access; under the second provision, he becomes liable seven days after failing to provide access.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 20 Nay 1 (03/13/2007)