

Adopt En 1200 to read as follows:

CHAPTER En 1200 UNIFORM ADMINISTRATION OF UTILITY CUSTOMER RELATIONS

PART En 1201 PURPOSE AND SCOPE OF RULES

En 1201.01 Purpose. The purpose of these rules is to simplify and standardize the administrative processes by which customers and utilities interact in order to increase the level of information and protection provided to both and ensure, as far as is possible, the equal application of these rules by all utilities.

En 1201.02 Scope of Rules. With the exception of En 1204 and where otherwise noted, these rules shall apply to any public utility providing electric, gas, sewer, or water service to the public in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A. With the exception of En 1203.07, En 1203.11, En 1203.12, En 1203.16, En 1204.01, En 1204.02, En 1204.03, En 1204.04, En 1204.05 and En 1205, these rules shall not apply to rural electric cooperatives for which a certificate of deregulation is on file with the commission.

PART En 1202 DEFINITIONS

En 1202.01 "Arrearage" means any amount due to the utility for utility service which remains unpaid after the due date printed on the original bill.

En 1202.02 "Commission" means the New Hampshire public utilities commission.

En 1202.03 "Complaint" means an expression of dissatisfaction by a customer which the utility has failed to resolve to the customer's satisfaction after the intervention of a supervisory employee of the utility or after the customer has requested such intervention.

En 1202.04 "Conference" means a meeting held in person or by telephone in which the customer, utility and department staff participate.

En 1202.05 "Current bill" means the amount of money due to the utility for utility service, including all applicable state and federal taxes, rendered in the most recent billing period.

En 1202.06 "Customer" means any person, firm, partnership, corporation, cooperative marketing association, tenant, governmental unit, or a subdivision of a municipality, or the State of New Hampshire, who has contracted for electric, gas, sewer, or water service from a utility.

En 1202.07 "Department" means the New Hampshire department of energy.

En 1202.08 "Disconnection" means a technological function which occurs when a customer is physically or effectively separated or shut off from a utility service.

En 1202.09 "Due date" means the date no less than 25 calendar days from the bill date when the bill is sent electronically or via first class mail.

En 1202.10 "Financial hardship" means a residential customer has provided the utility with evidence of current enrollment of the customer or the customer's household in the Low Income Home Energy Assistance Program, the Electric Assistance Program, the Gas Residential Low Income Assistance Program, the Neighbor Helping Neighbor Program, their successor programs, or any other federal, state, or local government program or government funded program of any social service agency which provides financial assistance or subsidy assistance for low income households based upon a written determination of household financial eligibility.

En 1202.11 "Late payment" means any payment made to the utility or its authorized agent after the due date printed on the bill.

En 1202.12 "Medical emergency" means a situation where a utility customer or member of the customer's household has a physical or mental health condition that would become a danger to the customer's or household member's physical or mental health in the absence of utility service as certified to the utility by a licensed physician, advanced practice registered nurse, physician's assistant or mental health practitioner as defined in RSA 330-A:2, VII.

En 1202.13 "Meter" means a device installed by a utility to measure the amount of use.

En 1202.14 "Prime rate" means the rate reported in the Wall Street Journal on the first business day of the month preceding the beginning of each calendar quarter, or the average of the rates so reported on that day.

En 1202.15 "Tariff" means the current schedule of rates, charges, terms, and conditions filed by a utility and either approved by the commission or effective by operation of law.

En 1202.16 "Termination" means a bookkeeping function which occurs when a customer account is closed permanently.

En 1202.17 "Undue delay" means more than 3 business days from the later of the date by which the customer complies with all application requirements or the date for which service was requested, except during severe storms, heavy seasonal activity, and other similar unforeseeable circumstances.

En 1202.18 "Utility" means every electric, gas, sewer, and water system or part thereof owned, operated or managed by an individual or business entity determined to be a public utility under New Hampshire statutes, and every municipal authority furnishing any of the above services outside its municipal boundaries excluding those municipalities exempted from regulation by RSA 362:4.

En 1202.19 "Utility service" means the provision of electric, gas, water, or sewer service in accordance with the terms and conditions of a tariff filed with and approved by the commission, or by a rural electric cooperative for which a certificate of deregulation is on file with the commission in accordance with its terms and conditions of service.

En 1202.20 "Winter period" means the period beginning November 15th and extending up to and including March 31st.

PART En 1203 SERVICE PROVISIONS

En 1203.01 Initiation of Utility Service.

(a) The utility may require all applicants for service under a utility's filed tariff to make application to the utility in writing, in accordance with the forms prescribed by the utility.

(b) An applicant for service may initially make an oral application for service. If the utility requires written confirmation as provided for in (a) above, the utility shall require such written confirmation of the oral application to be made within 10 calendar days.

(c) The location to which an applicant requests service shall be:

- (1) Within the utility's authorized franchise area; and
- (2) Equipped with existing utility facilities in compliance with local occupancy requirements.

(d) The utility shall make reasonable efforts to determine if the applicant has an outstanding balance with the utility at the time of the applicant's request for service.

