

**Sec. 16-3-100. Termination of utility service**

(a) **Definitions.** As used in this section:

(1) “Customer” or “customer of account” means any person or entity which has contracted with a utility company for utility service. If residential utility service has gone to the joint benefit of spouses or to the support of their family then both spouses are customers of the utility company even if only one spouse expressly contracted with the company for residential utility service. For the purposes of subsection (j) of this section, the spouse who expressly contracted for residential utility service is the named customer and the spouse who did not expressly contract for such service is the unnamed customer;

(2) “Residential customer” means a customer who contracts with a utility company for utility service at residential premises for domestic purposes;

(3) “Commercial customer” or “Industrial customer” means a customer who contracts with a utility company for utility service at nonresidential premises, whether for profit or not for profit;

(4) “Interruptible customer” means a commercial or industrial customer who contracts with a utility company for utility service on an interruptible basis which usually requires the availability of an alternate fuel;

(5) “Delinquent account” means a bill for utility service which has remained unpaid for a period of more than 33 days from the date a bill is mailed by a utility company which bills upon a monthly basis; or a bill for utility service which has remained unpaid for a period of more than 63 days from the date a bill is mailed by a utility company which bills on a bi-monthly or quarterly basis, except for a bill for utility service from a municipal water utility which becomes delinquent in accordance with the regulations of the governing body. No partial payment of any delinquent account shall affect the delinquent status of the amount remaining unpaid on such account;

(6) “Hardship” or “hardship case” means a person receiving or seeking reinstatement of residential gas or electric utility service from November 1st to April 15th who lacks the financial resources to pay his or her entire bill for gas and electric utility service, including but not limited to:

(A) A person receiving local, state, or federal public assistance, including but not limited to:

- (i) aid to the blind;
- (ii) aid to families with dependent children;
- (iii) old age assistance;
- (iv) aid to the disabled;
- (v) Medicaid;
- (vi) supplemental security income; or
- (vii) general assistance;

(B) A person whose sole source of financial support is derived from social security, veterans’ administration or unemployment compensation benefits;

(C) A person who is head of the household and unemployed, and whose household income is less than three hundred per cent of the poverty level determined by the federal government;

(D) A person or any resident of the person’s home who is seriously ill, as certified by a

registered physician in accordance with subsection (e) (2) of this section, or has a life threatening situation;

(E) A person whose income falls below one hundred twenty five per cent of the poverty level as determined by the federal government in accordance with the income poverty guidelines from the regional office of family assistance, Department of Health and Human Services or its successor agency; or

(F) A person whose circumstances threaten a deprivation of the necessities of life for himself or herself or dependent children of his or her household if payment of a delinquent utility bill is required;

(7) “Head of household” means a customer who provides the major source of income for himself or herself and dependent children of the household;

(8) “Necessities of life” means those things without which survival would be endangered, including but not limited to food, clothing, shelter, medical expenses, and heat;

(9) “Department of Public Utility Control” or “DPUC” means the Department of Public Utility Control;

(10) “DPUC hearing officer” means a hearing officer designated by the DPUC to conduct hearings pursuant to subsections (f) and (g) of this section. A DPUC hearing officer may be a member of the DPUC’s staff who performs functions unrelated to conducting hearings but shall not be a person who has participated in the investigation in the same case pursuant to subsections (f)(3) and (g)(2) of this section;

(11) “Reasonable amortization agreement” means a promise to a utility company to pay a delinquent account over a period of time;

(12) “Receipt” or “received” means three days after the date of mailing, or, if a bill, notice or other document is delivered rather than mailed, the date of delivery, unless another date can be shown;

(13) “Residential utility service” means utility service provided by a utility company to a customer at a place of residence;

(14) “Review officer” means a person designated by a utility company to investigate customer complaints and to undertake informal reviews as provided in subsections (f) and (g) of this section. A review officer may be any employee of the utility company other than a member of the utility company’s credit department who has previously participated in the investigation; provided, however, that if the utility company employs fewer than 25 full time employees, a member of the credit department may act as review officer. A review officer shall be empowered to review and overrule determinations of members of the utility company’s credit department on subjects within the review officer’s authority as prescribed in subsections (f) and (g) of this section;

(15) “Termination” or “terminate” means the voluntary discontinuance of service to an individual utility customer but shall not include interruption or curtailment of service consistent with interruption pursuant to DPUC-approved tariffs or resulting from forced outages, energy or capacity shortages or other emergencies;

