

Consumer Protection Report

Prepared for the Alliance for Affordable Energy

By Peter Peter-Raymond Graffeo

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Intro

The purpose of this report is to diagnose the best and worst practices for consumer protections provided by utility companies. According to *Black's Law Dictionary*, a consumer protection is “a rule in place to keep the customer’s rights safe, increase the product availability, and prevent deception.”¹ The utility industry is complicated because companies are both self-regulated and regulated through state and federal laws. Thus, consumer protections within the utility industry are often not as straightforward as within other industries. Low-income households often need consumer protections to prevent service shutoffs. The National Consumer Law Center (NCLC) states that nearly 1 in 3 households face challenges in paying energy bills.² This translates into 25 million households forgoing food and medicine to pay energy bills in at

¹ <https://thelawdictionary.org/consumer-protection-laws/>

² <https://www.nclc.org/issues/fs-energy-insecurity.html>

least some months, with 7 million households foregoing such necessities every month.³ With energy insecurity affecting so many households in America, effective consumer protections are essential for allowing these households to pay their bills and avoid service termination.

This report focuses on seven southeast states; specifically: Louisiana, Texas, Arkansas, Mississippi, Alabama, Georgia, and Oklahoma. All information was researched through specific state-provided information and utility-company provided information. The NCLC provides a list of model consumer protections, and each state is compared to the recommended protection from the NCLC and further compared to one another.

Weather

The NCLC recommends that utility companies should “[p]rohibit disconnections of essential utility service[s] during the winter months and periods of extreme heat.”⁴ Each of the seven states researched had some form of weather related consumer protection. However, none of the protections are identical, and some have glaring needs. For example, Alabama bases their weather service termination protocol off the National Weather Service (NWS). Specifically, the protocol states that when the NWS forecasts the temperature at 32 degrees Fahrenheit or below for that entire calendar day, utility companies are prohibited from disconnecting services.⁵ However, Alabama has no service disconnection protections for high temperatures. For

³ *Id.*

⁴ <https://www.nclc.org/issues/fs-energy-insecurity.html>

⁵ http://www.psc.state.al.us/Administrative/GenRules_01_10_05.pdf

reference, according to the NWS, during June 2019, central Alabama had 11 days at or above 90 degrees Fahrenheit.⁶

While Alabama's weather-related consumer protections have glaring holes that must be addressed, other states have more subtle needs. Mississippi does not set specific temperature thresholds, but rather, will only suspend service disconnections for freeze warnings or excessive heat warnings.⁷ Georgia's low temperature protections only last from November 15th to March 15th.⁸ Louisiana requires the high or low temperatures to be forecasted for an entire day.⁹ Texas requires two consecutive days of extreme temperatures.¹⁰ Oklahoma, like every other state, bases their weather-related service disconnection protocols off the NWS. However, once a suspension of service terminations has been issued, the suspension may be revoked if a new NWS forecast conflicts with the previous forecast within the same day.¹¹

All of these regulations have complicated language, and use caveats to allow utility companies a way out of suspending service disconnections. Simplified regulations, like Arkansas, should be used in place of these. Arkansas' *Cold Weather Rule* states:

“Electric and gas utilities may not suspend residential service on a day when the National Weather Service forecasts that a temperature of 32 degrees Fahrenheit or lower will occur at any time during the following 24 hour period. The utility must obtain the most current forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut-off is scheduled.”^{12 13}

⁶ <https://w2.weather.gov/climate/getclimate.php?wfo=bmx>

⁷ <https://sos.ms.gov/ACProposed/00017589b.pdf>

⁸ http://www.psc.state.ga.us/consumer_corner/disconnection/electricdisconn.htm

⁹ https://library.municode.com/la/new_orleans/codes/code_of_ordinances?nodeId=PTIICO_CH158UT_ARTVIIIICUP_R_DIV2BIRI&showChanges=true

¹⁰ <https://powertochoose.org/agency/rulesnlaws/subrules/electric/25.29/25.29.pdf>

¹¹ <https://www.occeweb.com/rules/CH35072519.pdf>

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https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2002/jul_2002/126.03.02-004.pdf

¹³ It should be noted that Arkansas' *Hot Weather Rule* is similarly worded, but with a 95 degree Fahrenheit threshold.

