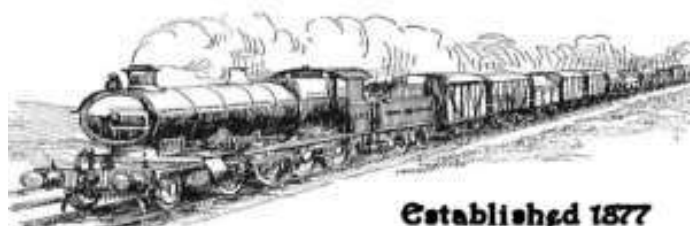


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Established 1877

**Proudly located in Northeastern
Genesee County**

Guide to Your Rights as a Residential Electric Customer Under the Home Energy Fair Practices Act

The HEFPA rules give you responsibilities as well as rights in dealing with the utility that provides your natural gas, electric or steam service. This PSC Guide describes the highlights of those rules, and lets you know how you can get help when you feel your rights have been violated.

APPLICATION FOR SERVICE

Refusal to Provide Service

In most situations, when you apply for service verbally or in writing, the utility will provide service to you within five business days of receiving your application. However, the utility can refuse to provide service if you owe money on a previous account in your name, unless one of the following situations applies to you:

- You pay the amount you owe in full;
- you make a payment agreement to pay off the amount you owe in installments over time (see Deferred Payment Agreements below);
- you have a pending billing complaint with the utility concerning the amount which has not been paid;
- you receive or have applied for public assistance, Supplemental Security Income or additional State payments, and the local social services office has agreed to pay for amounts owed on your previous account and agreed to provide the utility with a guarantee of future payments on your new account;
- or
- the PSC directs the utility to provide you with service.

Delays in Providing Service

Your utility is excused from providing service within the five day time period for any one of the following reasons:

- for safety considerations;
- where prevented by a labor strike or by law;
- where prevented by physical problems such as weather conditions, incomplete construction or

- access difficulties;
- where you have not paid, or agreed to pay, for lawfully required line extension costs; or
- where you have failed to comply with requirements of rights-of-way, gas insulation and/or underground line requirements.

In such cases, the utility will provide service as soon as possible after the problem is resolved.

Written Applications

You can apply for service verbally; however, the utility can require a written application if, at your residence, there is an amount owed from a previous account, the meter has been tampered with, the meter reading has advanced since the last customer left, or the application is made in your name by someone other than yourself. For a verbal application, you are only required to provide your name, address and telephone number and the address and account number of any prior account.

If a written application is requested, the utility can also require reasonable proof of your identify (such as a driver's license or credit card) to validate your name and prior address; and proof of responsibility for service at your residence (such as a lease, deed, bill of sale or other document).

Denial of Application

If the utility denies your application, it has to send you a notice within three business days of your date of application, informing you of:

- the reasons for the denial;
- the steps you must take to obtain service; and
- your rights to a PSC review of the denial.

Billing

When to Pay

Most utility bills are to be paid upon receipt. A payment is overdue 23 days after the bill is mailed to you. If you pay after that, your utility can require you to pay a late payment charge. If you have any questions about your bill, contact your utility immediately at the phone number listed on the bill. If you are not satisfied with the utility's response, call the PSC.

How to Pay

Most utilities prefer that you pay your bill by mail. This helps the utility process your payment quickly. However, you can pay in person at any payment office of the utility, or at any local bank or store as long as it is authorized to accept bill payments for the utility. If you want to know the location of your nearest payment center, have a question as to whether a store is authorized to accept such payments, or when such payments are posted to your account, call your utility.

Balanced Billing

A balanced, or leveled, payment plan helps even out bills that are high in one season and low in another so that your energy charges stay pretty much the same throughout the year. This payment plan does not reduce your overall energy expenses for the year, but it does help you manage your budget. Your utility can provide more information about its balanced billing program.