(16) “Utility company” or “company” means any gas, electric, or water company, corporation or other entity within the jurisdiction of the DPUC which provides utility service and any municipal utility which furnishes electric, gas or water service. In the case of municipal utilities, the provisions of this section shall apply to termination of residential

service for nonpayment of a delinquent account. Subsections (b)(3)(A), (b)(3)(B) and (f) of this section shall apply only to companies providing residential electric or gas service;

(17) “Utility service” means the provision of gas, electricity, or water by a utility company to a customer at retail rates and shall include, without limitation, residential utility service;

(18) “Identification” means a social security number, the number of an identity card issued pursuant to section 1-1h of the Connecticut General Statutes, the number of a motor vehicle operator’s license issued pursuant to section 14-36 of the Connecticut General Statutes or any other means of identification approved by the Department of Public Utility Control;

(19) “Household income” means the combined income over a twelve month period for the customer and all adults, except minor children of the customer, who are and have been members of the household for six months or more;

(20) “Life threatening situation” means a condition certified by a registered physician that would endanger the life of the customer or a member of the customer’s household if gas or electric service were terminated;

(21) “Business office” means any office facility that is operated by the utility company;

(22) “Energy assistance” means any payment credited to the customer’s account which is administered by the Department of Social Services (DSS) and drawn from programs funded, administered or offered by any local, state or federal government, including but not limited to, the Connecticut Energy Assistance Program (CEAP) and State Appropriated Fuel Assistance Program (SAFA);

(23) “Customer payment” means any payment or payments, other than energy assistance, made by or on the behalf of a customer; and

(24) “Day” means calendar day.

(b) **Grounds for termination; termination with and without notice:** utility service may be terminated only for the reasons listed below.

(1) Grounds for termination of service without notice. Utility service may be terminated without notice only for the reasons listed below:

(A) in the event that the provision of the utility service would constitute a condition determined by the utility company to be hazardous.

(2) Grounds for termination of service with notice. Utility service may be terminated with notice for the reasons specified below only in accordance with the procedures set forth in subsection (d) of this section:

(A) in the event that the furnishing of service would be in contravention of any orders, ordinances or laws of the federal government or by the State of Connecticut or any political subdivision thereof;

(B) where residential service is being provided pursuant to an agreement whereunder the customer is permitted to amortize the delinquent balance of an account for service provided to that customer over a reasonable period of time, and the customer fails to comply with the terms of the agreement, or to simultaneously keep current the customer’s account for utility service as charges accrue in each subsequent billing period. Where the customer has made a payment or payments amounting to 20% of the balance due, notice pursuant to subsections (d)(1)(A) and (d)(1)(B) of this section of the conditions the customer must meet

to avoid termination of service shall be required. Such notice shall not entitle the customer to further review as provided by subsection (f) of these regulations or to additional notice upon subsequent payment of 20% of the balance due. The provisions of this subparagraph (B) shall not apply from November 1st to April 15th to residential customers receiving electric utility service, who have been determined to be hardship cases and to lack the financial resources to pay the entire account. From November first to April fifteenth, inclusive, no gas company and no municipal utility furnishing gas shall terminate 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 April sixteenth 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 April fifteenth, had gas service maintained because of hardship status, may refuse to reinstate the gas service from November first to April fifteenth, inclusive, only if the customer has failed, since the preceding November first, to make a customer payment of the lesser of: (i) twenty percent of the outstanding principal balance owed the gas company as of the date of termination; (ii) one hundred dollars, or (iii) the minimum payments due under the customer's reasonable amortization agreement;

(C) in the event of tampering with water pipes, meters or other utility equipment by the customer of a water company;

(D) fraud or material misrepresentation in obtaining utility service;

(E) customer use of equipment in such a manner as to adversely affect the utility's equipment or the utility's service to others, after the customer has first been notified and afforded an opportunity to remedy the interfering influence;

(F) violation of or non-compliance with the rules of the utility which have been filed with and approved by the DPUC;

(G) failure of the customer to provide the utility reasonable access to its equipment, or in the event access thereto is obstructed or hazardous;

(H) customer failure or refusal to reimburse the utility for repairs to or loss of utility property on the customer's property when such repairs are necessitated or loss is occasioned by the intentional or negligent acts of the customer or his agents; provided, however, that for the purpose of this section 16-3-100 "utility property on the customer's property" shall not be deemed to include hot water heaters or other similar equipment furnished to the customer under a separate contract and not used in connection with the furnishing of utility service;

(I) failure of the customer to furnish such service, equipment, permits, certificates or rights-of-way as shall have been specified by the utility company as a condition to obtaining service, or if such equipment or permissions are withdrawn or terminated;

(J) non-payment of a delinquent account, provided that the utility company has notified the customer of the delinquency and has made a diligent effort to have the customer pay the delinquent account. The utility company shall be deemed to have made a diligent effort to have the customer pay the delinquent account if it complies with all procedures prescribed in subsections (c) through (h) of this section;

(K) failure of a non-residential customer to fulfill any other obligation under the customer's contract with the utility company;

(L) in the event unauthorized unmetered service or unauthorized metered service is found to be used; or

(M) In the event of a person's failure to provide identification no later than 15 days of opening an account.

