

Protecting Seriously Ill Consumers from Utility Disconnections: What States Can Do to Save Lives Now

State utility commissions set the rules regarding when and how the companies they regulate can terminate vital electric and gas service for non-payment. For households with a seriously ill person, strong rules, as detailed in this report, can mean the difference between life and death.



- Report
- Summary
- Tables
- Appendix A: Serious Illness Criteria In Each of The 50 States And D.C.
- Appendix B: States That Allow Phone Call Followed by Written Certification
- Appendix C: States with Sample Prompt Reconnection Protection Rules
- Appendix D: Sample Renewal Provisions of State Serious Illness Rules
- Appendix E: Sample Notice Provisions of State Serious Illness Protection Notice Rules
- Appendix F: Requirements for Documentation of Serious Illness and Sample Forms
- Press Release

Published February 24, 2021

©National Consumer Law Center, Inc.

Overview

Each year, millions of utility customers have their service terminated for non-payment. Many of those are low-income households in which someone is seriously ill. In extreme cases, termination of service to those households has led to death. Much more frequently, loss of electric or gas service

makes existing illnesses or conditions worse. Utility service is often essential, for example, for refrigerating medications, powering needed medical equipment, or simply maintaining adequate temperature in the home. Disconnection from utility service is especially dangerous for vulnerable populations: the very ill and the very young and old, in particular.

In each of the 50 states and in D.C., utility commissions set the rules regarding when and how the companies they regulate can terminate vital electric and gas service for non-payment. Some states provide strong protections against termination of households where someone is seriously ill, while other states provide very little or no protection.

These differing rules can, quite literally, mean the difference between life and death. In 2019, an elderly customer with heart disease and diabetes was disconnected due to having an arrearage of \$51; she died. In 2018, an elderly customer dependent on an oxygen machine died when her electricity was disconnected, despite frantic efforts of family members to alert the company to the customer's fragile status.

Strong serious illness protection rules can prevent tragedies like these from happening. Most states—except Alabama, Alaska, Louisiana, and North Carolina with *no* enforceable rules—have some sort of serious illness protection in their statutes or public utility rules. Yet, many of the existing state laws and regulations are overly narrow, create protections that are difficult to access and not widely known, or provide for an overly short period of protection.

Recommendations

1. **Broad Scope:** Eligibility for the protection should be broad and should include anyone with a serious illness whose health and safety would be at risk by involuntary disconnection of energy service.
2. **Diversity of Certifiers:** A wide range of entities should be allowed to certify serious illness, and the utility company should be required to abide by their certification.
3. **Prompt Initiation and Adequate Duration of Protection:** Seriously ill customers must be able to obtain the protection against disconnection promptly, and the duration of the protection should correlate with the customer's health needs.
4. **Adequate Notice and Easily-Accessible Process:** Utilities should be required to notify customers of the serious illness protection rules, with an explanation of a clear and simple application procedure, and in multiple languages as appropriate to that utility's service territory.
5. **Affirmative Outreach:** Utilities should act affirmatively to identify medically fragile customers and avoid terminating their service.
6. **Monitoring and Enforcement:** Utilities should be required to collect, report, and analyze data, at a granular level (e.g., by zip code), to monitor the administration of the protections.

Additional NCLC Resources

- Fact Sheet: What States Can Do to Help Consumers: Energy Insecurity, January 2020
- Issue Brief: Innovative State Actions on Residential Utility Bill Payment Protections During Covid-19 & Beyond, September 2020
- Report: Helping Low-Income Utility Customers Manage Overdue Bills through Arrearage Management Programs (AMP), September 2013

Related Publications

- Consumers: Surviving Debt (personal finance book) and Consumer Debt Advice (free articles)

- Advocates: Access to Utility Service