The rule is much simpler than the other states surveyed and maintains a consistent protection for consumers. For example, the rule does not require extreme temperatures for a 24-hour period; instead, the extreme temperature just needs to “occur at any time during” the day. These rules were generated for *extreme* temperature and expecting an *extreme* temperature over a 24-hour period is unrealistic and does little to protect consumers. Unlike the “freeze warning” and “excessive heat” thresholds set in some states, which consist of varying temperatures, the Arkansas regulations set a single, reasonable temperature as the threshold for suspensions. Additionally, updated forecasts throughout the day may not be used to revoke the original suspensions issued like some states.

The simplified regulation from Arkansas is the model weather related consumer protection, and other states should modify their protections to follow their lead.

Below are all of the weather-related consumer protections for each State:

Louisiana	The right to not have service disconnected when: (1) the temperature for the day is forecast to remain at or below 40 degrees Fahrenheit or the night-time temperature is forecast to be 32 degrees Fahrenheit or lower, or (2) if the high temperature for that day is forecast to be 100 degrees F or higher, or (3) if the National Weather Service issues an Excessive heat warning (or such term that reflects a heat index of 115 degrees F or higher) for Orleans Parish for the day. 1 [] Once the National Weather Service issues an excessive heat warning, the utility is prohibited from reinstating normal disconnect policies for the remainder of the day, regardless of whether the excessive heat warning is subsequently lifted during the day.*
Texas	A REP having disconnection authority under the provisions of subsection (b) of this section shall not authorize a disconnection for nonpayment of electric service for any customer in a county in which an extreme weather emergency occurs. A REP shall offer residential customers a deferred payment plan upon request by the customer that complies with the requirements of §25.480 of this

	<p>title (relating to Bill Payment and Adjustments) for bills that become due during the weather emergency. (1) The term “extreme weather emergency” shall mean a day when: (A) the previous day’s highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours anywhere in the county, according to the nearest National Weather Service (NWS) reports; or (B) the NWS issues a heat advisory for a county, or when such advisory has been issued on any one of the preceding two calendar days in a county. (2) A TDU shall notify the commission of an extreme weather emergency in a method prescribed by the commission, on each day that the TDU has determined that an extreme weather emergency has been issued for a county in its service area. The initial notice shall include the county in which the extreme weather emergency occurred and the name and telephone number of the utility contact person.</p>
<p>Arkansas</p>	<p>Electric and gas utilities may not suspend residential service on a day when the National Weather Service forecasts that a temperature of 32 degrees Fahrenheit or lower will occur at any time during the following 24 hour period. The utility must obtain the most current forecast for the customer's weather zone from the National Weather Service reports on the morning of the day that the customer's shut-off is scheduled.</p> <p>An electric or gas utility shall not suspend residential service to an elderly or handicapped customer on a day when the National Weather Service forecasts that a temperature of 95 degrees Fahrenheit or higher will occur at any time during the following 24-hour period. For gas utilities, hot weather protection shall be limited to elderly or handicapped air conditioning customers only.</p>
<p>Mississippi</p>	<p>a. No utility shall discontinue electrical or natural gas service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled disconnection day, a freeze warning has been issued by the National Weather Service for the county of the scheduled disconnection. b. No utility shall discontinue electrical service to a residential customer for nonpayment of bills if, as of 8:00 a.m. on the scheduled disconnection day, an Excessive Heat Warning has been issued by the National Weather Service for the county of the scheduled disconnection.**</p>
<p>Alabama</p>	<p>No residential electric or natural gas service shall be disconnected for nonpayment when the temperature at that location is forecasted to be 32 degrees Fahrenheit or below for that calendar day. The controlling forecasted</p>