(e) An applicant for residential service shall not be held responsible for an outstanding balance incurred in the name of someone other than the applicant unless:

(1) The applicant and the individual in whose name the balance was incurred resided together at the time the balance was incurred; and

(2) The applicant and the individual in whose name the balance was incurred will continue to reside together at the location for which new service has been requested.

(f) Notwithstanding (c)-(2) above, upon receiving a request for service to a location where facilities do not exist, all utilities shall provide all facilities necessary for service, or initiate a request for such facilities, where the provision of service to the location is economically feasible and the customer has obtained all necessary easements and permits and paid all applicable fees under the utility's tariff, and those facilities shall be exempt from the timing constraints of En 1203.01(h) below.

(g) The utility may charge for connection of service as specified in its tariff.

(h) Upon compliance by an applicant with all application requirements, the utility shall complete the service connection, where facilities exist which support the requested service, without undue delay.

(i) At the time a customer contracts for construction involving the installation or modification of utility services, the utility shall provide the customer with written or electronic notice stating that there might be additional charges assessed by other providers for service requested by the customer from those providers.

(j) A utility shall not connect service at a rate other than the applicable tariffed rate or rate schedule unless a special contract for such service is in effect.

(k) A gas utility shall ask the customer applying for new service whether the service will be used to heat the location and for any other information necessary to determine if the appropriate rate will be a heating or non-heating rate.

(l) The utility shall not deny service to any otherwise qualified applicant based upon any of the following characteristics:

(1) Income;

(2) Home ownership;

(3) Race;

(4) Color;

(5) Creed;

(6) Sex;

(7) Gender identity;

(8) Sexual orientation;

(9) Marital status;

(10) Age, with the exception of unemancipated minors;

(11) National origin; or

(12) Disability.

En 1203.02 Information to Customers.

(a) Upon receiving a request for new service, the utility shall:

- (1) ~~p~~Provide information as to what might be the most advantageous utility rate or rates available to the customer;
- (2) ~~p~~Provide the customer with the current utility default energy service rate;
- (3) ~~i~~Inform the customer that energy service can be provided through the utility or through a competitive supplier; and
- (4) ~~p~~Provide the customer with the website address for the department's webpage on ~~C~~choosing an ~~E~~energy ~~S~~upplier.

(b) Upon a customer's request, each utility shall provide a written description of the utility's method of reading meters and deriving billing therefrom.

(c) All utilities that file an application with the commission for a general rate change shall send to each of its customers a clear and concise statement of the rate schedules applied for and indicate which schedules are applicable to that customer.

(d) The information required to be distributed to customers under (c) above shall be distributed no later than 45 calendar days from the date of filing.

(e) Upon application for service and no less frequently than annually, each customer shall be provided with the existing rate schedules or notified of how to obtain the existing rate schedules.

(f) If a utility provides the existing rate schedules in (e) above, the rate schedules shall be provided using one of the following methods:

- (1) Bill insert; or
- (2) Separate mailing.

(g) If a utility provides notice of how to obtain rate schedules in (e) above, notice shall be provided using one of the following methods:

- (1) Bill message;
- (2) Bill insert; or
- (3) Separate mailing.

(h) Gas and electric utilities shall indicate in the statements required by (e) above:

- (1) Whether the rate schedules are subject to any periodic rate adjustment clause; and
- (2) The frequency with which rates under these clauses are subject to change.

(i) The statements required by (c) and (e) above shall include the toll-free number of the department's consumer division.

(j) With the exception of sewer utilities, each utility shall provide notice on or with customer bills no less frequently than 2 times a year regarding medical emergency certification. The notice shall be consistent with the statement contained in En 1203.11(b)(2)l.

(k) All information required under En 1203.02 shall also be provided in a particular foreign language when 25% or more of the population within the utility's franchise area speaks that particular foreign language as its primary language. The determination of the percentage shall be made by the department based upon data obtained from the state agency responsible for maintaining the state data center.

(l) Electric and gas utilities shall provide residential customers with copies of the department-prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:

- (1) The pamphlet shall be available and displayed prominently on the website of each electric and gas utility;
- (2) Printed copies of the pamphlet shall be available and provided to any person requesting a copy at no charge;
- (3) Notice that the pamphlet is available on the utility website and in printed form shall be provided a minimum of 3 times each year in or on all residential bills;
- (4) The cost of printing and distributing the pamphlets shall be borne by the gas and electric utilities in percentage amounts equal to the ratio representing the individual utility's gross revenues compared to the total gross revenues for all gas and electric utilities; and
- (5) A gas or electric utility's decision to independently incur additional costs to distribute copies or provide notice of the pamphlet's availability more frequently than required by these rules shall be deemed by the department an appropriate expense of doing business.

(m) Water and sewer utilities shall provide residential customers with notice of the department-prepared pamphlet "Consumers' Rights and Responsibilities" in the following manner:

- (1) The pamphlet shall be available and displayed prominently on the website of each water and sewer utility if the utility maintains a website; and
- (2) Notice that the pamphlet is available on the department's website, and the utility website where applicable, shall be provided a minimum of 2 times each year in or on all residential bills.

En 1203.03 Deposits.

