



# House of Representatives

General Assembly

**File No. 269**

*January Session, 2009*

Substitute House Bill No. 5694

*House of Representatives, March 26, 2009*

The Committee on Energy and Technology reported through REP. NARDELLO of the 89th 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, 2009*) (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 method established by the company, supplier  
10 or 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 telecommunications or water service to a residential dwelling, the  
17 company, supplier or utility shall not terminate service unless, nine or  
18 more days prior to the requested termination date, the company,  
19 utility or supplier sends a notification letter to the customer of record  
20 at the customer's last-known address.

21 (c) Notwithstanding the requirements of this section, an electric  
22 distribution, gas, telecommunications or water company, electric  
23 supplier or municipal utility may terminate service at any time (1)  
24 upon request of a state or local fire or police authority, (2) upon  
25 determination by the company, supplier or utility that failure to  
26 terminate the service may adversely impact safety or the public health,  
27 or (3) upon the company's, supplier's or utility's compliance with  
28 applicable statutes or Department of Public Utility Control regulations  
29 governing 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, 2009*):

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.

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

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

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

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

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

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

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

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

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

127 [(g)] (h) Nothing in this section shall be construed to prevent the  
 128 company, electric supplier, municipal utility, heating fuel dealer or  
 129 occupant from pursuing any other action or remedy at law or equity  
 130 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, 2009	New section
Sec. 2	July 1, 2009	16-262e

**Statement of Legislative Commissioners:**

In section 1(c), "electric" was changed to "electric distribution" for accuracy.

**ET** Joint Favorable Subst.-LCO

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 House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

This bill, which sets guidelines for utility service termination, has no anticipated fiscal impact.

***The Out Years***

None

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**OLR Bill Analysis**

**sHB 5694**

***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.

EFFECTIVE DATE: July 1, 2009

**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 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's 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's 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 must 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 or her 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

Yea 21 Nay 0 (03/10/2009)