	<p>temperature for a particular location shall be the temperature forecasted by the National Weather Service for that location on the calendar day in question.</p>
Georgia	<p>(1) Winter - A utility shall not discontinue gas or electric service to a residential customer between November 15th and March 15th if the forecasted local temperature is below 32°F for a 24-hour period beginning at 8:00 a.m. on the date of the proposed disconnection. The consumer must agree in writing to pay the past due balance including customer charges in equal installments beginning with the first billing period after March 15th and ending before October 15th. Consumer must also agree in writing to pay all bills for current service by the due date.</p> <p>(2) Summer - A utility shall not discontinue electric service to a residential customer if, prior to 8:00 A.M. on the date of the scheduled disconnection, a National Weather Service Heat Advisory or Excessive Heat Warning is in effect, or is forecasted to be in effect by the National Weather Service, for the county in which the meter scheduled for disconnection is located.</p>
Oklahoma	<p>(1) If the NWS issues a local forecast predicting the temperature will drop below 32 degrees Fahrenheit for any time period during the following twenty-four (24) hours, the utility shall suspend its disconnection of service if the electric service is used for heating purposes. The utility must obtain the most recent local forecast for the customer's location from the NWS reports between the hours of 6:00 a.m. and 8:00 a.m. on the morning of the day that the customer's shut-off is scheduled. If the NWS issues an updated forecast on the day of disconnection, then such updated forecast shall be used in place of the earlier obtained forecast.</p> <p>(2) If the NWS issues a local forecast predicting the heat index will be 101 degrees Fahrenheit or higher on the day of disconnection, or if the actual heat index is 101 degrees Fahrenheit or higher, the utility shall suspend its disconnection of service activity if the electric service is used for cooling purposes. The utility must obtain the most recent local forecast for the customer's location from the NWS reports between the hours of 6:00 a.m. and 8:00 a.m. on the morning of the day that the customer's shut-off is scheduled. If the NWS issues an updated forecast on the day of disconnection, then such updated forecast shall be used in place of the earlier obtained forecast. (3) Nothing in this Section shall prohibit a utility from establishing a higher temperature threshold for residential heating purposes below which it will not discontinue utility service or from establishing a lower temperature threshold for residential cooling purposes above which it will not discontinue utility service. The utility may continue to disconnect utility service for unauthorized use of the</p>

utility's measuring equipment or tampering with wires, pipes, meters, or any other utility equipment or obtaining service without contract.

Critical Medical Condition

Critical medical condition consumer protections are essential for protecting the most vulnerable utility customers. Utility customers that rely on life-sustaining medical equipment, customers with chronic conditions that may be exacerbated by a lack of energy, and customers in which health is gravely impaired all need these protections from service disconnection. These customers often do not have the means to afford utility services because of their conditions, and thus, protection from service termination is essential. The NCLC recommends that utility companies should “[r]equire all utilities to implement medical certification policies that protect all infirm customers from termination of utility services.”¹⁴

The most important aspect for a successful medical-related consumer protection is broad protection for the vulnerable. While each State has a medical-related consumer protection, many do not provide sufficient protections. For example, Louisiana and Oklahoma only provides these protections for life-threatening situations where the “consumer or other permanent resident of the household is dependent upon equipment... needed to sustain the person’s life.”¹⁵ Medical equipment providing life-support obviously needs to be protected, but it is the absolute minimum protection a utility company can provide. Better, but not perfect, protections are those like Arkansas, Mississippi, or Georgia. These States provide that service terminations will not be

¹⁴ <https://www.nclc.org/issues/fs-energy-insecurity.html>

¹⁵ <https://www.occeweb.com/rules/CH35072519.pdf>

performed on customers in which suspension would result in any “life-threatening” situation.¹⁶ These provisions include life-support machinery, as well as any situations that may threaten a customer’s life. The best practice for consumer protections for medical conditions are found in Texas. Texas utility consumer protections provide for medical equipment and life-threatening situations while also adding that “[c]onsumers who have a serious medical condition and need electricity for air conditioning or heating to prevent them from becoming more ill.”¹⁷ Therefore, Texas customers do not need to be in life-threatening situations to prevent service suspension. They only need to show a service termination would make them “more ill” than their current situation. Broad protections like this should be added to every State’s medical-related consumer protections. While clients with life-threatening situations must be looked after, utility companies should not overlook customers with serious non-life-threatening illnesses. These illnesses may still be preventing the customers from reasonably affording their utility bill. Having to choose between medical care and keeping the lights on should not be a concern for people in these unfortunate situations.

