STAY CONNECTED TRAINING

Utility Advocacy for Low-Income Households in Massachusetts

National Consumer Law Center®
ABOUT THE NATIONAL CONSUMER LAW CENTER

Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, in the United States. NCLC’s expertise includes policy analysis and advocacy; consumer law and energy publications; litigation; expert witness services; and training and advice for advocates. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state governments and courts across the nation to stop exploitive practices, help financially stressed families build and retain wealth, and advance economic fairness.

NCLC.ORG
ABOUT THE FACULTY

Charlie Harak is senior attorney for energy and utilities issues. He represents consumers before regulatory agencies, testifies at legislative hearings, and provides legal and policy counsel to low-income advocates, legal services lawyers, and government officials. He also devotes much of his time to training lawyers, advocates, and front-line social services staff regarding the rights of utility customers, and contributes to NCLC manuals and publications. Much of his work also focuses on energy efficiency issues, including federal appliance efficiency standards and advocating for larger and smarter energy efficiency investments in affordable multifamily housing, and climate change.

Jenifer Bosco is a staff attorney at NCLC who focuses on two broad areas: energy and utility issues that affect low-income consumers, and medical debt. She has advocated for low-income consumers in utility proceedings in several states, is a contributing author of NCLC’s treatise, Access to Utility Service, and has worked on transportation electrification policy and competitive energy supply issues. She co-wrote NCLC’s Model Medical Debt Protection Act, and is a contributing author to NCLC’s Collection Actions treatise. Prior to joining NCLC, she was the first director of the Office of Patient Protection at the Massachusetts Health Policy Commission. Previously, Jen advocated for health care needs of low-income individuals at Health Law Advocates, advocated for low-income clients at the Massachusetts Law Reform Institute and Merrimack Valley Legal Services, and served as an Assistant Attorney General in Massachusetts. Jen holds a J.D. from Georgetown University Law Center and a B.A. from Boston College.

Jerry Battle, Jr. is a staff attorney, author of NCLC’s Credit Discrimination and a contributor to several NCLC treatises including Consumer Credit Regulation, Collection Actions, Consumer Law Pleadings, Repossessions, Foreclosure Prevention Counseling, and Unfair and Deceptive Acts and Practices. Previously, he was a staff attorney with Northeast New Jersey Legal Services where he focused on predatory mortgage lending and public benefits cases, and managing attorney with New Jersey Protection and Advocacy, Inc., (now Disability Rights New Jersey) where he concentrated on disability rights issues. He earned a B.A. with high honors from Rutgers University and a J.D. from Rutgers School of Law – Newark.
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Utility Consumer Rights Training

Charlie Harak, Jenifer Bosco, Jeremiah Battle
National Consumer Law Center

Contact: stayconnected@nclc.org

Overview of today's training

- Establishing utility service, basic rules
- Triad Step 1: Protections
  - COVID-19 protections
  - Utility service protections
- Triad Step 2: Reducing Bills
- Triad Step 3: Paying Bills
- Other utility issues
- Q & A

Materials

- Slideshow
- Handout Packet
- Utilities Advocacy for Low-Income Households in Massachusetts
Intro and types of utilities covered today

- Electricity & gas (and some telecom, water)
- Investor-owned utilities (IOUs) and municipal utilities (munis)
- Department of Public Utilities (DPU) Consumer Division
  - (877) 866-5066
  - DPUConsumer.Complaints@mass.gov

BASIC RULES/GETTING SERVICE

- Obtaining service
  - No deposit (except munis)
  - ID issues
  - Bills from prior address/"Cromwell" waiver:
    - Payment must be offered on prior arrears
- "Customer of record"
  - Bills in a child's, partner's or roommate's name?
  - Deserted or deceased spouse?

BASIC RULES/GETTING SERVICE

- Termination rules:
  - Only Monday-Thursday, 8-4; no Sat., Sun., holiday, or day before holiday
  - No termination if dispute pending
  - Notices before termination for nonpayment:
    1) Initial bill
    2) second notice (day 27+)
    3) final notice (day 45+)
  - Final notice must give 72 hours notice before disconnection; good for 14 days
BASIC RULES/GETTING SERVICE

Reading bills:
- See example on following slides
- Look for rate letter/number, e.g., “Rate R-2”
- When in doubt, call company
Case scenario

▪ Sheila Robinson comes into your office on December 10 and tells you that her family’s gas service was terminated around a month ago because she owes over $2,000 in back bills. She says that she has been unable to keep up with her bills and seems very depressed.
▪ She has a gas furnace and gas stove, so her family does not have heat, hot water, or the ability to cook. She owes about $800 on her electric bill and fears she will get a shut-off notice for that soon too, which would leave her family without light and refrigeration.
▪ Ms. Robinson’s family includes herself, her nine-year-old daughter, her seven-year-old son, her sister, and her sister’s newborn infant. The family’s income consists of TAFDC and her sister’s SSI check.