(a) As a condition of new residential service, a utility may require a deposit, or a written guarantee or direct debit account as provided for in (i) below, in the following circumstances:

- (1) When the customer has an undisputed overdue balance, incurred within the last 3 years, on a prior account with the utility or any similar type of utility, as described in (c) below;
- (2) When any utility has successfully obtained a judgment against the customer during the past 2 years for non-payment of a delinquent account for utility service;
- (3) When the utility has disconnected the customer's service within the last 3 years because the customer interfered with, or diverted, the service of the utility situated on or about the customer's premises; or
- (4) When the customer is unable to provide satisfactory evidence to the utility that ~~the customer~~ ~~or she~~ intends to remain at the location for which service is being requested for a period of 12

- consecutive months, as described in (b) below, unless ~~he or she~~the customer provides satisfactory evidence that ~~he or she~~they have not been delinquent in ~~his or her~~their similar utility service accounts for a period of 12 months, as described in (b) below, in which case no deposit shall be required.
- (b) For purposes of (a)(4) above, the following shall apply:
- (1) Satisfactory evidence of intent shall consist of a copy of the customer's deed, lease, or letter from a landlord and shall be provided within 30 days of the deposit request; and
 - (2) Satisfactory evidence of non-delinquency shall consist of written statements by a representative of the similar utility service.
- (c) For purposes of (a) and (b) above, the following utilities shall be considered to be similar utilities:
- (1) For electric utilities, gas or electric utilities;
 - (2) For gas utilities, gas or electric utilities;
 - (3) For water utilities, water utilities; and
 - (4) For sewer utilities, sewer utilities.
- (d) A utility's request for a deposit, as a condition of new residential service, shall be made within 30 calendar days of initiating new service.
- (e) As a condition of existing residential service, a utility may require a deposit, or a written guarantee or a direct debit account as provided for in (i) below, in the following circumstances:
- (1) When the customer has received the following number of disconnect notices for nonpayment from the utility within a 12-month period:
 - a. For customers billed monthly, 4 disconnect notices; and
 - b. For customers billed quarterly, 2 disconnect notices;
 - (2) When the customer's service has been disconnected for non-payment of a delinquent account;
 - (3) When the utility has disconnected the customer's service because the customer interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises; or
 - (4) When the customer has filed for bankruptcy and listed the utility as a creditor under the filing, and the filing has been accepted, in which case the deposit requirement shall be in accordance with 11 U.S.C. § 366.
- (f) As a condition of any service other than residential service, a utility may require a deposit.
- (g) As part of any residential deposit request, the utility shall inform the customer, orally and in writing, of the following:
- (1) That the deposit shall be waived if the customer provides evidence of financial hardship unless the customer has previously interfered with, or diverted, the service of the utility situated on, or delivered on or about, the customer's premises;

(2) That a customer claiming financial hardship shall present evidence of financial hardship to the utility on an annual basis; and

(3) The option to provide a third-party guarantee in lieu of a deposit pursuant to (i)(1) below or, if offered by the utility, establish a direct debit account in lieu of a deposit pursuant to (i)(2).

(h) As part of any deposit request to a customer other than a residential customer, the utility shall inform the customer, orally and in writing, of the option to provide a third-party guarantee in lieu of deposit pursuant to (i)(1) below, or, if offered by the utility, establish a direct debit account pursuant to (i)(2) below in lieu of a deposit.

(i) In lieu of a deposit, a utility shall:

(1) Accept the irrevocable written guarantee of a responsible party such as a social service organization, a municipal welfare agency, a bank, or a customer in good standing of the utility as a surety for a customer service account. For purposes of this subparagraph, "customer in good standing" means a customer who has not received any disconnection notices during the preceding 12 months; or

(2) With the agreement of both the utility and the customer, establish a direct debit account whereby the customer's payment shall be automatically debited from his or her bank account each month.

(j) Any irrevocable written guarantee referenced in (i)(1) above shall:

(1) Be in writing;

(2) Include the maximum amount guaranteed; and

(3) Specify that the utility shall not hold the guarantor liable for the sums in excess of the maximum amount guaranteed unless agreed to in a separate written agreement.

(k) The responsible party assuring the guarantee referenced in (i)(1) above shall be released from liability and no further deposit shall be required from the customer at the point in time when all bills have been paid without delinquency for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer.

(l) When a direct debit account is established in lieu of a deposit in accordance with (i)(2) above, the utility shall have the right to go back to the customer and request a deposit if the automatic withdrawal from the customer's account fails for 2 successive months as a result of insufficient funds in the customer's bank account.

(m) Any deposit required pursuant to En 1203.03 shall be subject to the following terms and conditions:

(1) The amount of deposit shall be:

a. No less than \$10; and

b. No more than 2 times the average monthly bill, calculated as described below:

1. For new utility customers, the average monthly bill shall be determined by estimation based on the following:

(i) Customer information about the prior customer at that service address; and

(ii) Customer specific characteristics; and

2. For current utility customers, the average monthly bill shall be based on either:

(i) Actual past bills from the prior 12 months; or

(ii) If current utility customers have less than 12 months of actual service, the average monthly bill shall be determined pursuant to (m)(1)b.1. above;

(2) All deposits shall accrue simple annual interest from the date of deposit to the date of termination;

(3) Interest shall accrue at a rate equal to the prime rate;