Below are all of the medical-related consumer protections for each State:

Louisiana	The right to have a special medical designation which prohibits service from being disconnected for 30 days if customer is on life support or has another life-sustaining medical treatment system which requires electricity or natural gas. Customer has the right and obligation to provide the utilities written medical certification from a licensed physician as to customer's condition to receive this special designation.
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https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2002/jul_2002/126.03.02-004.pdf

¹⁷ <https://www.opuc.texas.gov/customerprotection.html>

<p>Texas</p>	<p>Critical Care status is only for consumers who need electricity, because they are on life support equipment. Once granted, this status is good for two years. A Critical Care consumer who is unable to pay their bill and is in danger of being disconnected must do the following to maintain service:</p> <ul style="list-style-type: none"> (1) Have their doctor contact their retail electric provider (REP) both verbally and in writing to confirm the Critical Care status. (2) Enter into a deferred payment plan with the REP. <p>As long as the consumer has followed the instructions above, the REP will not disconnect their service for 63 days. At the end of the 63 days, the consumer must begin the process again if they are still unable to pay their bill. If a consumer does not pursue the 63-day protection and is going to be disconnected, the REP must send written (or email if agreed) notice of disconnection at least 21 days prior to the disconnection, to both the consumer and the consumer's secondary contact. The transmission and distribution utility (TDU) will also contact the consumer and their secondary contact by phone. If the TDU cannot reach the customer or secondary contact by phone, the TDU will visit the premises. If there is no one on the premises, the TDU will leave a door hanger.</p> <p>This type of status does not protect against disconnection for non-pay. Chronic Condition status is for the following consumers:</p> <ul style="list-style-type: none"> (1) Consumers who have a serious medical condition and need electricity for air conditioning or heating to prevent them from becoming more ill. (2) Consumers that need electricity for medical equipment to prevent them from becoming more ill. <p>Chronic Condition status is good for 90 days. If a Chronic Condition consumer does not pay their electric bill, the customer's REP must send written (or email if agreed) notice of disconnection at least 21 days prior to the disconnection, to both the consumer and the consumer's secondary contact.</p>
<p>Arkansas</p>	<p>Each utility must honor a physician's certificate which attests to the fact that a residential utility customer or any other permanent resident of the household has a serious medical condition. The certificate must clearly state that the suspension of utility service would give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.</p>
<p>Mississippi</p>	<p>a. No utility shall discontinue service to any residential customer for a period of sixty (60) days for nonpayment when the utility receives written notice from a medical doctor licensed to practice in the State of Mississippi, or any adjoining state, certifying that discontinuance of service would create a life threatening situation for the customer or other permanent resident of the customer's</p>

	household. b. All public utilities subject to this rule shall provide and make available to their customers at all offices appropriate forms for use by the customer in certifying the life threatening situation. The utility shall issue a receipt to the customer acknowledging receipt of the written notice pursuant to this rule
Alabama	N/A
Georgia	<p>Service shall not be disconnected for nonpayment of a bill to a residential customer who has a serious illness which would be aggravated by the disconnection - provided that the customer: (1) Notifies the company of this condition in writing. You may also notify the company orally, but you must send the company a written notice within 10 days of the oral notification.</p> <p>(2) Within 10 days of providing initial notice to the company, a written statement from a physician, county board of health, hospital or clinic identifying the illness, its expected duration, and certifying that the illness would be aggravated by such disconnection must be received by the company.</p>
Oklahoma	<p>(1) For purposes of this Section, a life-threatening situation is defined as one where the consumer or other permanent resident of the household is dependent upon equipment that is prescribed by a physician, operates on electricity, and is needed to sustain the person's life. Examples of life-sustaining equipment would be: kidney dialysis machine, iron lung, oxygen concentrators and certain other oxygen machines, cardiac monitory, heating and air conditioning equipment, or any other equipment that is prescribed by a licensed medical doctor. If the life-sustaining equipment without a battery backup is prescribed by a licensed</p> <p>medical doctor, then it shall be considered life-sustaining equipment. The following are not considered to be life-sustaining equipment: hot water heater, refrigerator, range/stove, nebulizers that are battery-driven or hand-driven or self-contained, battery-driven sleep apnea monitors, battery-driven cardiac monitors. (2) When a consumer to whom service is provided is unable to pay the account in full, the utility shall suspend discontinuance of service, or reconnect if disconnected, if the consumer notifies the utility that disconnection of service will give rise to a life-threatening condition for the consumer or other permanent resident of the household should electric service be terminated, and within thirty</p> <p>(30) calendar days of the initial notification, the consumer shall return the Medical Certificate described in (3) of this subsection.</p>