(3) Exceptions. Notwithstanding subdivisions (1) and (2) of this subsection, no utility company shall:

(A) terminate service to any gas or electric residential customer whose service is subject to termination for a delinquent amount until the company first offers the customer an opportunity to enter into a reasonable amortization agreement. The specifics of the reasonable amortization agreement may vary according to the particular case and shall be determined by both utility company and customer receiving residential utility service. Such agreement shall be subject to change upon the showing by the customer of a change in financial circumstances. When a reasonable amortization agreement has been made with a residential utility customer, the company may charge a rate of interest on the unpaid balance of that customer's delinquent account. This interest shall be simple non-cumulative interest, at the rate of 6% per annum or 1/2 of 1% per month;

(B) terminate or refuse to reinstate, from November 1st to April 15th, inclusive, residential electric or gas service in hardship cases, provided, however, from November first to April fifteenth, inclusive, no gas company and no municipal utility furnishing gas shall terminate 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 April sixteenth 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 April fifteenth, had gas service maintained because of hardship status, may refuse to reinstate the gas service from November first to April fifteenth, inclusive, only if the customer has failed, since the preceding November first, to make a customer payment of the lesser of: (i) twenty percent of the outstanding principal balance owed the gas company as of the date of termination; (ii) one hundred dollars, or (iii) the minimum payments due under the customer's reasonable amortization agreement;

(C) terminate residential utility service to the home of any customer during such time as any resident therein is seriously ill or in a life threatening situation, as certified to the utility company by a registered physician in accordance with the procedures prescribed in section 16-3-100(e);

(D) terminate utility service to a customer during the pendency of any complaint, investigation, hearing or appeal initiated by such customer under subsections (f) and (g) of this section; provided, however, that nothing in this subparagraph shall be construed to relieve a customer of the obligation to pay any undisputed bill or portion thereof during the pendency of any such complaint, investigation, hearing or appeal nor shall prohibit the company from interrupting service to interruptible customers consistent with DPUC-approved tariffs;

(E) terminate utility service in any manner which would violate any provision of the Connecticut General Statutes;

(F) refuse to reinstate utility service to the home of any former customer if any resident therein becomes seriously ill or a life threatening situation occurs, and as certified to the

utility company by a registered physician in accordance with the procedures prescribed in section 16-3-100(e);

(G) terminate or deny utility service for failure to pay for merchandise purchased from the utility;

(H) terminate or deny utility service for failure to pay for a different type of utility service (i.e. electric and gas or repair of customer owned or rented equipment) or for a different class of service (i.e. commercial or residential) at the same or another location or for repair of customer owned or rented equipment;

(I) terminate or deny utility service for failure to pay the bill of another customer as guarantor thereof;

(J) terminate or deny utility service for failure to pay a charge found to be improper for billing purposes under sections 16-11-23, 16-11-35, 16-11-71, 16-11-83, 16-11-84, 16-11-110, and 16-11-120 of the Regulations of Connecticut State Agencies;

(K) terminate or deny utility service for failure to pay an estimated bill unless the customer refuses to provide access for the reading of the meter during the company's normal working day or to provide a customer reading, except where the company may estimate a bill in accordance with sections 16-3-102, 16-11-34, 16-11-35, 16-11-71, 16-11-107, and 16-11-102 of the Regulations of Connecticut State Agencies;

(L) terminate or deny utility service for delinquency in payment for service by a previous occupant of the premises to be served;

(M) threaten to terminate or to take other actions that cannot legally be taken;

(N) terminate utility service for any of the reasons provided in subsection (b)(2) of this section, on any Friday, Saturday, Sunday, state or federal holiday or day before any state or federal holiday or at any time during which the business offices of the company are not open to the public or within one hour before the closing of such offices, except that a commercial or industrial customer's utility service may be terminated on a Friday provided that the utility company's business offices are open on Saturdays;

(O) terminate, between November 1 and April 15, gas or electric service to a residential customer whose service is subject to termination for nonpayment of a delinquent account until the company first gives the customer, in person or by certified mail, notice of the customer rights as filed with the DPUC in accordance with subsection (c)(2) of this section; or

(P) terminate or refuse to reinstate gas or electric service provided at interruptible rates to singly metered multi-unit residential buildings in cases where the customer has failed to curtail usage. In such cases the company shall comply with the requirements of subsection (I) of this section, and may transfer the customer to the most advantageous firm rate.

