



House of Representatives

File No. 524

General Assembly

February Session, 2008

(Reprint of File No. 140)

Substitute House Bill No. 5327
As Amended by House Amendment Schedule
"A"

Approved by the Legislative Commissioner
April 7, 2008

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 to the electric distribution, gas,
4 telecommunications or water company, electric supplier or municipal
5 utility providing such service either (1) identification, as defined in
6 section 16-49e of the general statutes, (2) the password previously
7 provided by the customer of record for such service, (3) the customer
8 code provided by the company, supplier or utility, or (4) other
9 reasonable identification established by the company, supplier or
10 utility sufficient to establish that the person authorizing the
11 termination is the customer of record or the customer's authorized
12 representative. Such company, supplier or utility shall not terminate
13 service if the person does not provide such reasonable identification.

14 (b) If a person or entity, other than a customer of record or the
15 customer's authorized representative, seeks to terminate electric, gas,

16 water or telecommunications service to a residential dwelling, the
17 company, supplier or utility service shall not terminate service unless,
18 nine or more days prior to the requested termination date, the
19 company, utility or supplier sends a notification letter to the customer
20 of record at the customer's last-known address.

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

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 Section 16-262e of the general statutes is repealed and the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

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

49 municipal utility provides an opportunity, where practicable, for such
50 occupants to receive service in their own names without any liability
51 for the amount due while service was billed directly to the lessor,
52 owner, agent or manager and without the necessity for a security
53 deposit; provided, if it is not practicable for such occupants to receive
54 service in their own names, the company, electric supplier or
55 municipal utility shall not terminate service to such residential
56 dwelling but may pursue the remedy provided in section 16-262f of the
57 2008 supplement to the general statutes.

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

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

83 of this section, a reasonable estimate of the cost of any portion of such
84 service which is for the use of occupants of dwelling units other than
85 such occupant's dwelling unit.

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

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

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

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

107 (g) The owner, agent, lessor or manager of a residential dwelling
108 shall be responsible for providing a public service company, electric
109 supplier or municipal utility or heating fuel dealer access to its meter
110 or other facilities located on the premises of the residential dwelling
111 promptly upon written request of the public service company, electric
112 supplier or municipal utility or heating fuel dealer during reasonable
113 hours. If such owner, agent, lessor or manager fails to provide such
114 access upon reasonable written request, the owner, agent, lessor or

115 manager shall be liable for the costs incurred by the public service
116 company, electric supplier or municipal utility or heating fuel dealer in
117 gaining access to the meter and facilities, including costs of collection
118 and attorney fees. If the failure to provide access delays the ability of
119 the public service company, electric supplier or municipal utility or
120 heating fuel dealer to terminate service to an individually metered or
121 billed portion of the dwelling, the owner, agent, lessor or manager
122 failing to provide access shall also be liable for the amounts billed by
123 the public service company, electric supplier or municipal utility or
124 heating fuel dealer for service provided to the individually metered or
125 billed portion of the dwelling for the period beginning ten days after
126 access has been requested and ending when access is provided by such
127 owner, agent, lessor or manager.

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

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 establishes requirements regarding access to utility meters and termination of residential utility service. There is no fiscal impact.

House "A", which made a technical change, does not change the fiscal impact of the underlying bill.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5327 (as amended by House "A")******AN ACT CONCERNING UTILITY SERVICE TERMINATION.*****SUMMARY:**

This bill requires owners of residential buildings to give utilities and 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 being held responsible for their tenants' utility bills.

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.

*House Amendment "A" makes a technical change.

EFFECTIVE DATE: July 1, 2008

ACCESS TO METERS AND OTHER UTILITY EQUIPMENT

The bill requires the owner, lessor, manager, or agent of any residential building to give a utility or heating fuel dealer access to its individual meters or other facilities located on the premises during reasonable hours, upon written request. 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. Under current law, owners and related parties are not liable for services provided to their tenants that are individually metered or billed.

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 10 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.

TERMINATIONS

The bill requires anyone who seeks to terminate electric, gas, telecommunications, or water service to a dwelling to provide the utility with identification sufficient to demonstrate that he or she is the customer of record, i.e., the person responsible for the utility bill or authorized representative. The customer or the customer's representative can do this by providing a driver's license or certain other documents that can be used under current law to establish an account, the password previously provided by the customer, the customer code provided by the utility, or other reasonable identifications established by the utility. The utility may not terminate service if the person does not provide reasonable identification showing that he or she is the customer of record.

If a person other than the customer of record or his or her authorized representative seeks to terminate service, the utility cannot do so unless it 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 safety of 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.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/06/2008)