(4) When a deposit has been held longer than 12 months, interest shall be credited to the customer's current bill not less than annually;

(5) The entire deposit plus interest accrued shall be refunded when all bills have been paid without arrearage for 12 consecutive months for a residential customer and 24 consecutive months for a non-residential customer;

(6) With the agreement of the customer, deposits plus the interest accrued thereon may be applied against the current bills until the balance of the deposit is exhausted;

(7) Upon termination of service, the deposit plus interest accrued less any amount due the utility shall be refunded within 60 calendar days of the date of termination;

(8) A utility shall maintain a detailed record of all deposits received from customers showing:

a. The name of the customer or customers;

b. The location of the service;

c. The date the deposit was made;

d. The amount of the deposit;

e. The amount of interest accrued;

f. The date refunded to the customer; and

g. Any amount credited to the customer's account;

(9) The record required by (8) above shall be maintained by the utility for a period of 3 years subsequent to refunding the customer's deposit;

(10) Either by mail or in person, a utility shall provide each customer with a receipt for any deposit, containing, at a minimum:

a. The name of the customer or customers;

b. The location of the service;

c. The date and amount of the deposit payment; and

d. A statement of the terms and conditions governing the receipt, retention, refund, and payment of interest, and the payment and refund of deposits, pursuant to En 1203.03; and

(11) The utility shall offer the customer the opportunity to pay the deposit in installments as follows:

a. Except as otherwise negotiated pursuant to (11)b. and (11)c. below, payment shall be in 3 monthly installments with the first payment due upon demand, the second payment due within 30 calendar days, and the final payment due within 60 calendar days, provided that:

1. The first payment shall be for no more than the average monthly bill for utility service calculated as provided in En 1203.03(m)(1)b; and

2. The second and third payments shall be in equal installments of the remainder due;

b. Nothing shall prohibit the utility from negotiating payment of the deposit over a period longer than 3 months;

c. Nothing shall prohibit the customer from negotiating payment of the deposit over a period shorter than 3 months; and

d. Payment of the deposit in installments shall not relieve the customer of the obligation to pay the current bill in a timely manner.

(n) A utility shall not require a residential customer to make a deposit or furnish a guarantee as a condition of new or continued service based upon income, home ownership, residential location, race, color, creed, sex, gender identity, sexual orientation, marital status, age, national origin, or disability and shall make such requirement only in accordance with En 1203.03.

(o) A customer may request a conference with the department staff within 7 calendar days from receipt of the utility's request for a deposit if ~~the customer~~~~he or she~~ is dissatisfied with a utility's request for deposit.

(p) Service disconnections resulting from the enforcement of En 1203.03 shall be delayed pending department resolution of the customer's request for a conference pursuant to (o) above.

(q) As part of any deposit request, the utility shall inform the customer, orally and in writing, of ~~the customer's~~~~his or her~~ rights and responsibilities as described in (o) above.

En 1203.04 Meter Reading.

(a) Utilities which use meters shall read all service meters at regular intervals and on the corresponding day of each meter reading period insofar as practicable within regularly scheduled work days.

(b) Specific rules regarding meter readings for the utilities shall be found in En 300 for electric utilities, En 500 for gas utilities, and En 600 for water utilities.

En 1203.05 RESERVED.

En 1203.06 Bill Forms.

(a) Bills shall be rendered at regular intervals.

(b) For utilities providing metered service, bills shall indicate at a minimum:

(1) The date of the current meter reading;

(2) The current meter reading;

(3) The prior meter reading;

- (4) Any applicable penalty date;
 - (5) The approximate date of the next meter reading;
 - (6) All factors necessary to compute the charges;
 - (7) The charges;
 - (8) The utility's customer service phone number;
 - (9) A statement that customers should call the utility regarding billing questions; and
 - (10) A statement that customers may call the department for further assistance after first attempting to resolve disputes with the utility, which statement shall include the department's toll-free telephone number.
- (c) For utilities providing non-metered service, bills shall indicate at a minimum:
- (1) The beginning and ending dates of the billing period;
 - (2) Any applicable penalty date;
 - (3) The beginning and ending dates of the next billing period;
 - (4) All factors necessary to compute the charges;
 - (5) The charges;
 - (6) The utility's customer service phone number;
 - (7) A statement that customers should call the utility regarding billing questions; and
 - (8) A statement that customers may call the department for further assistance after first attempting to resolve disputes with the utility, which statement shall include the department's toll-free telephone number.
- (d) Bills for residential and non-residential service customers shall include one of the following:
- (1) Summary of the current applicable rate; or
 - (2) Notice that a printed copy of the current applicable rate shall be furnished upon request.
- (e) Bills shall be delivered:
- (1) Via first class mail; or
 - (2) Via an electronic billing system when offered by the utility and elected by the customer.
- (f) Each utility shall keep an accurate account of all charges for service billed to each customer and shall maintain records showing information from which each bill rendered may be readily computed.
- (g) Upon request of a customer, a utility shall provide the customer with a clear and concise statement of the actual consumption of service by the customer for each billing period during the prior year.

En 1203.07 Payment Arrangements.

