



General Assembly

January Session, 2007

Raised Bill No. 7250

LCO No. 4729

04729_____ET_

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING UTILITY SERVICE TERMINATION.

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

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 Section 16-262d of the general statutes is repealed and the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

3 (a) No electric, electric distribution, gas, telephone or water
4 company, no electric supplier and no municipal utility furnishing
5 electric, gas or water service may terminate such service to a
6 residential dwelling on account of nonpayment of a delinquent
7 account unless such company, electric supplier or municipal utility
8 first gives notice of such delinquency and impending termination by
9 first class mail addressed to the customer to which such service is
10 billed, at least [thirteen] thirty calendar days prior to the proposed
11 termination, except that if an electric, electric distribution or gas
12 company, electric supplier or municipal utility furnishing electric or
13 gas service has issued a notice under this subsection but has not
14 terminated service prior to issuing a new bill to the customer, such
15 company, electric supplier or municipal utility may terminate such
16 service only after mailing the customer an additional notice of the
17 impending termination, addressed to the customer to which such

18 service is billed either (1) by first class mail at least [thirteen] thirty
19 calendar days prior to the proposed termination, or (2) by certified
20 mail, at least [seven] fourteen calendar days prior to the proposed
21 termination. In the event that multiple dates of proposed termination
22 are provided to a customer, no such company, electric supplier or
23 municipal utility shall terminate service prior to the latest of such
24 dates. For purposes of this subsection, the [thirteen-day] thirty-day
25 periods and [seven-day] fourteen-day period shall commence on the
26 date such notice is mailed. If such company, electric supplier or
27 municipal utility does not terminate service within one hundred
28 twenty days after mailing the initial notice of termination, such
29 company, electric supplier or municipal utility shall give the customer
30 a new notice at least [thirteen] thirty days prior to termination. Every
31 termination notice issued by a public service company, electric
32 supplier or municipal utility shall contain or be accompanied by an
33 explanation of the rights of the customer provided in subsection (c) of
34 this section.

35 (b) No such company, electric supplier or municipal utility shall
36 effect termination of service for nonpayment during such time as any
37 resident of a dwelling to which such service is furnished is seriously ill,
38 if the fact of such serious illness is certified to such company, electric
39 supplier or municipal utility by a registered physician within such
40 period of time after the mailing of a termination notice pursuant to
41 subsection (a) of this section as the Department of Public Utility
42 Control may by regulation establish, provided the customer agrees to
43 amortize the unpaid balance of his account over a reasonable period of
44 time and keeps current his account for utility service as charges accrue
45 in each subsequent billing period.

46 (c) No such company, electric supplier or municipal utility shall
47 effect termination of service to a residential dwelling for nonpayment
48 during the pendency of any complaint, investigation, hearing or
49 appeal, initiated by a customer within such period of time after the
50 mailing of a termination notice pursuant to subsection (a) of this

51 section as said Department of Public Utility Control may by regulation
52 establish; provided, any telephone company during the pendency of
53 any complaint, investigation, hearing or appeal may terminate
54 telephone service if the amount of charges accruing and outstanding
55 subsequent to the initiation of any complaint, investigation, hearing or
56 appeal exceeds on a monthly basis the average monthly bill for the
57 previous three months or if the customer fails to keep current his
58 telephone account for all undisputed charges or fails to comply with
59 any amortization agreement as hereafter provided.

60 (d) Any customer who has initiated a complaint or investigation
61 under subsection (c) of this section shall be given an opportunity for
62 review of such complaint or investigation by a review officer of the
63 company, electric supplier or municipal utility other than a member of
64 such company's, electric supplier's or municipal utility's credit
65 department, provided the Department of Public Utility Control may
66 waive this requirement for any company, electric supplier or
67 municipal utility employing fewer than twenty-five full-time
68 employees, which review shall include consideration of whether the
69 customer should be permitted to amortize the unpaid balance of his
70 account over a reasonable period of time. No termination shall be
71 effected for any customer complying with any such amortization
72 agreement, provided such customer also keeps current his account for
73 utility service as charges accrue in each subsequent billing period.

74 (e) Any customer whose complaint or request for an investigation
75 has resulted in a determination by a company, electric supplier or
76 municipal utility which is adverse to him may appeal such
77 determination to the Department of Public Utility Control or a hearing
78 officer appointed by the department.

79 (f) If, following the receipt of a termination notice or the entering
80 into of an amortization agreement, the customer makes a payment or
81 payments amounting to twenty per cent of the balance due, the public
82 service company or electric supplier shall not terminate service

83 without giving notice to the customer, in accordance with the
84 provisions of this section, of the conditions the customer must meet to
85 avoid termination, but such subsequent notice shall not entitle such
86 customer to further investigation, review or appeal by the company,
87 electric supplier, municipal utility or department.

88 (g) No electric distribution, gas, telephone or water company,
89 certified telecommunications provider, gas registrant or municipal
90 utility furnishing electric, gas or water service shall submit to a credit
91 rating agency, as defined in section 36a-695, any information about a
92 residential customer's nonpayment for electric, gas, telephone,
93 telecommunications or water service unless the customer is more than
94 sixty days delinquent in paying for such service. In no event shall such
95 a company, certified telecommunications provider, gas registrant or
96 municipal utility submit to a credit rating agency any information
97 about a residential customer's nonpayment for such service if the
98 customer has initiated a complaint, investigation hearing or appeal
99 with regard to such service under subsection (c) of this section that is
100 pending before the department. If such a company, certified
101 telecommunications provider, gas registrant or municipal utility
102 intends to submit to a credit rating agency information about a
103 customer's nonpayment for service, it shall, at least thirty days before
104 submitting such information, send the customer by first class mail
105 notification that includes the statement, "AS AUTHORIZED BY LAW,
106 FOR RESIDENTIAL ACCOUNTS, WE SUPPLY PAYMENT
107 INFORMATION TO CREDIT RATING AGENCIES. IF YOUR
108 ACCOUNT IS MORE THAN SIXTY DAYS DELINQUENT, THE
109 DELINQUENCY REPORT COULD HARM YOUR CREDIT RATING".