TRIAD STEP #1—PROTECTIONS

TRIAD STEP #2—REDUCING BILLS

TRIAD STEP #3—PAYING BILLS

TRIAD STEP #1: PROTECTIONS

▪ Disconnection protections
  ▪ Each year, low-income households have a “winter moratorium” protection on Nov. 15 (coming up on later slide), other protections may also apply
  ▪ Municipal utilities may have voluntary protections (check with utility)
TRIAD STEP #1: PROTECTIONS

- Serious illness
  - Is someone seriously ill? Ask for ANY physical or mental illness.
  - Any letter from doctor/P.A./N.P. is enough to protect service or get service restored.
  - Company must challenge letter if it questions.
  - Letters good 90 days (can be renewed) or 180 days (chronic); financial hardship required.
  - Service can be restored, should seek the protection ASAP and within 90 days of utility disconnection.

TRIAD STEP #1 PROTECTIONS

- Winter Moratorium
  - In effect from Nov. 15 to March 15
  - Winter moratorium on terminating heat-related service, Nov. 15 to March 15 (usually extended to April 1)
  - Must demonstrate financial hardship.
  - Service restored if terminated during moratorium.

TRIAD STEP #1 PROTECTIONS

- Infant under 12 months
  - Is there a child under 12 months in the home?
  - Protection time-limited.
  - Must demonstrate financial hardship.
  - Prevents termination and restores service.
TRIAD STEP #1 PROTECTIONS

• Financial hardship forms:
  • Example on next slide
  • Utility companies have them available
  • Technically, expire within 3 months

Sample financial hardship form

TRIAD STEP #1 PROTECTIONS

• Elder protections
  • Are all adults in the home 65 or over? (Minor = under the age of 18)
  • Notify the company. No terminations allowed unless utility gets DPU approval. No financial hardship required.
  • No termination AT ALL if low-income.
  • Utility companies must provide 3rd party notice, on request
TRIAD STEP #1 PROTECTIONS

- Protections for Elders: WARNING!
  - Utility companies may take liens on homeowners
  - Get legal advice/assistance

Summary of Protections

5-Minute Break!
TRIAD STEP #2: REDUCING BILLS

- Discount rates (regulated electric & gas):
  - Can save 25% to 36% on bills
  - Must apply or via fuel assistance or auto enrollment
  - Receipt of fuel assistance, public/subsidized housing, food stamps, SSI, veterans' benefits, may qualify you (Note: Customer of record)
  - COVID-19: temporary self-certification allowed
  - Retroactive discounts: contact NCLC for help

TRIAD STEP #2: REDUCING BILLS

- Payment plans
  - All companies must offer payment plans (prior to termination)
    - Prior to COVID-19, at least 4 months
    - During COVID-19 crisis, 12 months, longer if needed
  - Post-termination payment plans: less defined.
  - "Cromwell" waivers
  - NEVER offer more than you can afford.
  - Get help negotiating any plan.

TRIAD STEP #2: REDUCING BILLS

- Arrearage management programs (AMPs)
  - All utility companies must offer to all low-income customers in arrears
  - Customer makes equal payments/like a budget plan
  - Arrearage credits applied monthly
  - COVID-19 changes to AMPs:
    - Expanded eligibility – additional opportunities to participate
    - More debt can be forgiven
TRIAD STEP #2: REDUCING BILLS

- Budget plans
  - All companies must offer budget plans
  - Can be helpful in avoiding huge bills
  - May still lead to “catch up” bills

Case scenario - Discussion

- Sheila Robinson comes into your office on December 10 and tells you that her family’s gas service was terminated around a month ago because she owes over $2,000 in back bills. She says that she has been unable to keep up with her bills and seems very depressed.
- She has a gas furnace and gas stove, so her family does not have heat, hot water, or the ability to cook. She owes about $800 on her electric bill and fears she will get a shut-off notice for that soon too, which would leave her family without light and refrigeration.
- Ms. Robinson’s family includes herself, her nine-year old daughter, her seven-year old son, her sister, and her sister’s newborn infant. The family’s income consists of TAFDC and her sister’s SSI check.