(a) With the exception stated in (b) below, when a residential customer is unable to pay the total arrearage due, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein the customer shall:

- (1) Pay a reasonable portion of the arrearage as agreed to by the customer and the utility;
- (2) Pay the balance of the arrearage in reasonable installments as agreed to by the customer and the utility; and
- (3) Pay the current bill and all future bills by the due date printed on the bill.

(b) When a residential customer is unable to pay the total arrearage due and the utility has been notified that a medical emergency exists pursuant to En 1205, the utility shall continue to provide service to the customer if the customer agrees to a payment arrangement wherein additional flexibility is built into the payment arrangement, including but not limited to negotiating a flat monthly payment, for application to both the arrearage and the customer's current and future bills.

(c) In deciding upon the reasonableness of a payment arrangement, the customer and the utility shall consider the:

- (1) Size of the arrearage;
- (2) Estimated size of the customer's future monthly bills;
- (3) Customer's payment history;
- (4) Amount of time that the arrearage has been outstanding;
- (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
- (6) Customer's ability to pay.

(d) For an arrearage resulting from a non-registering meter, inaccurate meter, meter reading error, or a reconciliation between estimated billings and actual usage, the payment arrangement shall extend for a minimum period of time equal to the period of time for which the error is being re-billed.

(e) For billing adjustments due to specific meter inaccuracies, En 305.05, En 505.06, and En 605.05 shall apply.

(f) The utility may require payment at shorter than monthly intervals if the payment arrangements are made in lieu of disconnection or upon reconnection without a deposit.

(g) The utility shall confirm all payment arrangements in writing and issue a copy to the customer by mail or by hand within 5 business days of the date the arrangement is made.

(h) Written confirmation, pursuant to (g) above, shall include a statement that:

- (1) Failure to comply with the payment arrangement can result in disconnection;
- (2) The customer can contact the department's consumer division if the customer disagrees with the confirmation; and
- (3) Provides the toll-free telephone number for the department's consumer division.

(i) The purpose of written confirmation as required by (g) above is to assure the customer of an opportunity to review and verify the terms of the payment arrangement.

(j) The utility shall not disconnect any customer for failure to comply with a payment arrangement which has not been timely confirmed in writing and received by the customer. For purposes of this section, receipt by the customer of a mailed confirmation shall be presumed 3 calendar days subsequent to mailing, or the actual date of delivery when known.

(k) Written notice of disconnection resulting from failure to comply with a payment arrangement is shall be required if delivery of any previous disconnection notice occurred more than 45 days prior to the proposed date of disconnection.

(l) Notice required pursuant to (k) above shall be provided by U.S. Mail with a postmarked date no less than 14 calendar days prior to the proposed date of disconnection.

(m) Unless otherwise required by (k) above, the utility may disconnect without additional notice any customer for failure to comply with a properly confirmed payment arrangement, except as limited by En 1204 and En 1205.

(n) A customer may make payments pursuant to a properly confirmed payment arrangement to an authorized agent of the utility.

(o) At the conclusion of every payment arrangement negotiation, the utility representative shall advise the customer that the customer may contact a member of the department's consumer division for review of the reasonableness of the arrangement offered by the utility and provide the toll-free number for the department's consumer division.

(p) After reviewing the information provided pursuant to (c) above, the department's consumer division shall waive the requirement of En 1203.07(a)(1), En 1203.07(a)(3), or both, where necessary given the customer's financial circumstances, the amount due, and the customer's payment history with the utility.

En 1203.08 Penalties and Charges.

(a) Subject to the following requirements, a utility may charge and collect a late payment charge for overdue bills of all non-financial hardship customers:

(1) A late payment charge may be imposed only after the due date printed on the bill;

(2) The date of payment to the utility's authorized agent shall be considered the payment date for purposes of this section; and

(3) A customer claiming financial hardship under this section shall provide evidence of financial hardship to the utility on an annual basis.

(b) A late payment charge on any overdue bill shall not exceed the amount set forth in the utility's tariff approved by the commission.

(c) When filing with the commission for approval of a late payment charge, the utility shall, in addition to any commission requirement, provide the department with:

(1) Aggregate carrying cost information;

(2) Aggregate administrative cost information; and

(3) Other relevant information in the aggregate or with respect to each customer class.

(d) A utility may impose a charge on a customer account whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

(e) The amount of the charge permitted by (d), above, shall not exceed the charge as specified in the utility's tariff.

En 1203.09 Complaints by Customers.

(a) Each utility shall make a full and prompt investigation of customer complaints made either directly to the utility or through the department.

(b) A utility shall keep a record of complaints received for at least 2 years.

(c) The record of each complaint shall show:

(1) The name, address, and telephone number, if known and available, of the complainant;

(2) The date and character of the complaint; and

(3) The resolution of the complaint, if any; and

(4) The resolution of the complaint by the ~~commission~~department, if any.

En 1203.10 Termination of Service.

(a) A utility may require a customer to provide reasonable notice of intent to terminate service as follows:

(1) The period of the notice required by the utility pursuant to (a) above shall be noted in the utility's tariff;

(2) The notice period required by the utility shall not exceed 4 business days; and

(3) Until the later of the expiration of the notice period or the requested service termination, the customer shall be responsible for all charges incurred for service.

(b) A customer requesting service termination shall make a reasonable effort to provide the utility with access to the meter.