Estimated Billing

By reading its meter, your utility is able to send you a bill based on the actual amount of gas, electricity or steam you used. In certain circumstances, your utility will send you an estimated bill, based on your

previous usage. Your utility may give you an estimated bill when it is physically prevented from reading its meter, where it appears that the actual reading may be incorrect, or if the PSC has approved a billing system for a utility where estimated rather than actual reading are routinely provided every other month. You may also receive an estimated bill if you are a seasonal or short-term customer, but an actual reading has to be taken when service is canceled.

Any difference between an estimated reading and the actual consumption for that billing period is resolved automatically when the next actual reading is taken.

Access to the Meter

If your utility has sent you estimated bills for a period of four months, it must take additional measures to obtain an actual reading, such as making an appointment to gain access to the meter at a time other than normal business hours, or asking you to read the meter. If your utility has sent you estimated bills for six months, it must send you -- and the person who controls access to the meter -- a notice, offering you a special appointment to read its meter, both during and after normal business hours. If your utility has sent you estimated bills for eight months and it is unable to gain access to its meter, it may send a letter advising you that if you do not make an appointment so that the utility can obtain an actual reading, a \$25 charge will be added to your next bill or that of the party controlling access to the meter. The utility can also get a court order to gain access to its meter.

A bill based on an actual reading after one or more estimated bills may show that the estimates were too low. If your actual consumption is 50% greater than your estimated bill, or is \$100 or more, you can pay that difference in monthly installments over a period of at least three months.

Utility personnel who come to your residence to read the meter are required to carry photo-identification badges.

Deposits

Conditions Where Deposits May be Required

As a residential customer, you may be required to pay a deposit to your utility if you:

- did not pay two or more utility bills in a row without making a partial payment of at least half of the amount you owe; or
- had your service shut off for non-payment of bills within the past six months; or
- are a short-term or seasonal customer. (A short-term customer wants service for less than a year. A seasonal customer receives service periodically each year.)

Conditions Where Deposits May Not Be Required

The utility has to warn you in writing, 20 days in advance, that if you do not make a timely payment it may require you to pay a deposit. Utilities cannot require a deposit from you if you are a recipient of public assistance or Supplemental Security Income. Nor can utilities require a deposit from you if you are 62 years old or older, unless your service has been shut off for failure to pay a bill within the past six months.

Deposit Amounts and Payment Periods

If you are required to pay a deposit, it cannot be more than twice the average monthly bill (or twice the estimated average monthly heating season bill, if you are a heating customer). If you are not a seasonal or short-term customer, and the utility requires you to pay a deposit, you can pay it in installments over a period of at least 12 months.

Deposit Interest and Refund

Utilities have to pay interest on your deposit money. They have to refund the deposit plus interest to you

if, after a year, you have not been behind in your payments. This is defined as not paying two or more bills in a row without making a partial payment of at least half the amount you owe.

Service Termination

Service Termination for Non-Payment of Bills

If you fail to pay overdue bills, your utility may turn off your service after it has given you notice in writing that it plans to shut off your service, and has waited 15 days to allow you an opportunity to pay the overdue bill or make a payment agreement on the overdue amount.

Final Termination Notice

If you have not paid a bill, payment agreement installment or deposit payment, your utility must send you a Final Termination Notice before it can turn off your service. The notice will state the reasons for the intended shutoff, the earliest date on which a shutoff might occur, the address and phone number of your utility, and your rights under HEFPA. This notice can be sent 20 days after the date payment was due. After the notice has been sent to you, the utility must allow 15 days for you to resolve the problem before it can shut off your service. If you make the payment by a check that is rejected by the bank, your utility can shut off service without sending another notice.

When Service Can Be Shut Off

Utilities can shut off your service only between the hours of 8 a.m. and 4 p.m. from Monday through Thursday.