Elderly & Handicapped

Protections for the elderly and handicapped should be automatic protections given by utility companies. The NCLC recommends that utility companies “[p]rohibit, year-round, all disconnections of low-income households with infants or vulnerable elderly or disabled residents.”¹⁸ However, only three of the seven States have protections for elderly clients: Arkansas, Georgia, and Oklahoma, and two of seven States have protections for handicapped clients: Arkansas and Oklahoma. How these States give protections are vastly different. Georgia simply gives a senior citizen discount.¹⁹ Arkansas and Oklahoma place elderly and handicapped into the same group when categorizing consumer protections. Arkansas’ rules provide that, within 72 hours of service suspension, the utility must make two separate attempts to contact the client.²⁰ Additionally, once contacted and confirmed that the client cannot pay, the utility must inform the client of their options: 1) arranging a delayed payment agreement, 2) explain right to third party notification, or 3) provide names of federal, state, and local payment assistance agencies.²¹ Arkansas does not delay the service suspension, nor do they adjust billing for these in-need clients. Oklahoma simply delays service termination an additional 5 days.²²

None of the protections for elderly or handicapped utility customers provides for complete immunization from service termination. Each individual protection is insufficient; however, a combination of all three regulations forms a best practice for utility companies. The elderly and handicapped deserve discounts on their bills, as provided by Georgia.²³ Additionally,

¹⁸ <https://www.nclc.org/issues/fs-energy-insecurity.html>

¹⁹ http://www.psc.state.ga.us/consumer_corner/cc_advisory/payassist.asp

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https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2002/jul_2002/126.03.02-004.pdf

²¹ *Id.*

²² <https://www.occeweb.com/rules/CH35072519.pdf>

²³ http://www.psc.state.ga.us/consumer_corner/cc_advisory/payassist.asp

elderly and handicapped customers deserve the extended 5 days for service shutoffs, because they might be relying on outside sources to pay these bills. Lastly, elderly, and handicapped customers, deserve to have utility companies inform them of the options available for payment assistance. Many of these customers may not be attuned to researching these services themselves and having the utility guide them towards these services is invaluable. Furthermore, the States that have no protections for the susceptible elderly/handicapped customers should implement regulations for their protection and as a matter of public health

Below are all of the elderly/handicapped consumer protections available in each State:

	Elderly	Handicapped
Louisiana	N/A	N/A
Texas	N/A	N/A
Arkansas	<p>(A)At least 72 hours before suspending service to an identified elderly or handicapped account, a utility must make 2 attempts at different times of day to contact the customer, an adult at the premises, or someone previously designated by the customer, either in person or by telephone. (B) When an identified elderly or handicapped customer tells a utility they cannot pay a bill on time, or upon contacting an identified elderly or handicapped customer</p> <p>under Subsection B. of this Rule, the utility shall offer to:</p> <p>(1) Arrange a delayed payment agreement, or, for electric and gas utilities, arrange for levelized billing ;</p> <p>(2) Explain the right to third party notice before</p> <p>(3) Provide the names of federal, state, and local bill suspension of service; and,</p>	See Column 1

	payment assistance agencies.	
Mississippi	N/A	N/A
Alabama	N/A	N/A
Georgia	Senior citizen discount rates provide savings for those who qualify. Customers who are at least 65 years old with a total household income of not more than \$14,355 annually, are eligible to receive a \$14.00 discount on their Georgia Power or Savannah Electric power bill. Natural gas customers in Atlanta Gas Light Company's delivery area may receive up to a \$14.00 discount. Call your gas or electric service provider for more information.	N/A
Oklahoma	(a) At any time prior to disconnection of service, the notification procedure shall be available to those elderly and/or consumers with disabilities who have notified the utility that they wish to be included in the following notification procedure: (1) For those who have registered with the utility as elderly and/or consumer with disabilities, the utility shall delay disconnection of service for five (5) additional business days upon request of the Commission's CSD. (2) Elderly and/or consumers with disabilities are those consumers who have notified the utility in writing that they: (A) Have a permanent impairment which substantially limits the disabled consumer's ability to pay for utility service; or (B) Are sixty-five (65) years of age or older. (b) The utility shall notify the consumer or other person responsible for the bill, during the initial application for service, annually thereafter, and at any time disconnection is imminent, of this additional notification procedure. (c) The utility may require verification of the consumer's qualifications	See Column 1

Veterans/Active Duty

Servicemen and servicewomen are compensated for their service by many industries from discounts to special loan rates; likewise, the utility industry should compensate these individuals. More importantly, active duty military personnel are more at risk for service

termination based solely on the fact that they are not at home. However, only one State, Louisiana, protects active duty personnel, and only Texas protects veterans. Louisiana prevents any natural gas provider from terminating service to a residential customer who is on active duty. Additionally, the service provider must offer the customer a “period equal to at least the period of service on active duty to pay any arrearages incurred during the period of service.”²⁴ Upon return from active duty, if the customer needs additional time to repay their arrearages, they may request such time from the provider. Such a protection should be adopted by every State researched in this report. Texas, while not aiding current active duty customers, does provide a bill assistance program for veterans who cannot regulate their body temperatures because of severe burns received in combat.²⁵ Again, providing protections for these wounded soldiers should be adopted by every State.