(c) If the customer is unable to provide the utility with access to the meter, the utility shall send a written request for access to the meter to the property owner, advising the property owner that failure to provide access to the meter within 10 calendar days from the postmarked date of the request shall result in the transfer of responsibility for the utility service to the property owner.

En 1203.11 Disconnection of Service.

(a) This section shall not apply to sewer utilities. Regulation of disconnection of sewer service shall be found in En 703.03.

(b) Except as described in En 1203.07 (h), (i) and (j) or listed under (c) below, a utility shall provide notice of disconnection that includes the following information:

(1) For purposes of this section, notice of disconnection to a residential or non-residential customer shall consist of written notice setting forth the information listed in (2) below, postmarked 14 calendar days prior to the proposed date of disconnection; and

(2) Notice of disconnection shall set forth in clear, concise, and conspicuously printed words the following information:

- a. The name and mailing address of the customer(s);
- b. The service address, if different from the mailing address;
- c. The account number;
- d. The proposed date of disconnection of service;
- e. A conspicuous statement that the notice of disconnection may be disregarded if the customer has negotiated a current payment arrangement pursuant to En 1203.07;
- f. The reason for the disconnection of service;
- g. The possible consequences of disconnection, such as deposit requirement, reconnection fee, and any other similar consequences;
- h. The address and telephone number at which the customer may contact the utility;
- i. A statement that the customer may contact the utility to discuss arrangements for payment;
- j. The toll-free telephone number of the department's consumer division;
- k. The method by which the customer may question or contest the disconnection notice, preceded in conspicuous type by the words "Important Notice - Your Rights";
- l. The statement or a statement substantively consistent with the statement: "MEDICAL EMERGENCY- If you are a residential customer and believe that a medical emergency exists in your home or would exist if your service were to be disconnected, you may be protected from disconnection. Please contact us at [insert telephone number of the utility] for more information."; and
- m. Any additional data which the utility deems pertinent.

(c) Notice to a residential or non-residential customer shall not be required if the utility notifies the department of the disconnection within 48 hours of the disconnection and one of the following conditions exists:

- (1) The customer has obtained utility service in an unauthorized manner or used utility service fraudulently;
- (2) The customer has clearly abandoned the property as demonstrated by the fact that the service address premises have been unoccupied and vacant for a period of 60 calendar days;
- (3) There is a condition dangerous to the health, safety, or utility service of others ; or
- (4) There is a clear and present danger to life, health, or physical property.

(d) The requirements of (c) above shall not be limited by En 1204 and En 1205.

(e) The requirements of (c) above shall not impose a duty on utilities to know of any dangerous condition, or to ensure against any such condition.

(f) The notification to the department required in (c) above shall not apply where the disconnection has occurred at the request of state or municipal officials such as fire, police, or other emergency response officials.

(g) Except as limited by (h) below and En 1204 and En 1205, a utility may disconnect service to a residential customer after notice if any one of the following circumstances exists:

- (1) When the customer has failed to pay an arrearage after proper demand therefore;
- (2) When the customer has failed to pay a deposit request, establish a direct debit account, or provide an acceptable third-party guarantee in lieu of the deposit pursuant to En 1203.03;
- (3) When the customer has failed to pay the bill and failed to enter into a payment arrangement for payment of the bill on or before the due date printed on the bill; or
- (4) When the customer refuses access to the residential premises for a necessary inspection or replacement of utility property, including but not limited to the reading of meters.

(h) A utility shall not disconnect a residential customer's service and a notice of disconnection shall not be sent to a residential customer if any of the following conditions exist:

- (1) The customer's arrearage is less than 60 calendar days outstanding and is less than \$100;
- (2) The unpaid bill results from service other than utility service, such as merchandise, appliance sales, or repairs;
- (3) A municipal welfare office has guaranteed payment of the average monthly bill on behalf of the customer, pursuant to the town's public welfare obligations under RSA 165, and the customer agrees to enter into a reasonable arrangement for repayment of the amount in arrears pursuant to En 1203.07; or
- (4) The arrearage is for prior residential service furnished in the name of someone other than the customer of record unless:
 - a. The customer of record and the above-mentioned person other than the customer of record resided together at the address where the arrearage was incurred;
 - b. Both that person and the customer of record received the benefit of the utility service;
 - c. Both that person and the customer of record reside together at the current service address and receive the benefit of the current utility service; and
 - d. The person other than the customer of record refuses to enter into a payment arrangement subject to all the provisions of En 1203.07.

(i) A utility may disconnect service to a non-residential customer after proper notice if any of the following conditions exist:

- (1) The customer has failed to pay any arrearage remaining unpaid after proper demand therefore;
- (2) The customer has violated any tariff provision;
- (3) The customer has failed to pay a properly requested deposit, establish a direct debit account, or provide an acceptable third-party guarantee; or
- (4) The customer refuses access to the premises for a necessary inspection of utility property, including but not limited to the reading of meters.

(j) Unless special arrangements are made with the customer, a utility shall only disconnect service to its residential customers from 8:00 am to 3:30 pm Monday through Thursday.