When Your Service Cannot Be Shut Off

There are situations where you may not have paid a bill, but where your utility cannot shut off service. Service cannot be shut off by the utility if:

- a Final Termination Notice has not been sent to you;
- the amount owed was billed and due more than a year ago, and because of no fault of yours, your utility did not begin termination procedures;
- a doctor certifies to your utility that there is a medical emergency (see Medical Emergencies below);
- you have a billing dispute filed with your utility or the PSC concerning the amount owed;
- you make full payment of the amount owed when your utility comes to shut off service; or
- you make a payment agreement with your utility which covers the amount owed (see Deferred Payment Agreements below).

Further, your service cannot be shut off for non-payment on a public holiday, the day before a holiday, the two-week period which includes Christmas and New Year's Day, or on a day before your utility business office closed.

Landlord Problems

If you live in an apartment building or a two-family house and your landlord fails to pay the utility bill for the building, your utility has to notify you of the landlord's non-payment. If you live in an apartment building, your utility must post notices in the building and mail you a separate notice at least 18 days before disconnection. If you live in a two-family house, your utility must mail or give you a separate notice at least 15 days before disconnection. Between November 1 and April 15, if your service is heat-related, you will be given at least 30 days notice of the possible shutoff of your service.

The notice will tell you how to contact your utility so that it can help you and other tenants work out a way

to avoid service disconnection, even if the landlord refuses to make payments, and that the PSC will assist tenants in making payment arrangements with your utility.

A good option available to tenants to avoid service disconnection is for them to pay current utility bills directly and deduct those utility payments from their rent payments. This is allowed by State law, and your utility can help you with this option.

Reconnection of Service

If your service has been shut off for non-payment, the utility has to turn service back on within 24 hours, where possible, in the following situations:

- you have paid the amount due or signed a payment agreement and made the down payment, if required (see Deferred Payment Agreements below);
- when the local Department of Social Services agrees to make a direct payment on your behalf or provides a written guarantee of payment;
- where the utility is notified that serious harm to health or safety is likely to result if service is not reconnected (see Special Protections below); or
- when directed by the PSC.

Special Protections

Special protections are available for consumers with medical emergencies; or who are elderly, blind or disabled; and to all consumers during the cold weather period between November 1 and April 15.

If you qualify for the elderly, blind or disabled protections, you should immediately notify your utility so it can code your account with this information should it be needed in the future. This information will be kept in strict confidence.

Medical Emergencies

When your utility is notified by your doctor or the local Board of Health that a medical emergency exists which will be aggravated by the lack of utility service, it has to keep your service on for 30 days. The notification may be made by phone, but must be followed within five business days by written certification, which includes required identification information of the certifying authority. This certificate may be renewed for an additional 30 days if the doctor explains why the lack of service would aggravate your medical emergency and the expected length of time the condition will last, and you must show why you are unable to pay your utility bill. If your medical condition is chronic, a longer time period can be approved.

If utility service is required to operate a life-support system, the doctor's certificate remains effective unless terminated by the PSC. However, every three months, you must show your utility why you can't pay your bill. Your utility will code your account to ensure service is continued to your residence.

During a period of medical emergency, you must make a reasonable effort to pay utility charges for service. PSC staff will help you work out reasonable payment arrangements to you don't owe a large amount at the end of the medical emergency.

Elderly, Blind or Disabled

If your utility is aware that you and all adults living with you are 62 years of age or older, blind or disabled, it will make special attempts to contact you by phone or, if necessary, in person, at least three days before a scheduled service shut off in order to help you keep your utility service on. Your utility will try to work out a payment agreement with you (see Deferred Payment Agreements, p. 21) or obtain payment or a guarantee of payment from the local Department of Social Services or a private organization. If arrangements cannot be made, the company will notify the local Department of Social Services of the

possible service shutoff, and continue service for another 15 business days.

If your service is shut off, your utility will try to reach you within 10 days after your service has been terminated to determine whether alternative arrangements for utility service have been made, or whether service can be restored through an arrangement to pay the bills you owe.