Service Disconnection Restrictions

Service disconnections can have serious implications on households. When a utility provider disconnects service, houses are at particular risk of damage. A Louisiana case, *Sawyer v. Cent. Louisiana Elec. Co.*, highlights these risks. The plaintiffs in the case, the Sawyers, left for a long-term vacation.²⁶ While on vacation, their utilities were shut off and their house sustained severe damages.²⁷ This led to a lengthy lawsuit between the couple and the utility provider that was argued up to the Louisiana Appellate Court.²⁸

²⁴ <https://law.justia.com/codes/louisiana/2018/code-revisedstatutes/title-29/rs-29-317/>

²⁵ <https://powertochoose.org/agency/ruleslaws/subrules/electric/25.28/25.28.pdf>

²⁶ *Sawyer v. Cent. Louisiana Elec. Co.*, 136 So. 2d 153 (La. Ct. App. 1961).

²⁷ *Id.*

²⁸ *Id.*

Furthermore , utility companies cannot reconnect service to a house during non-business hours. For example, if a utility provider disconnects service on a Friday afternoon and the customer pays their bill later that night, their service remains disconnected until the following Monday. Extended periods of disconnection can have serious implications as the case above demonstrates. Therefore, service disconnection restrictions must be in place to protect customers from unwarranted service disconnections. Advanced Metering Infrastructure (or “AMI”) is touted as part of a solution to this problem. AMI is only a solution, however, if the company uses it in this way, whether by regulation or business practice.

All seven States reviewed in this report have service disconnection restrictions in place. While encouraging, not all protections are created equal. For example, Mississippi’s service disconnections only apply to Saturdays and Sundays, or holidays; unless, utility personnel are present to receive payments and restore service.²⁹ Compared to Oklahoma, which states that service may only be disconnected during regular business hours, but not within the last 2 work hours of a day, nor on a holiday or after noon on Fridays.³⁰ Both of these protections are similar; however, the simplified version from Oklahoma removes any uncertainty a customer may have by eliminating the varying condition of employee availability. Customers have no way of knowing when a utility’s representative will be available, and protections from these disconnections should not revolve around that factor. Additionally, utility providers, like those in Louisiana, Texas, Arkansas, and Alabama, should not conduct service disconnections on the days preceding holidays. Allowing a disconnection on the morning before Christmas, for example, does little to protect vulnerable families from extended service disconnections. Overall,

²⁹ <https://sos.ms.gov/ACProposed/00017589b.pdf>

³⁰ <https://www.occeweb.com/rules/CH35072519.pdf>

service disconnection restrictions should remove variable factors and consider the reasonability of reconnection for customers that pay their bills.

Below are the consumer protections for service disconnection restrictions from each State:

Louisiana	The right to not have service disconnected on a weekend, holiday, day before a holiday or Friday after 1:00 p.m.
Texas	(1) A REP having disconnection authority under the provisions of subsection (b) of this section shall not request disconnection of a customer's electric service for nonpayment on a holiday or weekend, or the day immediately preceding a holiday or weekend, unless the REP's personnel are available on those days to take payments, make payment arrangements with the customer, and request reconnection of service. (2) Unless a dangerous condition exists or the customer requests disconnection, a TDU shall not disconnect a customer's electric service on a holiday or weekend, or the day immediately preceding a holiday or weekend, unless the personnel of the TDU are available to reconnect service on all of those days.
Arkansas	(1) A utility may suspend service only during normal utility business office hours. However, no suspension shall occur during the last hour of the utility's normal business office hours. (2) A utility may not suspend service on a day, or on a day immediately before a day, when the utility does not have employees available who may authorize and reconnect service at the normal business day charge. (3) If a utility issues more than 1 shut-off notice before suspending service, it may not suspend service before the close of business on the last day to pay as printed on the most recent shut-off notice unless Rule 6.04.B. applies. (4) A utility must suspend service within 30 days after the last day to pay, as printed on the most recent shut-off notice, unless suspension is delayed under other Commission Rules, or the reason for the suspension has been eliminated.
Mississippi	No utility shall discontinue service for nonpayment of bills to a residential customer on any Saturday or Sunday or any holiday observed by the utility unless the utility is open to accept payment (including, but not limited to, a money order) and restore service on those days.
Alabama	No service shall be cut off for nonpayment after 3:30 P.M. on any day immediately preceding a day or days when the Utility's office will be closed.
Georgia	The date of the disconnect must be a business day when a representative of the utility is available to receive payment from the customer.