(k) The utility shall not disconnect service to its residential customers during the time specified by (j) above if the proposed disconnection would occur on:

- (1) A state or federal holiday;
- (2) The day preceding a state or federal holiday;
- (3) A day the department is closed to the public; or
- (4) The day preceding a day the department is closed to the public.

(l) Unless special arrangements are made with the customer, a utility shall only disconnect service to its non-residential customers from 8:00 am to 3:30 pm Monday through Friday.

(m) The utility shall not disconnect service to its non-residential customers during the time specified by (l) above if the proposed disconnection would occur on:

- (1) A state or federal holiday; or
- (2) A day the department is closed to the public.

(n) The utility shall have 8 business days from the date of the proposed disconnect in which to implement the disconnection.

(o) Except as limited in En 1205.05, before disconnection of residential service, the utility employee disconnecting the service shall notify an adult residing at the premises or leave a written notice if no adult is at the premises.

(p) The notice provided under (o) above shall include the following information:

- (1) Procedures the customer must follow to be reconnected;
- (2) The address and telephone number at which the customer may contact the utility; and
- (3) The toll-free telephone number of the department's consumer division.

(q) When the utility sends an employee to a residential customer's premises for the purpose of disconnecting service and the customer tenders payment of the past due amount in full to prevent disconnection, the employee shall act as follows:

- (1) The utility's employee shall accept the payment, provide the customer with a receipt, and leave the service intact as long as the following is true:
 - a. The employee shall know the full past due amount to be paid to bring the customer's account current;
 - b. The employee shall not be required to make change; and
 - c. The employee shall not be required to negotiate payment arrangements; or
- (2) Without disconnecting the customer's service, the utility's employee shall direct the customer to go immediately to the utility's nearest office or payment agency and tender payment there.

(r) A utility may charge for collection of payment at the customer's premises in accordance with the utility's tariffs on file with the commission.

(s) The utility shall not be required to follow the procedures described in (q) above more than 2 times in a 12-month period.

(t) A utility may use a third party to conduct collection activities provided:

- (1) The third party complies with En 1200; and
- (2) For all accounts other than terminated accounts, the use of a third party is transparent to the customer.

(u) The department shall impose a moratorium on disconnections of service when there exists an imminent peril to the public's health, safety, or welfare.

(v) Utilities shall maintain records showing the:

- (1) Number of disconnection notices sent out annually; and
- (2) Annual number of and reasons for actual disconnections.

En 1203.12 Disconnection of Service in Residential Tenant/Landlord Situations.

(a) This section shall apply to:

- (1) Utilities other than sewer utilities; and
- (2) Situations where the landlord is the utility's customer of record.

(b) "Tenant," for purposes of this section, means a person who rents and occupies a room in a rooming house or a person who rents and occupies a dwelling unit, in a building or mobile home park owned by another, consisting of contiguous living, sleeping, kitchen, and bathroom facilities for the exclusive use of that person and ~~his or her~~ the customer's household. "Tenant" specifically excludes a person who rents a unit for short-term, vacation, or recreation purposes.

(c) Except in the circumstances listed under (e) below, no utility shall disconnect service to a customer if any part of the service provided accrues to the benefit of one or more parties known by the utility to be residential tenant(s) as defined in (b) above, unless the utility gives written notice to those tenants pursuant to (d) below.

(d) Written notice of disconnection shall set forth:

- (1) The date on or after which the utility proposes to disconnect service;
- (2) A statement that the reason for disconnection is a dispute between the utility and the landlord;
- (3) A statement that the tenant should contact the landlord for more information regarding the dispute;
- (4) A statement that the tenant has a right to put service in his or her own name and thereby become the customer of record pursuant to (h) below when the utility service benefits only that tenant;
- (5) An address and telephone number at which the tenant may contact the utility; and
- (6) The toll-free telephone number of the department's consumer division.

(e) A utility may disconnect service without giving notice to tenants in the following circumstances:

- (1) When necessary to avoid danger to life, health, or property; and

(2) Upon the order of a duly constituted public authority such as state municipal fire, police, or other emergency response officials.

(f) Immediately upon learning that a tenant has been erroneously disconnected without notice, the utility shall reconnect service at no cost to the tenant and shall proceed with proper notice pursuant to this section.

(g) Delivery of written notice shall be made on the tenants at least 10 calendar days in advance of the proposed disconnection in the following manner:

(1) By posting a conspicuously lettered notice at least 10 calendar days prior to the proposed date of disconnection in a common area or such other place within the building or mobile home park as is likely to receive the attention of the tenants; and

(2) In addition to (1) above, a utility shall deliver written notice by one of the following methods:

- a. Posting or hanging the notice on the front or back door of each tenant's dwelling unit;
- b. Sliding the notice under the front or back door of each tenant's dwelling unit; or
- c. By mail which is postmarked not less than 14 calendar days prior to the proposed date of disconnection and addressed to each tenant by name or to the "occupant" of each affected dwelling unit.

(h) The utility shall provide service to a tenant in the tenant's own name as customer of record if so requested and if the meter provides utility service to only that tenant, when known by the utility, subject to the terms and requirements of the utility's tariff and this chapter, without requiring the tenant to pay any part of the landlord's past due balance as a condition of receiving service.

En 1203.13 Reconnection of Service.