TRIAD STEP #3: PAYING BILLS

- Low Income Home Energy Assistance Program (LIHEAP/fuel assistance)
- Emergency Rental Assistance Program (ERAP)
- Residential Assistance for Families in Transition (RAFT)
- Energy Efficiency
- Weatherization Assistance Program (WAP)
- HEARTWAP program
- Utility programs
- Local resources
Putting Theory Into Practice

- Resolving disputes:
  - ALWAYS call utility company first
  - Gather bills and info
  - Call DPU if not satisfied
  - VERY informal process—Don’t be put-off!
  - Call “back-up” when needed

Competitive Supply Companies

- May sell electricity or gas
- Door to door marketing and telemarketing, often misrepresenting the identity of the company and the prices
- Usually more expensive
- Contact NCLC
- Complaints accepted by Attorney General and DPU

Where to file complaints about competitive suppliers:

- Department of Public Utilities (DPU) Consumer Division
  - (877) 866-5066
  - DPUConsumer.Complaints@mass.gov
- Attorney General Consumer Complaint Line
  - 617-727-8400 (M-F, 8am-4pm)
  - File a complaint online
Removing yourself from the “eligible customer list”

- Eversource
  - If you do not want your information included, contact Eversource at 866-746-1110 or fill out an [online form](#).
  - Register with the Federal Trade Commission's Do Not Call list.
Removing yourself from the eligible customer list

- National Grid
  - To opt out, fill out an on-line form
  - Or call National Grid Customer Service
  - Register with the Federal Trade Commission's Do Not Call list

Telephone & Internet Service

- Lifeline is a federal program that provides free or low-cost phone or internet service to low-income households through a monthly service discount of up to $9.25.
- Choice of:
  - (1) home phone service;
  - (2) home internet service, where available;
  - (3) wireless phone service; or
  - (4) a wireless internet service (a data plan).
- Verizon, Safelink (Tracfone) and other companies offer Lifeline discounts for one or more of these services:
  - Landline telephone
  - Mobile phone (may include limited voice minutes and unlimited texts, 4.5GB data, etc.)
  - Home internet
- Only one Lifeline service per low-income household, and only one individual in the household
- Some eligibility rules waived until December 31, 2021 due to COVID-19 (see https://www.mass.gov/doc/massachusetts-providers-covid-responses/download)
- Land line phone shut off protections (for certain land lines)
- Serious illness rules; personal emergency; elder rules; payment plans available

Telephone & Internet Cont.

- **Emergency Broadband Benefit (EBB)**
  - EBB provides eligible households with:
    - a temporary discount on monthly bills from participating providers, and
    - a one-time discount towards an eligible device
  - Program began May 12, 2021 and benefits will continue until the funds run out, or 6 months after the COVID-19 emergency ends, whichever occurs first
    - More information
SERVICE FOR
LENEX MA 01240

BILLING PERIOD
May 2, 2012 to Jun 4, 2012

ACCOUNT NUMBER
PLEASE PAY BY
Jun 28, 2012

AMOUNT DUE
$ 2,165.80

Customer Charge
0.03257 x 600 kWh
19.54

Dist Chg First 600 kWh

Dist Chg Next 694 kWh
0.03919 x 694 kWh
27.21

Transition Charge
0.00059 x 1294 kWh
0.89

Transmission Charge
0.01738 x 1294 kWh
22.49

Energy Efficiency Chg
0.00298 x 1294 kWh
3.86

Renewable Energy Chg
0.0005 x 1294 kWh
0.65

Low Income Discount
-25.0 % x $ 165.57
-41.39

Total Delivery Services
$ 37.25

Supply Services

SUPPLIER National Grid

Basic Service Fixed
0.06718 x 1294 kWh
86.93

Total Supply Services
$ 86.93

Payment Plans are Available for Four or More Months, Please Contact Us at 1-888-211-1313.

Important! If you think this bill is inaccurate or you wish to dispute all or part of your bill, please contact National Grid at 1-800-322-3223 and request an investigation by a Company Complaint Officer. If you are not satisfied with the written decision or did not receive a written decision within 30 days, you have the right to appeal to the Massachusetts Department of Public Utilities, Consumer Division, One South Station, Boston, MA 02110. Telephone 617-737-2836 or 1-877-986-5066.

Department of Public Utilities

DPU regulations provide that a company may not terminate electric service for failure to pay any portion of a bill when a customer complaint or appeal is pending.

Arrangement Management Program (AMP)

AMP provides arrearage forgiveness to income-qualified residential customers. Participants must accept and stay current with monthly Budget Billing payments. For complete details and an application, visit www.nationalgridus.com or call the number on the front.