Oklahoma	A utility may disconnect service on the date specified in the notice or within thirty (30) calendar days thereafter, during regular business hours, so long as the disconnection does not occur within the last two (2) hours of the business day, nor shall service be disconnected on a holiday, nor after noon (12:00 p.m.) on Fridays until Monday morning.
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Social Service Payment Customers

Social service payment customers are those which are receiving financial aid from private or state-run agencies to directly aid in utility payment.³¹ Of the states reviewed, four have specific protections for such customers: Texas, Arkansas, Mississippi, and Oklahoma. Generally, the protections do not allow utility companies to disconnect utilities for customers receiving financial assistance. In Texas, the companies are not allowed to disconnect if the utility receives a pledge, letter of intent, purchase order, or other notification from the agency providing the financial assistance.³² Arkansas, on the other hand, does not allow disconnects on customers who qualify for social service payments as long as the agency paying commits to paying at least ¼ of the bill.³³ Arkansas’ blanket protection does not force month-to-month customer reliance on the agencies to communicate with the utility. While the customer is still expected to pay the difference on their utility bill, this protection allows these customers peace of mind that their services will not be terminated while they find resources to pay. Another provision that States should consider adding is Oklahoma’s protection for customers receiving Social Security.

³¹ <https://powertochoose.org/agency/rulesnlaws/subrules/electric/25.29/25.29.pdf>

³² <https://powertochoose.org/agency/rulesnlaws/subrules/electric/25.29/25.29.pdf>

³³ https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2002/jul_2002/126.03.02-004.pdf

Currently, “full retirement age” to receive Social Security is 67, if born in 1960 or later.³⁴

Oklahoma’s Social Security protection therefore acts as another aid for the elderly that may struggle affording their utility bills. Furthermore, disabled ratepayers accessing Social Security Disability benefits could also use this provision. However, it must be noted that Oklahoma’s protection only suspends service disconnections for 20 days from the original disconnection date. Therefore, the best practice for protecting social service payment customers is one that looks like Arkansas and Mississippi, but with the inclusion of social security recipients like Oklahoma.

Below are all Social Security Payment Customer Protections:

Texas	(1) A REP having disconnection authority under the provisions of subsection (b) of this section shall not authorize a disconnection for nonpayment of electric service to a delinquent residential customer for a billing period in which the REP receives a pledge, letter of intent, purchase order, or other notification that the energy assistance provider is forwarding sufficient payment to continue service provided that such pledge, letter of intent, purchase order, or other notification is received by the due date stated on the disconnection notice, and the customer, by the due date on the disconnection notice, either pays or makes payment arrangements to pay any outstanding debt not covered by the energy assistance provider. (2) If an energy assistance provider has requested monthly usage data pursuant to §25.472(b)(4) of this title (relating to Privacy of Customer Information), the REP shall extend the final due date on the disconnection notice, day for day, from the date the usage data was requested until it is provided. (3) A REP shall allow at least 45 days for an energy assistance provider to honor a pledge, letter of intent, purchase order, or other notification before submitting the disconnection request to the TDU. (4) A REP may request disconnection of service to a customer if payment from the energy assistance provider’s pledge is not received within the time frame agreed to by the REP and the energy assistance provider...
Arkansas	When a social service agency agrees orally or in writing to pay at least 1/4 of an overdue bill, the utility shall continue service, or restore service suspended for non-payment, if the customer qualifies for and agrees to pay any remaining overdue amounts and any additional deposit under a delayed payment agreement. The agency payment shall be considered the down payment for the