Cold Weather Protections - November 1 to April 15

During the cold weather period of November 1 to April 15, your utility has to make special efforts to determine if disconnection of your heat-related service will cause a problem to your health and safety. It will attempt to contact you or another adult at your home by phone or in person at least three days before the scheduled service shutoff, and again the day of the service shutoff, to determine whether shutting off your heat-related service could cause serious harm to the health or safety of any resident in your home. If the utility finds that harm might result, it must notify the local Department of Social Services, which will then conduct its own investigation. Meanwhile your utility cannot shut off your service for another 15 business days.

If the utility finds that you may be unable to protect yourself from neglect or hazardous situations, it will notify an agency, such as your local Department of Social Services, to help you, and continue your heat-related service for at least another 15 business days.

If your heat-related service is shut off and your utility was unable to make contact with an adult at your home prior to service disconnection, it will attempt to determine whether anyone is living in your residence and if so, whether there might be serious harm to that person's health or safety. If there is reason to believe that there might be harm to a person as a result of your service being shut off, your utility will restore your service for 15 business days and notify the local Department of Social Services so that they can investigate.

Deferred Payment Agreements

Payment Agreement Terms

If you have a financial problem that prevented you from paying previous bills, you can make a deferred payment agreement, which will allow you to pay the overdue amount in reasonable installments. However, the utility can refuse to offer you a payment agreement when it believes you can pay the amount you owe, and after its own investigation, the PSC also determines that you have the ability to pay what you owe.

While your utility may offer you specific payment agreement terms, you do not have to accept what it proposes. You can write your own payment terms. However, these terms must be based upon your ability to make payments on what you owe as well as full payments on your current bills. Your utility must accept any terms you propose which are fair and equitable, considering your financial circumstances; however, it can refuse any terms where you would be paying less than \$10 a month on what you owe.

Unless you agree to large installment payments, your monthly installments on a payment agreement cannot be more than half of your average monthly utility bill, or 10% of what you owe, whichever is greater.

Should your financial situation change due to circumstances beyond your control, at your request, your utility will change your agreement to make sure that the terms are reasonable.

Down Payments

Based on your financial circumstances, the agreement between you and your utility may provide for any size down payment or no down payment at all. Unless you agree otherwise, HEFPA allows down

payments no greater than the following:

- 15% of the amount you owe, or one-half of your average monthly bill, whichever is greater; however,
- if the total amount you owe is less than this amount, then the down payment cannot be more than 50% of what you owe.

For example, if you owed \$400 and your average monthly bill is \$50, 15% of what you owe is \$60 and one-half of your bill is \$25. Therefore, the largest down payment which the utility can require is the greater of the two, or \$60.

Broken Agreements

If you fail to make timely payments on your payment agreement, your utility can cancel the agreement and take action to have your service shut off. At least eight days before it starts the process to have your service shut off, your utility will send you a notice that you have not kept current in your agreement payments, and offer you an opportunity to make those payments current. You may also change the terms of the agreement, if your financial situation has changed due to circumstances beyond your control.

However, if you have a broken agreement which required payments higher than the greater of one-half of a month's average usage or 10% of the remaining amount that you owe, the utility must give you another agreement. This agreement, which would be sent with any final termination notice, would require monthly payments equal to the greater of those two amounts.

Third Party Notification

As a residential customer, you can select a "third party," such as a relative or friend, to receive all notices relating to service termination or other utility credit actions relating to your account, provided that the third party agrees in writing to accept those notices. The third party can contact your utility on your behalf and help you work out payment terms. However, the third party is not responsible for paying your bills.

Your utility will help you designate a third party to help you with these notices. This is an especially valuable protection for consumers who are unable to fully understand company notices. Third-party designation can be very useful if you have a relative or friend you can rely on to help you out.

Shared Meter Conditions

A Shared Meter Condition is a situation in which a utility meter is providing gas, electric or steam service to a tenant's apartment as well as service to space outside that dwelling. Service to outside space includes service to equipment, such as air conditioning or water heating equipment, operated for the benefit of common areas of the building or other apartments.