Explanation of General Billing Terms

KWH: Kilowatt-hour, a basic unit of electricity used.

Off-Peak: Period of time when the need or demand for electricity on the company’s system is low, such as late evenings, weekends and holidays.

Peak: Period of time when the need or demand for electricity on the company’s system is high, normally during the day, Monday through Friday, excluding holidays.

Estimated Bill: A bill which is calculated based on your typical monthly usage rather than on an actual meter reading. If it is usually rendered when we are unable to read your meter.

Meter Multiplier: A number by which the usage on certain meters must be multiplied by to obtain the total usage.

Demand Charge: The cost of providing electrical transmission and distribution equipment to accommodate your largest electrical load.

Supplier Service Charges are comprised of:

Generation Charge: The charge(s) to provide electricity and other services to the customer by a supplier.

Delivery Service Charges are comprised of:

Customer Charge: The cost of providing customer related service such as metering, meter reading and billing. These fixed costs are unaffected by the actual amount of electricity you use.

Distribution Charge: The cost of delivering electricity from the beginning of the company's distribution system to your home or business.

Transmission Charge: Company payments to its wholesale supplier for terminating its wholesale arrangements.

Renewable Energy Charge: The cost of delivering electricity from the generation company to the beginning of the company's distribution system.

Supply Services are comprised of:

Energy Efficiency Charge: The cost of energy efficiency program services offered by the company.

Questions:

If you have questions or complaints regarding this bill or National Grid’s service quality, please contact Customer Service at 1-800-322-3223. You may also contact the Massachusetts Department of Public Utilities, Consumer Division at 866-211-1313 or toll free at 1-877-986-5066 or visit site www.mass.gov/dpu.

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DID YOU FORGET TO PAY YOUR BILL?

It is possible that service could be terminated for non-payment. Prior to any termination, you would receive a separate notice in the mail. If you have any questions, please call us at 1-888-211-1313 or if you have already paid, please disregard this notice.

ACCOUNT BALANCE

Previous Balance
Payment Received on MAY 30 (Credit Card)
Balance Forward
Current Charges
Amount Due

We are awaiting receipt of your HEAP guarantee. Once received your previous balance may be reduced by $445.00.

GO PAPERLESS: You’ll help yourself and the environment by signing up to manage your bills online at www.nationalgridus.com/gopaperless.

DETAIL OF CURRENT CHARGES

Delivery Services

<table>
<thead>
<tr>
<th>Service Period</th>
<th>No. of days</th>
<th>Current Reading</th>
<th>Previous Reading</th>
<th>Total Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2 - Jun 4</td>
<td>33</td>
<td>80056 Actual</td>
<td>78762 Actual</td>
<td>1294 kWh</td>
</tr>
</tbody>
</table>

METER NUMBER: NEXT SCHEDULED READ DATE: Jul 2

RATE: Residential Low Income R-2

ELECTRIC USAGE HISTORY (kWh)

Daily Averages

<table>
<thead>
<tr>
<th>Daily Averages</th>
<th>Jun 11</th>
<th>Jun 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>KWH</td>
<td>38.0</td>
<td>39.2</td>
</tr>
<tr>
<td>Com</td>
<td>3.75</td>
<td>3.75</td>
</tr>
</tbody>
</table>

Actual □ Estimated □

KEEP THIS PORTION FOR YOUR RECORDS

RETURN THIS PORTION WITH YOUR PAYMENT

ACCOUNT NUMBER

PLEASE PAY BY: Jun 28, 2012

AMOUNT DUE: $ 2,165.80 includes amount past due

ENTER AMOUNT ENCLOSED

NATIONAL GRID

PO BOX 11737
NEWARK NJ 07101-4737

000012418 00684530298000216580180
Case scenarios- Utility Consumer Rights Training

Training scenario:

Sheila Robinson comes into your office on December 10 and tells you that her family’s gas service was terminated around a month ago because she owes over $2,000 in back bills. She says that she has been unable to keep up with her bills, and seems very depressed. She has a gas furnace and gas stove, so her family does not have heat, hot water, or the ability to cook. She owes about $800 on her electric bill and fears she will get a shut-off notice for that soon too, which would leave her family without light and refrigeration. Ms. Robinson’s family includes herself, her nine year old daughter, her seven year old son, her sister, and her sister’s newborn infant. The family’s income consists of TAFDC and her sister’s SSI check.
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](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:

Charles Harak, Esq.
National Consumer Law Center
7 Winthrop Sq. 4th flr.
Boston, MA 02110-1006
(617) 542-8010 (voice)
charak@nclc.org