³⁴ <https://fas.org/sgp/crs/misc/R44670.pdf>

	delayed payment agreement. The utility may verify any notice received from any agency.
Mississippi	No utility shall discontinue service to a residential customer for failure to pay a delinquent account if the residential customer has been approved for Low Income Home Energy Assistance Program (LIHEAP) benefits in an amount equal to the delinquent balance, payable within thirty (30) days, and the notice of the approval has been given to the utility provider.
Oklahoma	When a residential consumer has applied for and is awaiting financial assistance, including social security income, from a federal, state, or local social service agency, and the utility has initiated written notice of disconnection, it shall delay disconnection of service for a period of at least twenty (20) calendar days from the date when such notice was either delivered or mailed to the premises where service is rendered, provided: (1) The reason for disconnection is for nonpayment of the utility bill. (2) The consumer has notified the utility that the consumer has applied for and is awaiting financial assistance. (3) Verification from the involved agency must be provided in a form as prescribed by the utility upon its request. (4) If the expected financial assistance is less than the amount owed for services, the utility may require the consumer to enter into a deferred payment agreement as prescribed pursuant to (e) of this Section. (5) Under no condition is the utility required to furnish service to the consumer unless there is a reasonable expectation of payment for such service except where other rules of this Commission apply.

Miscellaneous Protections

Miscellaneous protections are being defined here as those which only one State has instituted. Examples of such protections include tenant rights, domestic abuse victims, and service limiters. These protections offer insight into how States can implement additional regulations to help the disenfranchised within their communities.

The domestic abuse protection in Louisiana states that victims of domestic abuse “shall be exempt from the utilities initial credit and/or deposit requirements.”³⁵ More can be done, like suspending service terminations or providing special payment plans as seen for other protected

³⁵ http://www.lpsc.louisiana.gov/docs/orders/GeneralOrder2-28-07_R-29900.pdf

groups. However, this protection is a step in the right direction. Of the seven States reviewed, Louisiana was the only one with any protection for domestic abuse victims. Protections for domestic abuse victims are so fundamental that every State should institute them.

Arkansas has a series of tenant rights that protect tenants from service terminations. Specifically, the rule requires utility companies to formulate procedures whereby the utility will identify accounts where “service is provided at an address different from the mailing address of the bill.”³⁶ Procedures can include actions such as “requiring landlords to identify themselves” or “allowing tenants to identify themselves and respective landlords.”³⁷ When the approved procedures are followed, utility providers are barred from suspending service to the identified accounts for non-payment; unless notice has been sent to the landlord and the landlord responds accordingly.³⁸ In situations where the landlord is responsible for utility payment, this protection is especially helpful. In addition, this protection gives renters additional bargaining power when considering potential rental property. Renters can negotiate for landlords to cover utility costs, potentially for a higher rent rate. However, the higher rent would provide a consistent cost with the added benefit of prohibited service termination. This scenario provides renters with utility security. Additionally, landlords who do not offer this benefit are at a disadvantage and may not arbitrarily raise rent prices. Many landlords across the country already provide utility payment in their rental contracts and this easily applied regulation would benefit thousands of Americans. Furthermore, where landlords pay utilities they are incentivized to make their properties more efficient, both in terms of energy and water. This can remove the split incentive for efficiency

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https://www.sos.arkansas.gov/uploads/rulesRegs/Arkansas%20Register/2002/jul_2002/126.03.02-004.pdf

³⁷ *Id.*

³⁸ *Id.*

upgrades that exists where a tenant pays the bills but cannot implement efficiency measures as they do not own the property.

Conclusion

Considering the substantial vulnerability of many residents in the state, Louisiana regulators and utilities should implement strong protections to ensure families are protected from the negative economic and health impacts associated with disconnections. Some policies that could be implemented right away include:

- Prohibition on disconnections of essential utility service[s] during the winter months and periods of extreme heat.
- Require service (no termination) for customers with necessary medical equipment and life-threatening situations, and customers who have a serious medical condition and need electricity for air conditioning or heating to prevent them from becoming more ill.
- Year-round prohibition on all disconnections of low-income households with infants or vulnerable elderly or disabled residents
- Provide a bill assistance program for veterans who cannot regulate their body temperatures because of severe burns received in combat.
- Provide protection for customers who are eligible for a social service program, which has provided a proof of willingness to pay at least ¼ of the customer's outstanding balance.
- Create protection for renters with landlords who are delinquent in their payments.
- Disallow recovery of fees from customers that exceed the cost of those fees to the utility.