If a Shared Meter Condition exists, then the utility must establish an account in the landlord's name until the condition is corrected. The utility cannot charge you for energy you are not using yourself. If you believe you are being wrongly charged for energy others are using, call your utility for assistance. It will work with you to correct the service condition.

Delayed Billing

If you never received a bill for service you received over six months ago, the utility cannot now bill you

for that service, unless the delay in billing was not caused by its negligence or was caused by your actions. If, under these conditions, it is proper for the utility to bill after the six months have passed and the delay in billing was not due to your actions, it must explain to you the reason for the delay in billing and offer you in writing an installment payment plan. That plan may include a down payment of no more than 50% of the amount due or three month's average billing, whichever is less.

Similarly, a utility cannot increase the amount you owed on a bill which was sent to you over a year ago, unless:

- your utility's failure to provide a correct bill resulted from your actions,
- the bill was not due to the negligence of the utility or is necessary to adjust a budget billing payment plan, or
- you had a dispute concerning the amount of that bill which, after investigation, is being changed to the correct amount.

If there is an increase in a previous bill of at least \$100, and this increase was not because of your actions, you can pay this amount in monthly installments over a period of at least three months. Your utility will explain to you in writing the reason for any rebilling of a bill sent more than a year ago.

Late Payment Charges

If 20 days have passed since a bill payment was due and you have not paid your bill, the utility can add to your next bill a late payment charge which is 1.5% per month on the unpaid balance of your bill. You are not responsible, however, for late fees on amounts in dispute with the utility or the PSC while that dispute is being investigated. But, if you are found to owe the amounts in dispute, then you will also have to pay the applicable late charges.

Complaints

If you doubt the accuracy of any bill or deposit amount, or have a service problem, you can call your utility and complain about it. If your complaint involves a financial matter, your utility service cannot be disconnected for non-payment of that disputed amount while the complaint is being investigated and for 15 days after the decision on the complaint has been made by your utility. However, if you owe an amount other than the disputed amount, your utility can take action to terminate your service for non-payment of the undisputed amount.

Contacting the PSC

Remember: If you have a problem or complaint, call your utility first, as soon as you are aware of the problem. Only call the PSC if you are unable to resolve your problem with your utility.

- If you are dissatisfied with your utility's decision on your complaint, you can appeal to the PSC to review that decision. You can contact the PSC by writing to:

**NYS Department of Public Service
Consumer Services Division
3 Empire State Plaza
Albany, NY 12223**

- or call our **toll-free HELPLINE, 1-800-342-3377 between * 8:30 a.m. and 4:00 p.m. on business days**, for PSC staff assistance if you have complained to a utility concerning your electric, natural gas, steam, water or telephone service and are not satisfied with the utility's response. If your service has been, or is about to be, terminated for non-payment, you can call our special **toll-free Emergency HOTLINE, 1-800-342-3355 between 7:30 a.m. and 7:30 p.m.** on business days for PSC staff assistance if a utility has terminated, threatened to terminate, or refused to provide residential electric, natural gas or steam service.
* If you call either the HELPLINE or the HOTLINE after these scheduled hours, a recorded announcement will say the office is closed and tell you when the office will reopen.
- **TDD Service** - If you have a hearing and/or speech impairment and have access to a TDD (telecommunications device for the deaf), you may call the New York Relay Service (1-800-662-1220) or 1-800-421-1220 for hearing persons in order to contact any of the PSC phone numbers.

Bilingual Service - Many utilities have customer representatives who speak Spanish. If you wish, call your utility's local customer relations office and ask if a Spanish-speaking representative is available. The PSC also has Spanish-Speaking Consumer Services Representatives to help you.

Servicio Bilingüe - Muchas compañías tienen representantes que hablan español. Si usted necesita este servicio, llame a la oficina local de ayuda para los clientes y pregunte por un representante que hable español. La Comisión de Servicios Públicos también tiene representantes en la oficina de servicios al consumidor que hablan español y lo pueden ayudar.

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