**(c) Notice to customers of rights under this section:**

(1) Every utility company shall file with the DPUC no later than 45 days of the enactment of these regulations a brief explanation of the rights of customers provided under this section. The DPUC may require any modification in the explanation as it deems necessary to insure actual notice to customers of the provisions of this section.

(A) Such explanation shall be available upon request at each office of the company;

(B) Every utility company shall send to each of its customers at least once a year and to each new customer upon initiation of service notice that such explanation is available upon

request to the company;

(C) Every termination notice issued by a utility company shall contain or be accompanied by such explanation; and

(D) Any utility company which has a substantial number of Spanish speaking people living within its service area shall provide the foregoing explanation in Spanish and in English.

(2) In addition to the requirements set forth in subdivision (1) of this subsection, every gas and electric company shall file with the DPUC no later than 45 days of the enactment of these regulations an explanation of the rights of the customers provided under subsection (f) of this section.

**(d) Notice of termination.**

(1) Service may be terminated only in accordance with the following notice requirements:

(A) Except where service is disconnected pursuant to the provisions of subsection (b) (1) of this section no utility company shall terminate service to a customer prior to 13 days after notice of the proposed termination has been sent by first class mail to the address of and addressed to the customer to whom service is billed and to any third party designated by the customer pursuant to section 16-3-100(h) and prior to compliance with section 16-3-100(i). When a person opening an account with a utility company does not provide identification, the company shall furnish the service and provide notice that the service may be terminated pursuant to section 16-3-100(b)(2)(M) if, after fifteen days, identification is not provided.

(B) If service is not terminated prior to the mailing of a subsequent termination notice, service may not be terminated prior to the latest date specified by the company pursuant to subdivision (2)(c) of this subsection, except that, if an electric or gas company has issued a notice under subsection (d)(1)(A) of this section but failed to terminate the electric or gas service prior to issuing a new bill to the customer, the company shall mail an additional notice of the impending termination to the customer prior to termination of the electric or gas service. Such notice shall be addressed to the customer and sent via first class mail at least thirteen days, or certified mail at least seven days, prior to termination of the electric or gas service. If the electric or gas company provides multiple dates of termination to the customer, the company shall not terminate the electric or gas service prior to the latest of said dates, or for balances that are not delinquent in accordance with subsection (d)(1)(A) of this section. For purposes of this section, the thirteen-day period and seven-day period shall commence on the date that the notice is mailed.

(C) If an electric or gas company fails to terminate the electric or gas service in 120 days or less after the mailing of a notice of termination, the company shall mail another notice to the customer at least 13 days prior to termination.

(D) In addition to the termination notices required in subparagraphs (A) and (B) of this subdivision, an electric or gas company shall send a notice via first class mail to the customer, which notice shall state the amount of the delinquent balance of the customer's account and inform the customer that the termination notice remains in effect.

(2) Every termination notice shall contain or be accompanied by:

(A) a statement of the grounds for the proposed termination;

(B) the conditions required to prevent termination of service;  
(C) the date after which service may be terminated unless the required conditions are met;

(D) the conditions for restoration of service if service is terminated, including but is not limited to, any reconnection fee or the possibility of the requirement of a deposit; and

(E) a brief explanation of the customer's rights under section 16-3-100 (c).

(3) No termination notice shall be sent to any customer prior to the time said customer has a delinquent account as defined in section 16-3-100 (a)(2), or prior to the existence of any of the grounds for termination set forth in section 16-3-100 (b)(2).

(4) If, following the receipt of a terminization notice or the entering into of a reasonable amortization agreement, the customer makes payment or payments total-ling 20% of the balance due, service may not be terminated prior to 13 days after the mailing of a subsequent termination notice in accordance with the provisions of subsections (d)(1) and (d)(2) of this section. Such subsequent notice shall not entitle such customer to further review as provided by section 16-3-100 (g) or to additional notice upon subsequent payment of 20% of the balance due.

If utility service is terminated without notice the company shall keep a record of the conditions which caused the termination. In addition the company shall attempt to notify the customer in a reasonable manner at the time of termination of the conditions which justified the termination, the conditions which must be met to have service restored and the appropriate means of contacting the company for restoral of service. If the customer is not so notified at the time of termination a statement of the above required information shall be left at the premises of the customer.