Jenifer Bosco
National Consumer Law Center
7 Winthrop Sq. 4th flr.
Boston, MA 02110-1006
(617) 542-8010 (voice)
jbosco@nclc.org
## ELIGIBILITY FOR KEY PROTECTIONS AGAINST TERMINATION

<table>
<thead>
<tr>
<th>Protection</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elderly</td>
<td>• All adult household members must be 65 or older.</td>
</tr>
<tr>
<td></td>
<td>• Household must notify company.</td>
</tr>
<tr>
<td></td>
<td>• <strong>No</strong> proof of financial hardship required; company must get individual permission of DPU to terminate.</td>
</tr>
<tr>
<td></td>
<td>• <strong>IF</strong> there is a financial hardship, termination absolutely prohibited.</td>
</tr>
<tr>
<td>Serious Illness</td>
<td>• Must show that someone (customer or family member) is seriously ill, by submitting letter from doctor/nurse practitioner or physician’s assistant.</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
<tr>
<td></td>
<td>• Serious illness letter must be renewed every 90 days (or every 180 days for a “chronic” illness).</td>
</tr>
<tr>
<td>Winter Moratorium</td>
<td>• Applies to gas (if used to heat) or electricity (if used to operate furnace, boiler, thermostats, or heating controls).</td>
</tr>
<tr>
<td></td>
<td>• Runs from November 15th – March 15th (often extended).</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
<tr>
<td>Infant</td>
<td>• An infant under the age of 12 months must be living in the household.</td>
</tr>
<tr>
<td></td>
<td>• Must submit birth certificate, baptismal certificate, or other reasonable proof of age.</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
</tbody>
</table>
Utility Service Intake Form

The questions below will help you gather the information needed to advocate on behalf of your client. After attending the “Stay Connected” training and using the handbook as a reference, this intake form will help you determine what resources and options are available to your client.

1. Is the customer having a problem with:
   ____ Gas bill  ____ Electric bill  ____ Both

2. Is service:
   ____ Currently connected, but at risk of termination
   ____ Currently connected and not at risk of disconnection
   ____ Currently disconnected

3. How much money is currently due:
   __________ Electric bill
   __________ Gas bill

4. Approximate household income:
   ____ Less than $1,000/month
   ____ $1,000 to $1,500/month
   ____ $1,500 to $2,000/month
   ____ $2,000 to $2,500/month
   ____ More than $2,500

5. Is your client on the discount rates (Y/N)?
   ____ Electric
   ____ Gas

   ____ My client’s income is below 60% of median income ($65,387 for a family of 4, in FY2017 and $66,115 for a family of four, in FY 2018; higher or lower amounts for larger or smaller families)
6. Does the client receive fuel assistance (Y/N)? ____

7. Own ____ Rent ____

8. Heating service (check which fuel is used to heat and whether the landlord or tenant pays for the heating fuel):
   ____ Gas       ____ Tenant pays ____ Landlord pays
   ____ Oil       ____ Tenant pays ____ Landlord pays
   ____ Electric  ____ Tenant pays ____ Landlord pays

9. Residents:
   Is there a child under the age of 12 months living in the unit  Y____ N____
   Is there someone in the unit who is seriously ill (mental or physical illness qualifies)  Y____ N____
   If there is an illness, is it chronic/long-term?  Y____ N____
   Are all adults in the household 65 years of age or older?  Y____ N____

10. Can your client afford to pay 25% of the past due bill?
RETROACTIVE APPLICATION OF THE DISCOUNT RATES:
KEY UTILITY CONTACTS

PLEASE READ THIS: DO NOT GIVE THESE DIRECT PHONE NUMBERS OR EMAIL ADDRESSES TO YOUR CLIENTS. THE COMPANIES HAVE AGREED TO PROVIDE THESE CONTACT NUMBERS FOR ADVOCATES/CASEWORKERS.

Eversource Gas and Electric:

Contact: Kathy Gilleo, (781) 441-3183, Kathleen.Gilleo@eversource.com

Western Mass. Electric Co. (“WMECo”):

Contact: Kim McClintock-Griffin, (860) 607-6118, kathryn.mcclintock-griffin@nu.com, or Danielle Korona, (860) 607-4047

Fitchburg Gas and Electric:

Contact: Sue Corson, (603) 227-4611, corson@unitil.com

Berkshire Gas:

Contact: Margaret DiMouro, mdimouro@berkshiregas.com

National Grid (NGRID):

Contact: Damaris Dominguez, Damaris.Dominguez@nationalgrid.com

1. When requesting that an account be credited, include the name of the customer and identifying information, to the extent available: full name, address and account number.
2. NGRID will rely on the advocate to maintain the back-up documentation that the client is retroactively eligible for the discount, and for what period of time. NGRID may occasionally request that the advocate send the proof.
3. The maximum number of months NGRID can credit is 16, and less in some cases.