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

112 (a) Notwithstanding the provisions of section 16-262d, as amended
113 by this act, wherever an owner, agent, lessor or manager of a
114 residential dwelling is billed directly by an electric, electric

115 distribution, gas, telephone or water company or by a municipal utility
116 for utility service furnished to such building not occupied exclusively
117 by such owner, agent, lessor, or manager, and such company or
118 municipal utility or the electric supplier providing electric generation
119 services has actual or constructive knowledge that the occupants of
120 such dwelling are not the individuals to whom the company or
121 municipal utility usually sends its bills, such company, electric
122 supplier or municipal utility shall not terminate such service for
123 nonpayment of a delinquent account owed to such company, electric
124 supplier or municipal utility by such owner, agent, lessor or manager
125 unless: (1) Such company, electric supplier or municipal utility makes
126 a good faith effort to notify the occupants of such building of the
127 proposed termination by the means most practicable under the
128 circumstances and best designed to provide actual notice; and (2) such
129 company, electric supplier or municipal utility provides an
130 opportunity, where practicable, for such occupants to receive service in
131 their own names without any liability for the amount due while
132 service was billed directly to the lessor, owner, agent or manager and
133 without the necessity for a security deposit; provided, if it is not
134 practicable for such occupants to receive service in their own names,
135 the company, electric supplier or municipal utility shall not terminate
136 service to such residential dwelling but may pursue the remedy
137 provided in section 16-262f.

138 (b) Whenever a company, electric supplier or municipal utility has
139 terminated service to a residential dwelling whose occupants are not
140 the individuals to whom it usually sends its bills, such company,
141 electric supplier or municipal utility shall, upon obtaining knowledge
142 of such occupancy, immediately reinstate service and thereafter not
143 effect termination unless it first complies with the provisions of
144 subsection (a) of this section.

145 (c) The owner, agent, lessor or manager of a residential dwelling
146 shall be liable for the costs of all electricity, gas, water or heating fuel
147 furnished by a public service company, electric supplier, municipal

148 utility or heating fuel dealer to the building, except for any service
149 furnished to any dwelling unit of the building on an individually
150 metered or billed basis for the exclusive use of the occupants of that
151 dwelling unit, provided, an owner, agent, lessor or manager shall be
152 liable for service provided on an individually metered or billed basis
153 pursuant to subsection (g) of this section if the company, supplier,
154 utility or dealer is denied access to its individual meters or other
155 facilities located on the premises of the building. If service is not
156 provided on an individually metered or billed basis and the owner,
157 agent, lessor or manager fails to pay for such service, any occupant
158 who receives service in his own name may deduct, in accordance with
159 the provisions of subsection (d) of this section, a reasonable estimate of
160 the cost of any portion of such service which is for the use of occupants
161 of dwelling units other than such occupant's dwelling unit.

162 (d) Any payments made by the occupants of any residential
163 dwelling pursuant to subsection (a) or (c) of this section shall be
164 deemed to be in lieu of an equal amount of rent or payment for use
165 and occupancy and each occupant shall be permitted to deduct such
166 amounts from any sum of rent or payment for use and occupancy due
167 and owing or to become due and owing to the owner, agent, lessor or
168 manager.

169 (e) Wherever a company, electric supplier or municipal utility
170 provides service pursuant to subdivision (2) of subsection (a) of this
171 section, the company, electric supplier or municipal utility shall notify
172 each occupant of such building in writing that service will be provided
173 in the occupant's own name. Such writing shall contain a conspicuous
174 notice in boldface type stating,

175 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
176 AMOUNT YOU PAY (name of company or municipal utility) FOR
177 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
178 OR HIS AGENT."

179 (f) The owner, agent, lessor or manager shall not increase the

180 amount paid by such occupant for rent or for use and occupancy in
181 order to collect all or part of that amount lawfully deducted by the
182 occupant pursuant to this section.

183 (g) The owner, agent, lessor or manager of a residential dwelling
184 shall be responsible for providing a public service company, electrical
185 supplier or municipal utility or heating fuel dealer access to its meter
186 or other facilities located on the premises of the residential dwelling
187 promptly upon request of the public service company, electrical
188 supplier or municipal utility or heating fuel dealer during reasonable
189 hours. If such owner, agent, lessor or manager fails to provide such
190 access upon reasonable request, the owner, agent, lessor or manager
191 shall be liable for the costs incurred by the public service company,
192 electrical supplier or municipal utility or heating fuel dealer in gaining
193 access to the meter and facilities, including costs of collection and
194 attorney fees. If the failure to provide access delays the ability of the
195 public service company, electrical supplier or municipal utility or
196 heating fuel dealer to terminate service to an individually metered or
197 billed portion of the dwelling, the owner, agent, lessor or manager
198 failing to provide access shall also be liable for the amounts billed by
199 the public service company, electrical supplier or municipal utility or
200 heating fuel dealer for service provided to the individually metered or
201 billed portion of the dwelling for the period beginning five days after
202 access has been requested and ending when access is provided by such
203 owner, agent, lessor or manager.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2007	16-262d
Sec. 2	July 1, 2007	16-262e

Statement of Purpose:

To modify existing statutes concerning utility service termination.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]