



CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION

SHIRLEY BERGERT, DIRECTOR, PUBLIC BENEFITS TASK FORCE

872 MAIN STREET P.O. BOX 258 WILLIMANTIC, CT 06226-258

TELEPHONE (860) 456-1761 OR 1-800-413-7796 (CLIENT TOLL-FREE LINE) EXT. 115

FAX (860) 456-7420

E-MAIL SBERGERT@CONNLEGALESERVICES.ORG

SHIRLEY BERGERT
DIRECTOR OF
PUBLIC BENEFITS TASK FORCE

ANNE LOUISE BLANCHARD
LITIGATION DIRECTOR

CATHERINE CUSHMAN
CHERYL DIANE FEUERMAN
BET GAILOR
JOELEN J. GATES
REBECCA LOOS
MYKLYN MAHONEY
SAMUEL T.D. NEVES, JR.
ROYAL STARK
WENDY W. WANCHAK
ATTORNEYS AT LAW

CAROLE MASTERS
VOLUNTEER ATTORNEY

THOMAS W. CRATTY, JR.
LAUREL J. FREEMAN
PARALEGALS

LUZ OSUBA
HEROILDA RIOS
LEGAL ASSISTANTS

ADMINISTRATIVE OFFICE
62 WASHINGTON STREET
MIDDLETOWN, CT 06457
(860) 344-0447

AARON BAYER
BOARD CHAIR

STEVEN D. EPPLER-EPSTEIN
EXECUTIVE DIRECTOR

LAW OFFICES

211 STATE STREET
BRIDGEPORT, CT 06604

16 MAIN STREET
NEW BRITAIN, CT 06051

153 WILLIAMS STREET
NEW LONDON, CT 06320

20 SUMMER STREET
STAMFORD, CT 06901

85 CENTRAL AVENUE
WATERBURY, CT 06702

872 MAIN STREET
WILLIMANTIC, CT 06226

SATELLITE OFFICES

5 COLONY STREET
MERIDEN, CT 06451

62 WASHINGTON STREET
MIDDLETOWN, CT 06457

98 SOUTH MAIN STREET
SOUTH NORWALK, CT 06854

564 PROSPECT STREET
TORRINGTON, CT 06790

155 WEST MAIN STREET
ROCKVILLE, CT 06066

Testimony Regarding Bill #777 An Act Concerning Revisions to the Utility Statutes

Before the Energy and Technology Committee

February 3, 2009

Prepared by Shirley Bergert¹

Recommended Action Regarding Section 5: Support, and add language to clarify application to gas utilities

Section 5 of this bill clarifies that winter moratorium protections preclude electric utility companies from denying residential service to a household in a hardship situation in which it lacks the resources to their entire account.

The winter moratorium runs from November 1 to May 1. It precludes electric companies – both public service and municipal utilities – from using a lack of access to utility service as a collection tactic.² The law recognizes that the health and safety consequences related to such lack of service access are too great to risk. The law was passed in 1979 following the freezing death of a toddler in a dwelling where utility service had been terminated.

Current law provides an electric utility may not “terminate or refuse to reinstate residential electric service in hardship cases...” On occasion there has been a question regarding whether a refusal to provide service at a new address is authorized. This proposal makes it clear that such a denial of service is not authorized during the moratorium in a hardship situation where the household cannot afford to pay its full debt to the utility.

The proposal should also provide clarification regarding gas heat service access -- suggested language is provided on the reverse of this page.

¹ Shirley Bergert serves: as the residential representative on the Energy Conservation Management Board overseeing the expenditure of ratepayer conservation funds in Connecticut Energy Efficiency Fund (Conn. Gen. Stat. § 16-245m); as the low income representative on the Fuel Oil Conservation Board (Conn. Gen. Stat. § 16a-22f); on the Low Income Energy Advisory Board (Conn. Gen. Stat. § 16a-41b); and on the Advisory Board of the Institute for Sustainable Energy at Eastern Connecticut State University.

² Utility companies may use other approaches to collecting debt during the winter moratorium including normal dunning efforts and litigation. They may also terminate service during the non-moratorium period when a debt is owed (except where such a termination is life-threatening) if the customer has not entered into a reasonable payment agreement to pay down the debt.



Suggested Modification of Proposed Bill:

The proposal should be modified to clarify that denials of gas heat service are also not permitted during the winter moratorium. A denial of gas heat service during the winter can be deadly. The following includes the language in the proposal (first sentence) and the additional language to protect gas heat customers (second sentence):

(b) (1) From November first to May first, inclusive, no electric or electric distribution company, as defined in section 16-1, no electric supplier and no municipal utility furnishing electricity shall terminate, deny or refuse to reinstate residential electric service in hardship cases where the customer lacks the financial resources to pay his or her entire account. From November first to May first, inclusive, no gas company and no municipal utility furnishing gas shall terminate, deny or refuse to reinstate residential gas service in hardship cases where the customer uses such gas for heat and lacks the financial resources to pay his or her entire account, except a gas company that, between May second and October thirty-first, terminated gas service to a residential customer who uses gas for heat and who, during the previous period of November first to May first, had gas service maintained because of hardship status, may refuse to reinstate the gas service from November first to May first, inclusive, only if the customer has failed to pay, since the preceding November first, the lesser of: (A) Twenty per cent of the outstanding principal balance owed the gas company as of the date of termination, (B) one hundred dollars, or (C) the minimum payments due under the customer's amortization agreement. Notwithstanding any other provision of the general statutes to the contrary, no electric, electric distribution or gas company, no electric supplier and no municipal utility furnishing electricity or gas shall terminate or refuse to reinstate residential electric or gas service where the customer lacks the financial resources to pay his or her entire account and for which customer or a member of the customer's household the termination or failure to reinstate such service would create a life-threatening situation.