The Customer Service Contact Center will not be able to process the requests over the phone.
Final note: Please let me know if you encounter any problems in working with any of these folks. These companies have been very cooperative and helpful in agreeing to offer retro applications of the discount rates, and I would like to hear from you if you encounter any problems.

Charles Harak  
National Consumer Law Center  
7 Winthrop Square, 4th flr.  
Boston, MA 02110-1245  
(617) 542-8010  
charak@nclc.org

Jenifer Bosco  
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Can Tenants Be Billed Directly for Water?

Has your landlord told you that you have to pay your own water bill because of a new law in Massachusetts? While rents have always included the cost of water, under this new law landlords may now bill tenants separately for water—but only if all of the following happens:

1. **Submeters Are Installed**
   The landlord must have a licensed plumber install meters (called *submeters*) that measure the actual water being used by each apartment.

2. **Low-Flow Fixtures Are Installed**
   The landlord must have installed low-flow, water-conserving faucets, showerheads, and toilets.

3. **Your Tenancy Started After March 16, 2005**
   You can be billed separately for water only if you moved into your apartment on or after March 16, 2005. You cannot be billed separately if your tenancy began before March 16, 2005—the date the new water law went into effect.

4. **Previous Tenant Was Not Forced Out**
   If the previous tenant—who was not required to pay for water—left involuntarily, a landlord cannot bill the new tenant for water. The law seeks to prevent landlords from forcing existing tenants out in order to bring in new tenants who would be required to pay for water. (This is not easy to find out.)

5. **There Is a Written Rental Agreement**
   You must have a written rental agreement signed by you and your landlord that clearly states in plain language that you are responsible for a separate water bill and what the billing arrangements are.

6. **Landlord Files Certification**
   Landlords billing separately for water must file a certificate with the local Board of Health or Inspectional Services Department that certifies they have done all of the above.

If the landlord has failed to follow any one of the above requirements, he or she cannot bill you directly for water. For a **free booklet** with more information about the water submeter law, go to your nearest legal services office or go on-line to:

AUTHORIZATION FOR RELEASE
OF INFORMATION AND RECORDS

TO:

I request and authorize you to release information about me to any employee
of

and to make available my records for inspection and to provide such copies of those
records as requested.

I also agree that a photostatic or facsimile-transmitted copy of this
authorization be accepted with the same authority as the original.

_______________________________
Name: _________________________
Address: _______________________

_______________________________
Date: __________________________
Discount electric and gas rates can save low-income households hundreds of dollars each year on their bills. It's therefore very important to figure out if your clients are on the discount rates.

Most companies in the state follow the same numbering pattern for their residential rates, using either "A1, A2, A3, A4" or "R1, R2, R3, R4".

Rates that have the "1" or "3" are the regular, non-discounted rates ("1" denotes a non-heating account; "3" denotes a heating account).

Rates that have a "2" or "4" denote that the customer is on the discount rate. ("2" denotes a non-heating account; "4" denotes heating). IT IS VERY IMPORTANT TO MAKE SURE YOUR CLIENTS ARE ON RATES "2" OR "4", for companies that use this "1, 2, 3, 4" sequence.

However, a few companies do not follow the "1, 2, 3, 4" numbering sequence. For example, Eversource follows the "1, 2, 3, 4" sequence in the Greater Boston territory, but it uses different numbering for customers in Cambridge, South Shore, and Cape Cod territories to keep track of these rates based on the old service territories. It is also possible that other companies are not following the "1, 2, 3, 4" sequence.

If you have any question whether your client is on the discount rates, you can always call the company and ask.
Lifeline Program: What Consumers Should Know

What is the Lifeline Program?

The Lifeline Program is a government benefit program that provides eligible low-income consumers a monthly discount on telephone service to help them stay connected to the nation's communications networks, find jobs, access healthcare services, and call for help in an emergency. Recognizing the changes in the way we communicate in today’s technological climate, the Lifeline Program has expanded its service offerings to include, where available, a monthly discount on internet service. We hope this expansion of the Lifeline Program will further help connect low-income families to the internet, closing the "homework gap," and eliminating the distance to meaningful employment and reliable healthcare.