**(e) Termination and serious illness.**

(1) As provided by section 16-3-100 (c), every termination notice sent to a customer receiving residential utility service shall include or be accompanied by an explanation of the customer's rights under this section. Such explanation shall plainly indicate that the utility company may not terminate residential utility service to the home of any customer during such time as any resident therein is seriously ill, if the existence of such serious illness is certified to the utility company in accordance with the requirements of section 16-3-100 (e)(2) no later than 13 days after the mailing of the termination notice and if the certification is renewed every 15 days if the doctor has not specified the length of the illness. Such serious illness notice shall also plainly indicate that the utility company has the right to contest before the DPUC the validity of any serious illness certification it might receive.

(2) A registered physician's certification of serious illness or life threatening situation shall be sufficient if initially made by telephone, subject to the right of the utility company to confirm the validity of the physician's call. If the certification is made by telephone, the utility company shall send to the physician a copy of its certification form, and the certifying physician shall complete and return the certification form to the company no later than seven days after receipt of such form. All certification forms shall contain information required by the department, including but not limited to the following: (A) The name and address of the patient, (B) whether the condition is a serious illness or a life threatening situation, (C) the length of the serious illness or life threatening situation, and (D) the certifying physician's office address and telephone number.



(3) In cases where residential utility service is continued pursuant to a serious illness certificate or life threatening situation certificate, the customer shall:

(A) Enter into an agreement whereunder the customer is permitted to amortize the unpaid balance of the account over a reasonable period of time, but only while the customer simultaneously keeps current his or her account for utility service as charges accrue in each subsequent billing period except (i) in cases where residential utility service is continued due to a life threatening situation. Customers who are current with the physician's certificate of life threatening situation are expected to remain current with their account or an established reasonable amortization agreement, however they shall not be terminated for failure to remain current with their account or an established reasonable amortization agreement, or (ii) where the customer is determined to be a hardship in accordance with subsections (b)(3)(B) and (f) of this section in which case no such agreement is required between November 1 and April 15; and

(B) renew the serious illness certificate or life threatening situation certificate no later than the last day of the period specified by the physician as the length of the illness or life threatening situation; provided, however, that if the physician has failed to specify the length of the illness or life threatening situation or if the physician has indicated that the length of the illness or life threatening situation is not readily ascertainable, then the serious illness or life threatening situation certificate shall be renewed every 15 days. Each renewal certificate shall be forwarded to the company.

(4) If service is continued pursuant to this subsection and the customer fails to comply with the provisions of subparagraphs (A) or (B) of this subsection, the company may terminate service after providing notice of termination as provided by subsection (d) of this section except that such notice shall not entitle the customer to further review as provided by subsection (f) of this section and service may be terminated after 13 days from the date of mailing of the notice.

(5) If a utility company wishes to contest the validity of a written serious illness certificate, it may request an investigation by the DPUC and a hearing before a DPUC hearing officer pursuant to section 16-3-100 (g). Section 16-3-100 (g)(3) shall apply in all respects to such hearing.

**(f) Review of reasonable amortization agreements and hardship cases.**

(1) If a residential customer and an electric or gas utility company are unable to reach a reasonable amortization agreement as specified in subsection (b)(3)(A) of this section, or from November 1st to April 15th are unable to agree on whether the customer is a hardship case and lacks the financial resources to pay his or her entire account, the company shall not terminate service, but shall refer the customer to a specified review officer. The review officer shall attempt to reach a reasonable amortization agreement with the customer.

(2) From November 1st to April 15th inclusive, if a review officer cannot reach a reasonable amortization agreement with a residential customer, the review officer shall determine if the customer is a hardship case. The company may request that the residential customer provide written documentation certifying that he or she is a hardship case and may require such documentation from a social service or other aid agency. All gas and electric utility companies shall file their procedures and requirements for determining hardship cases with the DPUC for its review no later than 45 days of the enactment of this

section and periodically thereafter as determined by the DPUC.

(3) If the residential customer disagrees with a review officer on a reasonable amortization agreement or on a decision by the review officer as to whether or not the customer qualifies as a hardship case (November 1st to April 15th), the review officer shall provide a written report to said customer. Such report shall provide the DPUC's Consumer Assistance and Information Division's toll free telephone number and inform the customer that, no later than 5 days after the receipt of the report, he or she has the right to appeal to the DPUC's Consumer Assistance and Information Division for an informal investigation. The DPUC's Consumer Assistance and Information Division shall investigate the dispute no later than 5 days after the customer's request.

(4) If the DPUC's Consumer Assistance and Information Division is unable to settle the dispute to the satisfaction of both customer and company, either the customer or the company may appeal in the form of a formal complaint with the DPUC pursuant to part I of article 4 of the DPUC's rules of practice requesting a hearing before a DPUC hearing officer. The provisions of section 16-3-100 (g)(3) shall apply. During the time which a customer is appealing a reasonable amortization agreement or denial of hardship status to a utility company or to the DPUC, no terminations shall be effected.

(5) Nothing in this section shall prohibit a gas or electric utility company from terminating gas or electric service after April 15th and prior to November 1st where a customer has a delinquent account and where no amortization agreement has been made, or where such an agreement made pursuant to these regulations has been broken during the last 12 months except where a customer and the company have agreed to change the terms of an amortization agreement in accordance with the changed financial circumstances of the customer as provided in section 16-3-100 (b)(3)(A), or where the customer has filed an appeal with the DPUC in accordance with this subsection based upon any of the following grounds: (i) a reasonable amortization agreement could not be reached; (ii) a reasonable amortization agreement was broken; or (iii) the customer has a serious illness certificate or life threatening situation certificate in accordance with subsection (e)(2) of this section.

**(g) Review of disputed accounts.**

Utility service shall not be terminated for any of the reasons listed in section 16-3-100 (b)(2) while any matter pertaining to a reason for termination is in dispute provided the customer has notified the company of the dispute and the customer pursues the dispute according to the following procedure:

(1) investigation by the company.

(A) If the company has mailed a termination notice to a customer and the customer has made a complaint to the company subsequent to issuance of a termination notice, the company shall not terminate service until it has notified the customer orally or in writing of its resolution of the complaint and that the customer may, no later than 7 days after receipt of such notice, request orally or in writing that the complaint be referred to a review officer. If no request is received no later than 7 days from such notification, service may be terminated with no further notice.

(B) If a matter has been referred to a review officer pursuant to subsection (g)(1)(A) of this section, or if, after contacting a customer service representative of the utility company, a customer notifies the review officer by telephone, by mail or in person no later than 13

days after the mailing of a termination notice that any matter related to the proposed termination remains in dispute, including, without limitation, the existence of serious illness in the customer's residence, the accuracy of the amount of the bill or the proper party to be billed, then the review officer shall investigate the customer's complaint, using any procedures appropriate under the circumstances, including but not limited to actual meter readings, and shall send notice in writing to the customer of the review officer's determination of the dispute. In addition, if requested by the customer, the review officer shall consider whether or not it is appropriate to enter into an agreement whereunder the customer is permitted to amortize the unpaid balance of the account over a reasonable period of time while simultaneously keeping current his or her account for utility service as charges accrue in each subsequent billing period.

(C) The written notice of the decision of the review officer shall be sent to the customer no later than 10 days of the receipt of the customer's complaint and shall contain the following statement: "If you still consider our bill to be inaccurate in any respect or if you have any other complaint pertaining to this matter, you have a right to request a further investigation by the Department of Public Utility Control no later than 10 days of the date of the mailing or delivering of this decision."

(2) Investigation by the DPUC.

(A) Not later than 10 days after the mailing or delivering of the review officer's decision to the customer, the customer or the utility company may request in writing that the DPUC conduct an investigation of the matter in dispute pursuant to section 16-1-116 of the DPUC regulations, and the DPUC shall issue an order forthwith directing that such an investigation be commenced by the DPUC staff no later than seven days after receipt of said request.

(B) After completing its investigation, the DPUC staff shall, if requested by either party, prepare a written report summarizing its findings and shall cause both parties to receive a copy of such report no more than 10 days after the commencement of such investigation, except, the DPUC, within its discretion and for good cause shown, may have an additional seven days after the expiration of the initial 10 day period to prepare its staff report.

(3) Right to a hearing before a DPUC hearing officer.

(A) If the utility and customer are unable to resolve the dispute based upon the report of the DPUC staff, then no later than 10 days after the mailing of the DPUC staff report, either the customer or the utility company may file a formal complaint with the DPUC pursuant to part 1 of article 4 of the DPUC rules of practice requesting a hearing before a DPUC hearing officer.

(B) Upon the timely filing of such a complaint, the DPUC shall issue an order appointing a hearing officer and requiring that such a hearing be commenced not more than 20 nor less than 10 days after the date of filing, provided the DPUC shall mail notice thereof to the parties in interest at least seven days prior to any such hearing.

(C) Such hearing shall be deemed to be a "contested case" within the meaning of Connecticut General Statutes section 4-166(2) and section 16-1-2(e) and sections 16-1-16 through 16-1-44, inclusive, of the Regulations of Connecticut State Agencies.

