

**CHECKLIST OF KEY UTILITY PROTECTIONS:
FOR ADVOCATES ASSISTING CLIENTS WITH UTILITY PROBLEMS**

1. **SERIOUS ILLNESS:** ALWAYS ask your client if there is ANY person in the household (adult or child) who has a serious illness. Utilities cannot shut off (and must restore) utility service if anyone in the house has a serious illness. An illness can be physical (pneumonia, etc.) or mental (depression, bipolar, ADHD), short-term (e.g., flu) or long-term (cancer), as long as a doctor, or physician's assistant (P.A.) or nurse practitioner (N.P.) puts in writing that there is a "serious illness" in the household. The utility company does NOT get to decide what a serious illness is. A phone call from the doctor (or N.P. or P.A.) to the company is initially ok, if later followed by a letter. Advocates should ask that utility service be restored the same day (at worst, the next day) whenever you can document a serious illness, by phone, fax or letter from a doctor/P.A./N.P. You will also need to document that the client has a "financial hardship" in paying bills. The regulations are 220 CMR 25.03 (see #7 below). Any client who receives LIHEAP (fuel assistance) (currently, up to 60% of the state median income) is automatically presumed to have a financial hardship. Families with slightly higher incomes can ask the Department of Public Utilities to determine that they have a "financial hardship" paying the utility bills.
2. **CHILD UNDER 12 MONTHS:** ALWAYS ask if there is a child under the age of 12 months in the household. A utility company cannot terminate service if there is an infant under 12 months in the home and must restore service if it has already been terminated. The child's age can be documented by birth certificate, baptismal certificate, or any other reasonable means. "Financial hardship" must also be shown. 220 CMR 25.03 (see #7 below).
3. **WINTER MORATORIUM:** Utilities cannot terminate service that is heat-related (meaning: natural gas service, if used to heat the home; or electricity, if the tenant pays for heat because electricity is needed for furnace/boiler controls) between Nov. 15 and Mar. 15 if the household has a "financial hardship." These dates are often extended to April. 220 CMR 25.03 (see #7 below).
4. **ELDERLY CLIENTS:** If every adult in the household is age 65 or over, the company needs the explicit approval of the DPU to terminate service, which is almost never sought by the utilities. If the elders are experiencing a "financial hardship," service absolutely cannot be terminated and must be restored if it has been terminated. ALWAYS notify the company if every adult in the household is age 65 or over. 220 CMR 25.03 (see #7 below).
5. **DISCOUNT RATES:** ALWAYS determine if your client is on the low-income discount rate. However, many clients will not know. When in doubt, call the company to see if your client is on the rate. It's very easy for the company to check. Many advocates have been able to get their clients on the rate retroactively to the date that the client became eligible. This can be extremely helpful if the client has been terminated and owes a large amount because a retroactive adjustment will reduce or eliminate the arrearage. However,

get advice from NCLC if you are trying to do this. Discount rates are mandated by law, and all regulated gas and electric companies have them. Clients on LIHEAP and with income at or below 60% of state median income are eligible for the discount and will usually get the discount automatically via the fuel assistance agency notifying the utility (but worth verifying). Clients on TAFDC, Food Stamps, Mass Health, WIC, and other income-tested programs with income at or below 60% of the media are also eligible, but may have to apply to the utility directly; some of these are being automatically enrolled as of 2005. Some of the companies post their discount rate applications on the web.

6. **PAYMENT PLANS:** ALL clients are entitled to PAYMENT PLANS. This allows a client who is behind on her bills to spread the payments over several months. If the client has NOT yet been terminated, the company MUST offer a payment plan of AT LEAST four months. Some payment plans go 12 months or longer. If the client has been terminated, the rules are not as favorable, and are strictest during the fall (because the winter moratorium is about to begin and companies are most aggressive in trying to shut off service). ALWAYS insist on a payment plan that your client can afford. 220 CMR 25.01(2), 25.02(6).
7. To read the Billing and Termination Procedures of the Department of Public Utilities (DPU) visit: <http://www.mass.gov/eea/docs/dpu/cmr/220cmr2500.pdf>. This page includes the most relevant state regulations governing the billing and termination practices of utility companies. In this Checklist, the regulations are referred to as “220 CMR, (section #)” because these regulations are found in Title 220 of the Code of Massachusetts Regulations.
8. If you have trouble getting a utility to comply with any of the protections or programs described above, call the DPU’s Consumer Division at (877) 886-5066, or email DPUCustomer.Complaints@state.ma.us. The front-line phone representative should intervene on your client’s behalf. If not, ask to speak to his or her supervisor. Ultimately, you can speak to the Director of the Consumer Division, currently Nancy Stevens. If you need to take the complaint this far, contact the National Consumer Law Center:

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