What Benefits are Available through the Lifeline Program?

The Lifeline Program provides a discount on one communications service from a certified Lifeline Program service provider. Currently, Lifeline subscribers have the choice—where available—of applying their benefit discount to one of the following types of service offerings:

- Home or wireless phone service; or
- Home internet or a wireless phone data plan.

Some Lifeline service providers may offer a bundled package of home or wireless phone service with internet access; however, only the service that the Lifeline benefit discount is applied to must meet the minimum standard.

In addition, minimum service standards have been established to make sure supported services keep pace with the ever-changing digital landscape. These service standards will be evaluated each year to ensure the continued support of robust and meaningful internet connectivity.

The chart below outlines the minimum service standards effective as of December 1, 2018:

<table>
<thead>
<tr>
<th>Mobile Voice</th>
<th>Mobile Internet</th>
<th>Fixed Internet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Usage Allowance:</td>
<td>Usage Allowance:</td>
<td>Usage Allowance:</td>
</tr>
<tr>
<td>1,000 Minutes</td>
<td>2 GB</td>
<td>1000 GB</td>
</tr>
<tr>
<td>Speed: 3G</td>
<td>Speed: 18/2 Mbps</td>
<td>Speed:</td>
</tr>
</tbody>
</table>

Who is Eligible for the Lifeline Program?

There are two ways to qualify for the Lifeline Program: income-based eligibility or program-based eligibility

Income-Based Eligibility

A household is eligible for Lifeline service if its total household income is at or below 135% of the federal poverty guidelines, which vary depending on the size of the household. The definition of a "household" is anyone living at an address (including children, relatives, people not related to you, etc.) who share income and household expenses.

For 2018, the following income amounts represent 135% of the federal poverty guidelines:
<table>
<thead>
<tr>
<th>Persons in Household</th>
<th>Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$16,389</td>
</tr>
<tr>
<td>2</td>
<td>$22,221</td>
</tr>
<tr>
<td>3</td>
<td>$28,053</td>
</tr>
<tr>
<td>4</td>
<td>$33,885</td>
</tr>
<tr>
<td>5</td>
<td>$39,717</td>
</tr>
<tr>
<td>6</td>
<td>$45,549</td>
</tr>
<tr>
<td>7</td>
<td>$51,381</td>
</tr>
<tr>
<td>8</td>
<td>$57,213</td>
</tr>
<tr>
<td><strong>For each additional person, add</strong></td>
<td><strong>$5,832</strong></td>
</tr>
</tbody>
</table>

Each year the income-eligibility requirements for the Lifeline Program may change. You may be required to complete the provider’s household worksheet to help determine your household’s total income.

**Program-Based Eligibility**

A household is eligible for Lifeline service if a member participates in one of the following federal assistance programs:

- Medicaid (MassHealth)
- Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps)
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (Section 8)
- Certain Federally-Recognized/State Tribal Assistance Programs
- Veteran’s Pension or Survivor’s Pension benefit

*Please Note: As of December 2, 2016, applicants can no longer use the Low Income Home Energy Assistance Program (LIHEAP), Temporary Assistance for Needy Families (TANF), or the National School Lunch Program (NSLP) to prove their eligibility for Lifeline.*

**Which Service Providers Participate in the Lifeline Program?**

The following providers offer home phone service:

- **Verizon**
  Call 1-800-837-4966 or visit www.verizon.com/lifeline
- **OTELCO (formerly Granby Telephone Company)**
  Call 1-866-746-3873 or visit https://www.otelco.com/lifeline-information/
- **Magna5 (formerly Richmond Telephone Company)**
  Call 1-866-240-1912 or visit http://www.richmondtelphone.com/info.htm
- **Consolidated Communications (formerly Taconic Telephone)**
  Call 1-866-984-2001 or visit https://www.consolidated.com/support/residential-support/lifeline-assistance-programs
The following providers offer wireless phone service:

- **Assurance Wireless (supported by Virgin Mobile USA and Sprint)**
  Call 1-888-898-4888 or visit www.assurancewireless.com
- **Safelink Wireless (supported by TracFone Wireless)**
  Call 1-800-723-3546 or visit www.safelinkwireless.com
- **StandUP Wireless (supported by Global Connection)**
  Call 1-800-544-4441 or visit www.standupwireless.com

*Provider currently offers internet access by means of a wireless data plan or a bundled package of wireless phone service and a data plan. Provider must have at least one mobile device with hotspot functionality available for data plans.

