



General Assembly

**Proposed Substitute
Bill No. 5327**

February Session, 2008

LCO No. 3045

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, 2008*) (a) A person seeking to
2 terminate electric, gas, telecommunications or water service to a
3 residential dwelling shall provide identification, as defined in section
4 16-49e of the general statutes, the password previously provided by
5 the customer, the customer code provided by the company or other
6 reasonable identification method established by the company to the
7 electric distribution, gas, telecommunications or water company,
8 electric supplier or municipal utility providing such service sufficient
9 to establish that the person authorizing the termination is the customer
10 of record or the customer's authorized representative. Such company,
11 supplier or utility shall not terminate service if the person does not
12 provide reasonable identification establishing that the person
13 requesting the termination is the customer of record or the customer's
14 authorized representative for the residential dwelling.

15 (b) If a person or entity other than a customer of record or the
16 customer's authorized representative seeks to terminate electric, gas,
17 water or telecommunications service to a residential dwelling, the
18 company, supplier or utility service shall not effect termination of
19 service unless, nine or more days prior to the requested termination
20 date, the company, utility or supplier sends a notification letter to the
21 customer of record at the customer's last-known address.

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

31 Sec. 2. Section 16-262e of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2008*):

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

47 the occupants of such building of the proposed termination by the
48 means most practicable under the circumstances and best designed to
49 provide actual notice; and (2) such company, electric supplier or
50 municipal utility provides an opportunity, where practicable, for such
51 occupants to receive service in their own names without any liability
52 for the amount due while service was billed directly to the lessor,
53 owner, agent or manager and without the necessity for a security
54 deposit; provided, if it is not practicable for such occupants to receive
55 service in their own names, the company, electric supplier or
56 municipal utility shall not terminate service to such residential
57 dwelling but may pursue the remedy provided in section 16-262f of the
58 2008 supplement to the general statutes.

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

66 (c) The owner, agent, lessor or manager of a residential dwelling
67 shall be liable for the costs of all electricity, gas, water or heating fuel
68 furnished by a public service company, electric supplier, municipal
69 utility or heating fuel dealer to the building, except for any service
70 furnished to any dwelling unit of the building on an individually
71 metered or billed basis for the exclusive use of the occupants of that
72 dwelling unit, provided an owner, agent, lessor or manager shall be
73 liable for service provided on an individually metered or billed basis
74 pursuant to subsection (g) of this section from ten days after the date of
75 written request if the company, supplier, utility or dealer is denied
76 access to its individual meters or other facilities located on the
77 premises of the building. Said owners, agents, lessors or managers
78 shall only be liable when said owners, agents, lessors or managers
79 control access to such individual meters to which access is denied. If

80 service is not provided on an individually metered or billed basis and
81 the owner, agent, lessor or manager fails to pay for such service, any
82 occupant who receives service in his own name may deduct, in
83 accordance with the provisions of subsection (d) of this section, a
84 reasonable estimate of the cost of any portion of such service which is
85 for the use of occupants of dwelling units other than such occupant's
86 dwelling unit.

87 (d) Any payments made by the occupants of any residential
88 dwelling pursuant to subsection (a) or (c) of this section shall be
89 deemed to be in lieu of an equal amount of rent or payment for use
90 and occupancy and each occupant shall be permitted to deduct such
91 amounts from any sum of rent or payment for use and occupancy due
92 and owing or to become due and owing to the owner, agent, lessor or
93 manager.

94 (e) Wherever a company, electric supplier or municipal utility
95 provides service pursuant to subdivision (2) of subsection (a) of this
96 section, the company, electric supplier or municipal utility shall notify
97 each occupant of such building in writing that service will be provided
98 in the occupant's own name. Such writing shall contain a conspicuous
99 notice in boldface type stating,

100 "NOTICE TO OCCUPANT. YOU MAY DEDUCT THE FULL
101 AMOUNT YOU PAY (name of company or municipal utility) FOR
102 (type of service) FROM THE MONEY YOU PAY YOUR LANDLORD
103 OR HIS AGENT."

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

108 (g) The owner, agent, lessor or manager of a residential dwelling
109 shall be responsible for providing a public service company, electrical
110 supplier or municipal utility or heating fuel dealer access to its meter

111 or other facilities located on the premises of the residential dwelling
112 promptly upon written request of the public service company,
113 electrical supplier or municipal utility or heating fuel dealer during
114 reasonable hours. If such owner, agent, lessor or manager fails to
115 provide such access upon reasonable written request, the owner,
116 agent, lessor or manager shall be liable for the costs incurred by the
117 public service company, electrical supplier or municipal utility or
118 heating fuel dealer in gaining access to the meter and facilities,
119 including costs of collection and attorney fees. If the failure to provide
120 access delays the ability of the public service company, electrical
121 supplier or municipal utility or heating fuel dealer to terminate service
122 to an individually metered or billed portion of the dwelling, the
123 owner, agent, lessor or manager failing to provide access shall also be
124 liable for the amounts billed by the public service company, electrical
125 supplier or municipal utility or heating fuel dealer for service provided
126 to the individually metered or billed portion of the dwelling for the
127 period beginning ten days after access has been requested and ending
128 when access is provided by such owner, agent, lessor or manager.

129 [(g)] (h) Nothing in this section shall be construed to prevent the
130 company, electric supplier, municipal utility, heating fuel dealer or
131 occupant from pursuing any other action or remedy at law or equity
132 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, 2008	New section
Sec. 2	July 1, 2008	16-262e