(D) The report of the DPUC staff shall be part of the record in such hearing and shall be given whatever weight the hearing officer and the DPUC may deem appropriate.

(E) Pending final determination, the DPUC may enter any temporary order which it

deems just and equitable.

(F) The hearing officer shall ascertain the facts and report thereon to the DPUC and may prepare the DPUC's docket file and order.

(G) Not later than 20 days after the closing of the hearing, the DPUC shall issue a final order in writing.

(H) The final order shall direct services to be continued or terminated forthwith and may impose such terms and conditions as the DPUC deems equitable to both the customer and the company. Nothing in this section 16-3-100 (g) shall prevent either the customer or the utility company from pursuing any available legal or equitable remedies with respect to the DPUC's decision.

(4) Legal remedies preserved. Except when a customer has entered into an arrangement for the payment of past due bills pursuant to subsections (e) or (g) of this section and has complied with all requirements of such arrangement and of subsection (e), (f), or (g) of this section, as appropriate, none of the provisions of this section shall be construed to prevent a utility company or a customer from pursuing, at any time, any legal remedies regarding customer accounts provided, however, that nothing in subsections (f) and (g)(4) of this section shall be construed to entitle a utility company or a customer to more than one hearing concerning the same issues in dispute.

**(h) Notification of third parties:**

Not later than 45 days after the effective date of this section, each company shall file with the DPUC procedures reasonably designed to implement the provisions of this subsection. The DPUC may require any modifications in the procedure which it deems necessary.

(1) Any customer may request, through the procedure specified in the rules and regulations of the company, that a third person designated by the customer receive copies of all notices sent to the customer pertaining to termination of service.

(2) In no event shall the third party so designated be liable for the bills of the customer, except where that party has previously agreed to be responsible for the bills of the customer.

(3) Following receipt of such a request the company shall send copies of all notices of termination to the designated third party in addition to the termination notice sent to the customer. In no event shall the company be held to warrant that such notice will be received by the third party.

(4) Each company shall maintain a list of the names and addresses of organizations which have notified the company that they are available as third parties to be notified as provided by subsection (h) of this section. Copies of such lists shall be provided by the company to its customers upon the customer's request.

**(i) Termination of service to tenants.**

(1) No later than 45 days after the effective date of this section, each utility company shall file with the DPUC procedures reasonably designed to implement the provisions of this subsection. The DPUC may require any modifications in the procedure as it deems necessary.

(2) A utility company shall not terminate, without first complying with the provisions of this subsection, residential service to a dwelling unit where the company has actual or constructive knowledge that the customer to whom service is billed or members of his or

her household are not the exclusive occupants of said premises.

(3) Not later than thirteen days prior to termination, each utility company shall make good faith efforts to notify, using the means most practicable under the circumstances and best designed to provide actual notice, the occupants of the premises subject to termination of their rights to continued service. The notices shall contain:

(A) the date of the proposed termination;

(B) the right of the tenant, if the dwelling units are individually metered, to establish service in his or her own name without liability for the balance owed or a security deposit;

(C) the intent of the company to request the establishment of a receivership or other arrangement, if there is a master meter; and

(D) the telephone number and address of the local office of the company and the telephone number and address of the DPUC.

(4) Where the dwelling units are individually metered and an occupant of a unit notifies the company of his or her desire to establish service in his or her own name, the occupant shall be permitted to do so.

(A) The occupant shall not be liable for any portion of the amount billed for service to the premises previous to the establishment of the account in the occupant's name.

(B) The occupant shall not be required to pay a security deposit as a condition of establishing the account in his or her name.

(C) The occupant shall be notified of his or her right to deduct the full amount of his or her payment for such utility service from his or her rent.

(5) Where service is provided through a master meter, the company may, with the written agreement of all of the occupants, establish service in the name of the occupants, pursuant to a plan for billing and payment agreeable to all of the parties;

(A) All of the provisions of subdivision (3) of this subsection shall apply;

(B) Service shall not be terminated if payment of the agreed share of any of the occupants is received on the account;

(C) This arrangement may be discontinued by the company 13 days after mailing written notice of its intent to discontinue the arrangement to all of the parties;

(D) This arrangement shall be discontinued upon the written request of any of the occupants to the company. The company shall promptly send a notice of the discontinuance to each of the occupants and the arrangement shall be discontinued 13 days after the mailing date of the notice.

(6) Where service provided pursuant to subdivision 5 of this subsection is not made or is discontinued, the company shall not terminate service but may petition for receiver of rents pursuant to section 16-262f of the Connecticut General Statutes.