Before you start the application process, you may wish to contact each certified Lifeline service provider in your area to learn about their Lifeline service offerings in order to determine which service will meet your household’s needs. You may be able to complete a provider’s application process online, by telephone, or by mail. You must submit proof of eligibility documentation with your application.

Federal rules require that all Lifeline service providers securely retain copies of your eligibility documentation received during program enrollment for dispute resolution purposes as long as your Lifeline benefit is active.

**Will I be required to recertify my eligibility?**

Yes, each year you must certify that you are still eligible to receive the Lifeline Program benefit and that no one else in your household is receiving a Lifeline Program benefit.

Once a year, typically before the anniversary date of your enrollment in the Lifeline Program with your provider, you will be contacted by your Lifeline provider or the Universal Service Administrative Company (USAC) with instructions on how to complete the recertification process. You must respond to this request within 60 days.

If you do not complete this recertification process, you will lose your Lifeline benefit. This means your monthly bill may increase, or the services you normally receive for free each month will not be provided.

If your Lifeline provider determines that you are no longer eligible for the Lifeline benefit, it will notify you of such and your Lifeline service will be terminated in 30 days, unless you provide proof of eligibility.

If you become ineligible for the Lifeline benefit at any time, you must contact your Lifeline provider within 30 days to de-enroll from the program or you may be subject to penalties.

**Accessible Devices**

For consumers who require an accessible device, there are options available.

To apply for financial assistance in obtaining a handset compatible with your landline telephone service provider, you may contact the Massachusetts Commission for the Deaf and Hard of Hearing Assistive Technology Fund at 617-740-1600, or Alexander Pooler, the Director of the Assistive Technology Program at the Massachusetts Commission for the Blind, by email at Alexander.Pooler@state.ma.us.

To request an accessible wireless device, contact your wireless carrier of choice to explore what models are available to suit your needs. Braille key, larger-screen, and hearing aid-compatible mobile phones may also be available upon request.
Important Consumer Tips

Only one individual in a household may receive Lifeline Service. Federal law limits the Lifeline benefit to one service per household.

• Only one individual in a household may receive Lifeline Service. Federal law limits the Lifeline benefit to one service per household.

• Effective March 19, 2018, the Lifeline Program’s benefit port freeze rule was eliminated. The rule first went into effect on December 2, 2016, and it required Lifeline subscribers to remain with their service provider for at least 60 days (for voice service) or 12 months (for broadband service) after initiating service to continue receiving the Lifeline benefit.

• A subscriber with free Lifeline service must use the service at least once every 30 days or they will be de-enrolled from the program. For Lifeline wireless subscribers, sending a text message qualifies as usage of service.

• Applicants will be required to complete an application for their service provider of choice that certifies they meet the program’s eligibility requirements. This will also include submitting acceptable proof of eligibility documentation.

• Prior to submitting a Lifeline application to a service provider, be sure all questions are completed and answers are legible. Provide a photocopy of your proof of eligibility document(s) and keep a copy of the completed application.

• Applicants must recertify that they continue to meet the Lifeline Program’s eligibility requirements each year or they will lose their Lifeline service. Failing to respond to a recertification request from your Lifeline provider or the Universal Administrative Company (USAC) will result in a removal of your Lifeline benefit discount or a loss of service. A new application with proof of eligibility documentation will need to be submitted in order to re-enroll in the program.

• Enrolling in the Lifeline Program does not protect a subscriber from being disconnected if they fail to pay their telephone bill.

• Depending on a subscriber’s location, some wireless carriers may provide a better signal than others. Applicants should contact each participating company to find out which provides the most coverage in their area prior to selecting a provider.

• If an existing Lifeline subscriber is interested in switching their Lifeline service to a plan including a wireless data plan, they may be required to purchase their own smartphone that is compatible with the Lifeline provider’s network. Check with your provider for additional details.

• The Lifeline benefit does not cover the cost of the replacement of a lost, broken or stolen mobile device. Mobile device replacements are determined by a Lifeline provider’s own policy

We are here to Help!

For additional information regarding the Lifeline program, contact the Consumer Division of the Massachusetts Department of Telecommunications and Cable. The Consumer Division also accepts complaints concerning Lifeline service and works directly with Lifeline service providers to resolve any issues that subscribers may encounter.

Visit or Write: Consumer Division, Department of Telecommunications and Cable, 1000 Washington Street, Suite 820, Boston, MA 02118
Call: 1-800-392-6066 (Our Consumer Hotline operates Monday through Friday from 9am to 5pm)

Fax: 617-988-8288

Email: consumer.complaints@mass.gov

Web: www.mass.gov/dtc

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Source:
