



Public Utility Law Project of New York, Inc.

CONSUMER PROTECTIONS UNDER THE HOME ENERGY FAIR PRACTICES ACT

Low-Income Forum on Energy (LIFE)

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We Will Talk About. . .

- Home Energy Fair Practices Act (HEFPA)
- Deferred Payment Agreements
- NYS PSC Hotline & Complaint Process
- Case Examples



Home Energy Fair Practices Act (HEFPA)



Some Common Issues Presented Under HEFPA

- Security Deposits
- DPAs
- Termination of Service



Deferred Payment Agreements (DPAs)

A DPA is a written agreement to pay arrears for past utility service over time. Some of the requirements are:

- must be in writing, signed by the customer and a utility representative;
- a down payment may be required
- must be tailored to customer's financial circumstances;
- may be amended if customer's financial circumstances change.



Deferred Payment Agreements (DPAs) – cont'd

Utilities must always offer customers a DPA before denying service to a customer with an outstanding balance on an old account, and before terminating service on a current account.



Termination of Service

- The utility cannot terminate service until a payment on a customer's account is at least 20 days past due.
- Before terminating service, the utility must issue a final notice of termination at least 15 days before the stated date of shut-off.
- Therefore, the EARLIEST that a termination can occur is 35 days after the payment due date (20 days + 15 days).



Termination of Service – cont'd

Termination Allowed

Monday - Thursday 8:00 AM to 4:00 PM

Termination Not Allowed

On any Friday or public holiday

On any day the utility's main office is closed;

During the 2-week period encompassing
Christmas and New Year's Day



Special Procedures - Winter

November 1st through April 15th, the utility:

- Can take *no action* until a payment is at least 20 days past due.
- Must issue a final notice of termination at least 15 days before the shut-off.
- Must try to contact an adult resident by telephone or in person at least 72 hours before the shut-off, to see if a medical emergency exists.
- Must try to contact an adult resident by telephone or in person at the time of shut-off.



Special Procedures - Medical

If the customer or household member has a serious medical condition that will be aggravated by termination, service can be continued if:

- The doctor calls the utility and advise them. (Telephone certification is good for 5 days – must be followed by a written certification.)

MORE



Special Procedures – Medical – Cont'd

- A written certification is good for 30 days and must contain:
 - doctor's name, address and state registration number
 - name and address of utility customer
 - nature of serious illness or medical condition
 - statement that the illness or condition will be aggravated by termination of utility service with reasons supporting the conclusion.



NYS PSC Complaint Handling Process



Initiating a Complaint

First, complain to the utility. If the provider does not resolve the complaint, then...

Call the Public Service Commission Complaint HotLine – 800-342-3377

Or, file a complaint online at

[http://www3.dps.state.ny.us/ocs/itgate.nsf/\(webDPS_welcome\)?OpenForm](http://www3.dps.state.ny.us/ocs/itgate.nsf/(webDPS_welcome)?OpenForm)



PSC Hotline

1-800-342-3355

- ❑ Open until 7:30 PM
- ❑ Is not the Complaint line
- ❑ Can direct the utility to continue or restore service within 24 hours
“whenever a reasonable question regarding the circumstances of a termination or refusal of service exists or whenever the health and safety of a person is involved.”



Complaint Handling Procedure of the PSC

- Under the Office of Consumer Services “QRS” system, most complaints are not investigated immediately, but are referred back to the utility with direction to review the customer complaint and respond to the customer.



Complaint Handling Procedure– Cont'd

If the complaint is related to the provision of service, the utility should contact the customer within two business hours

If the complaint is related to billing or another matter, the utility should contact the customer by the close of the following business day



Complaint Handling Procedure– Cont'd

If the issue remains unresolved - The customer must call the PSC a second time to have the complaint “escalated,” meaning that the agency staff will now be involved to further investigate the complaint and make its initial determination on the merits of the dispute.



Complaint Handling Procedure– Cont'd

- After an investigation, the PSC will send the customer a letter determining whether or not the customer is entitled to relief or must pay the utility to continue service.



Appealing the PSC

The customer has the right to request an informal hearing. This request should be made within 15 days of the initial decision.

If the customer and the utility are unable to settle the complaint, the hearing officer will make a decision on the complaint and notify the customer in writing of the decision.

Instead of the hearing, an informal review is also an option.



Appealing the PSC – Cont'd

The hearing officer's decision can be appealed within 15 days of the decision to the Public Service Commission.

The appeal must be in writing and needs to show that there was an error made by the hearing officer that affected the decision or that evidence not previously available would affect the decision.

The Commission will make a decision on the appeal and notify the customer in writing of its decision.



Appealing the PSC – Cont'd

A customer can bring an Article 78 proceeding in state court within 4 months of the PSC's final decision on a complaint. The cases must be filed in Supreme Court, Albany County.



CASE EXAMPLES



QUESTIONS



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