(7) Each utility company shall establish and maintain a system for identifying on its records those accounts for service to residential dwellings whose occupants are not the persons to whom it usually sends its bills and for insuring that service to such premises is not terminated prior to compliance with the provisions of this section and section 19-65 of the Connecticut General Statutes.

(8) Whenever a company has terminated service to a residential dwelling whose occupants are not the persons to whom it usually sends its bills, such company shall, upon obtaining knowledge of such occupancy, immediately reinstate service and thereafter not

effect termination unless it first complies with the provisions of subsections (h) and (i) of this section.

**(j) Termination of spouses' and former spouses' utility service.**

(1) No public service company shall terminate, threaten to terminate, or refuse to provide residential utility service for a period of 90 days because of non-payment of a delinquent account for residential utility service, where the person seeking to retain or obtain service is the unnamed customer and is divorced or legally separated from or has an annulled marriage from, the named customer of the delinquent account or where an action is pending for a divorce, legal separation, or an annulment of the person from the named customer of the delinquent account, provided that the following conditions have been met:

(A) The unnamed customer notifies the company, orally or in writing, at the time of the unnamed customer's request to retain or obtain service or at any time prior to termination of such service, that he or she has obtained a divorce, legal separation or annulment, and sends the company, no later than 21 days of the date of notification, a copy of a judgment file of the divorce or legal separation, or any portion thereof, which indicates that there has been a divorce or legal separation, or a certificate of annulment, or a portion of the summons and complaint which has been filed in the appropriate court in an action seeking the same;

(B) The spouses or former spouses are no longer residing together;

(C) The unnamed customer provides the utility company with the current address or place of employment of the named customer, if known, or the last known address or place of employment of the named customer; and

(D) The unnamed customer's request is for residential utility service from the time of the notification to the utility company of the divorce, legal separation, annulment, or action seeking the same;

(2) The 90-day period shall commence on the date which is the earlier of the following:

(A) The date on which such unnamed customer requests utility service; or

(B) The date of the judgment file evidencing such unnamed customer's divorce, legal separation or annulment from the named customer, or the date of the writ of summons commencing an action seeking the same.

(3) During the 90-day period, the utility company shall make diligent efforts to collect the delinquent balance from the named customer. Diligent efforts shall mean that the company is to perform, no later than 90 days of notification of the legal separation, divorce or annulment, or action seeking the same, all of the following actions:

(A) Make efforts to obtain the address of the named customer;

(B) Send a final notice of the delinquency on the old account to the address of the named customer, if known; and

(C) Transfer the delinquent balance to another account of the same type and class of the named customer, if one has been established. If the named customer's account remains delinquent after the utility company has complied with subparagraphs (A) and (B) of this subdivision, the utility company shall take the following additional actions:

(D) Refer the account to its in-house staff for collection or to a collection agency until the delinquent balance is paid or arrangements have been made with the named customer; and

(E) Utilize any additional collection methods the utility company deems most cost

effective, including but not limited to sending demands for payments and considering taking action in Small Claims Court or Superior Court unless the named customer's address is unknown or said customer is judgment proof.

(4) If the company receives a certified copy of an order issued by the Family Division of the Superior Court, in a divorce or legal separation proceeding whereby the court has assigned sole responsibility for the delinquent account to the named customer, the company shall not terminate or refuse to provide service, due to the delinquency, to the unnamed customer for 90 days in addition to the 90-day grace period as outlined in subdivision (1) of this subsection, to allow the unnamed customer time to pursue any reasonable remedies available to enforce said court order. The unnamed customer would have a total of 180 days before the provisions in subdivision (5) of this subsection would apply.

(5) If the utility company fails to obtain payment after the 180-day period provided in subdivision (4) of this subsection, the company shall offer the unnamed customer an opportunity to enter into a reasonable amortization agreement. Such reasonable amortization agreement shall be in accordance with subsection (b)(3)(A) of this section, and the procedures for reviewing and appealing such reasonable amortization agreement shall be in accordance with subsection (f) of this section.

(6) The cases arising under this subsection shall be considered on a case-by-case basis to effect the purposes of this section and shall be considered through the investigation and appeal process available under subsection (g) of this section.

(7) Once an unnamed customer has become a named customer of an account, nothing contained in this subsection shall be deemed to prohibit a utility company from terminating or refusing to provide residential utility service to such customer because of non-payment of a delinquent balance incurred by such customer, excluding any delinquent balances incurred prior to the earlier of the date of such customer's request for utility service, or the date of the judgment file of a divorce or legal separation, certification of annulment, or writ of summons commencing an action seeking the same.

(Effective September 17, 1986; Amended October 10, 1997; Amended November 2, 1999)