

October 21, 2025

Jeremy McDiarmid, Chair
Department of Public Utilities
One South Station
Boston, MA 02110

Re: Winter Moratorium request, to protect Low-income households from disconnection

Dear Chair McDiarmid:

First, congratulations on your appointment as Chair of the Department of Public Utilities. We look forward to working with you and your colleagues. As you may be aware, there is currently a delay in the allocation of Low Income Home Energy Assistance Program (HEAP or LIHEAP) funds to Massachusetts families, due to the federal government shutdown. The disruption in federal funding is already causing hardships for many low-income families in the Commonwealth. Due to no fault of their own, Massachusetts households that qualify for low-income winter protections solely due to their participation in HEAP face disconnection because Congress has not yet appropriated FY 2026 LIHEAP funds.

Representatives from the state's investor owned gas and electric companies ("Companies"), the low-income fuel assistance network,¹ the Office of the Attorney General, the Executive Office of Housing and Livable Communities (HLC) and the National Consumer Law Center have discussed how to protect these families during this temporary disruption, and we believe that a one-time measure to advance the low-income winter disconnection moratorium is needed to protect families from unnecessary loss of utility service. The winter moratorium typically begins on November 15th,² but due to this unprecedented situation, we respectfully request that the start date for the 2025 winter moratorium be moved to an earlier date. We are seeking the Department's approval for each utility company to begin the winter disconnection moratorium as soon as possible, but no later than November 1st, to mitigate the harmful impacts on low-income households³ which otherwise would result from the federal government's shutdown. This one-time early start of the winter moratorium would protect low-income households until Congress passes the FY 2026 spending bill that contains funding for LIHEAP and Massachusetts receives its FY 2026 LIHEAP funds.

In a normal federal funding year where Congress appropriates funding for LIHEAP by October 1, the community action agencies (CAAs or CAPs) would have assurances regarding their specific amount of LIHEAP funding and the agencies would be able to rehire seasonal staff,

¹ Formally called "Massachusetts Energy Directors Association."

² Mass. Gen. Laws ch. 164, § 124F; 220 C.M.R. § 25.03(1) 3.

³ 220 C.M.R. § 25.01(2) ("Financial Hardship. Shall exist when a customer is unable to pay an overdue bill and such customer meets income eligibility requirements for the Low-income Home Energy Assistance program administered by the Massachusetts Department of Housing and Community Development, or its successor, or when the Director of the Department's Consumer Division, or his designee, determines that such a finding is warranted."); the Department of Housing and Community Development is now part of the Executive Office of Housing and Livable Communities (EOHLC).

process applications and notify clients and utility companies of HEAP energy assistance grants. The utilities would then protect those HEAP-eligible low-income customers from disconnection prior to and during the winter moratorium.

Unfortunately, since we are in the midst of a federal government shutdown, the CAPs are not permitted to issue HEAP eligibility decisions to clients and utility companies. CAPs are relying on limited carry-over funds from last year to start their 2025-2026 heating assistance program, and must prioritize these scarce funds for emergencies. Also, the CAPs have not been able to rehire all the seasonal staff needed to be at full-strength and, due to the federal Antideficiency Law⁴, are not able to obligate federal funds they have not yet received (in other words, they cannot spend what they do not have). Thus, low-income households that qualify for the winter disconnection protection solely through their eligibility to receive a HEAP grant will be at risk for disconnection during this shutdown period.

Based on this urgent and harmful circumstance, the parties below jointly and respectfully request that the Department direct utilities to move the start of the low-income disconnection moratorium earlier this year to the soonest possible date, and no later than November 1st, for all low-income households.

The parties also request the Department, as in prior years, extend the end-date of the moratorium from March 15 to April 1, 2026.⁵ This would balance the interests of ensuring low-income households are not shut off when the temperatures are still cold with making sure that second reminder notices and final termination notices are sent at a time when fuel assistance agencies are still open for applications and can help make payments to the utility companies.

Thank you for considering our request, and we would be happy to discuss this further. If you have questions about this request, please feel free to contact Jenifer Bosco at jbosco@nclc.org or Olivia Wein at owein@nclc.org.

Respectfully,



Jenifer Bosco
Managing Director of Energy Advocacy
National Consumer Law Center

Olivia Wein
Senior Attorney
National Consumer Law Center

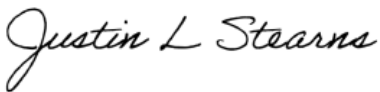
⁴ 31 U.S.C. §§1341-1342, 1511-1519 (In a federal shut-down, agencies are forbidden from obligating or expending federal funds in the absence of an appropriation.).

⁵ Mass. Gen. Laws ch. 164, § 124F; 220 C.M.R. § 25.03(1) 3; We note that 2020 and 2021 were exceptions since the Department's COVID-19 moratorium orders were in effect.

/s/ Matthew E. Saunders
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Jerrold Oppenheim, General Counsel
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On behalf of their organizations

cc:
Commissioner Staci Rubin

Commissioner Elizabeth Anderson
Theresa Kelly, Consumer Division Director
David B. Lyons, DPU General Counsel
Edward Kiely, Executive Office of Housing and Livable Communities
Commissioner Elizabeth Mahoney, Department of Energy Resources
Ben Dobbs, Department of Energy Resources General Counsel