

Utility Consumers Gain New Rights

By PETER KERR

PEOPLE who feel they are being overcharged by a utility or those threatened with a cutoff of service have extensive new rights under a state law affecting residential consumers of electricity, gas and steam in New York.

The Home Energy Fair Practices Act, signed into law last year, limits the situations in which a utility can cut off service or demand security deposits from customers. On Tuesday, the State Public Service Commission, which regulates utilities, approved permanent regulations that detail the new protections for utility consumers.

"We have the responsibility to protect consumers against discriminatory practices by utilities," said Lisa Rosenblum, director of the commission's consumer service division,

The rules restrict ending of service.

which is in charge of implementing the law. "The division assists consumers with billing and service complaints."

A number of critics of the utility companies, including some legislators and consumer groups who lobbied for the law, argued that the commission had not properly protected utility consumers from arbitrary cutoffs of service and other unfair practices. They argued that some parts of the regulations were pro-utility and weaker than the law intends.

"The regulations are indicative of an agency which is supposed to protect the public and does not," said B. Robert Piller, director of the Public Utility Law Project, which represents low- and fixed-income utility consumers. "The regulations give the benefit of the doubt to utilities over consumers. In fact, in several places the regulations violate the statute."

For example, Mr. Piller cited a regulation that limits the cases where service can be terminated during cold weather. The cold weather regulation does not now apply to residents of apartment buildings and other multi-unit dwellings. A committee established by the commission is studying the issue.

Some of the main provisions for protecting utility consumers include:

The right to a deferred payment agreement. A utility cannot cut off

service unless it has offered the customer a deferred-payment plan, a chance to pay off debts over a period of time. The payment plan, based on the financial circumstances of the customer, must be presented at least five days before service is terminated.

If the customer feels the plan is unfair he can ask the commission to examine the plan and request more liberal terms.

Restrictions on termination of service. At least 15 days before the utility cuts off service it must send the customer a termination notice. In cases where persons are 63 or older, blind or disabled, the utility company must send a personal representative or contact the customer by phone 72 hours before cutting off service. The company must explain why it is ending service and the consumer's rights under the law. If someone in the house is experiencing a medical emergency, certified by a doctor or the local board of health, the company must continue service for at least 30 days.

During cold weather the utility must continue service if a cutoff will cause serious health or safety problems for people who cannot take care of themselves.

Tenants of apartment houses where the landlord pays utility bills must be notified 15 days before a shut-off.

Security deposits. In most cases, the utilities may not require customers to pay a security deposit to receive service. Exceptions include short-term or seasonal customers and customers who are delinquent in paying their bills, but the deposit may be no more than the cost of two months of service.

If in the past you paid a deposit, the utility must return it by Sept. 1, 1982.

Restoring service. After service has been terminated, the utility must restore service if the shut-off makes it likely that a serious impairment to health or safety of residents will result, or if there is a reasonable question about why the utility ended service.

The utility must reconnect within 24 hours after you pay the bills that resulted in the cutoff, or after you reach agreement on a deferred-payment plan and give the utility a down payment.

Complaints. If you disagree with your bills or with what the utility company is saying, you can call the Public Service Commission or lodge a complaint in person. Your complaint will be investigated and the commission will issue a written response if you ask for one. Meanwhile, the utility cannot discontinue service as a result of the bill that is being disputed. (The commission's telephone number: 800-342-3355, Monday through Friday, from 7:30 A.M. to 7:30 P.M.)