(a) When the cause for a disconnection has been removed, the utility shall reconnect service upon the customer's request.

(b) When the cause of the disconnection is failure to pay an arrearage, the utility shall reconnect service upon the customer's request when:

- (1) All the arrearages have been paid;
- (2) The customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with En 1203.07; or
- (3) The customer has provided evidence of an agreement with a municipal welfare official, pursuant to RSA 165, or with another social service agency, in accordance with En 1203.14, to pay an amount equal to the average monthly bill and the customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with En 1203.07.

(c) The utility shall endeavor to reconnect service during regular business hours on the day of the request. When the customer requests that service be reconnected at other than regular business hours, the utility shall attempt to make the reconnection, provided, however, that the utility shall be under no obligation to do so unless a medical emergency exists.

(d) The department shall order a utility to reconnect service during other than regular business hours when it determines that:

- (1) A medical emergency exists;

(2) Property damage would occur; or

(3) Other circumstances exist which involve significant risk to health, safety, or property and which require immediate reconnection.

(e) A charge shall be made for reconnection of service in accordance with tariffs on file. However, no charge shall be made when the cause for disconnection was not in compliance with En 1203.11, En 1203.12, and En 1205 or when the department orders reconnection pursuant to 1203.13(d).

En 1203.14 Social Service Assistance.

(a) The utility shall provide the names and addresses of those social service organizations in its franchise area, known to the utility as providing possible assistance with the payment of utility bills, to its customers who are experiencing difficulty in paying utility bills.

(b) The utility shall make arrangements with social service organizations that might provide assistance so that the utility will receive notice by telephone or in writing, within 4 business days of a customer's application for assistance, that the social service organization will agree to pay an amount equal to the customer's average bill.

(c) The utility shall continue to provide utility service to the customer for 10 calendar days following notification from the customer or social service organization of a scheduled appointment for a review of the customer's eligibility for assistance with the payment of utility bills.

(d) When a social service organization notifies the utility that the organization has agreed to pay the current bill of the customer each month, the utility shall treat the social service organization as the party responsible for payment of bills.

(e) The utility shall provide the customer with a monthly accounting of ~~the customer's his or her~~ billing and payment history during the period when the social service organization is making payments.

(f) Notice of disconnection shall not be sent to any customer receiving monthly assistance with the payment of ~~the customer's his or her~~ utility bill from a social service organization unless the utility has determined that the customer's assistance from the organization has been fully spent down or is no longer available for payment of current utility bills.

En 1203.15 Denial of Service.

(a) If the relevant statute of limitations has not yet run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service.

(b) If the relevant statute of limitations has run, a utility may deny new service to any applicant due to an outstanding arrearage with that particular utility for prior service if the utility has pursued recovery of the debt through the court system.

(c) A utility shall not deny new residential utility service to any applicant with whom either:

(1) A reasonable payment arrangement can be made under En 1203.07; or

(2) The utility has a current payment arrangement under En 1203.07.

(d) In order to prevent the practice of name-swapping, a utility may deny new utility service to any applicant due to an outstanding arrearage with that particular utility for prior service furnished in the name of a person other than the applicant as follows:

(1) For residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They resided together at the address where the arrearage was incurred;
- b. They both received the benefit of the utility service;
- c. They both will benefit from the applied for utility service; and
- d. The applicant refuses to enter into a reasonable payment arrangement pursuant to En 1203.07 for an outstanding arrearage for which the applicant is responsible pursuant to this section; and

(2) For non-residential service, the utility may deny new utility service when the following statements are true about the applicant and the above-mentioned person other than the applicant in whose name prior service was furnished:

- a. They were principals of a business at the address where the arrearage was incurred or the same business continues to operate at that address and there is no evidence of a change in majority ownership or effective control of that operating business;
- b. They both received the benefit of the utility service; and
- c. They both will benefit from the applied for utility service.

(e) The utility shall provide the applicant described in (d)(1) with the toll-free telephone number of the department's consumer division if the applicant disputes the transfer of responsibility for the outstanding arrearage.

(f) Utilities shall maintain records showing the annual number of and reasons for denials of applications for service.

En 1203.16 Disconnection Conferences.

(a) Upon receipt of the notice of disconnection, a customer may request and the utility shall grant a conference with the utility prior to the proposed date of disconnection specified on the notice, as follows:

- (1) A utility shall not be required to grant a conference to a customer whose request for a conference is made on the proposed disconnect date, although the utility may grant one;
- (2) A customer whose request for a conference is made either one or 2 days prior to the proposed disconnect date shall be entitled to a conference no later than 3 business days after the request; and
- (3) Service shall not be disconnected prior to the latest of the following:
 - a. Five business days after the conference;
 - b. Five business days after the postmarked date of the utility's written decision relating to the conference; or
 - c. The proposed date of disconnection specified in the disconnect notice.

(b) The conference requested shall consist of:

- (1) A meeting between the customer and the utility conducted by telephone;

(2) Discussions between the customer and the utility relating to the disconnect notice; and

(3) An agreement that the utility shall notify the customer of the utility's resolution to the dispute by a date certain.

(c) The utility shall make a memorandum regarding the outcome of each conference. Should a conference with the department staff be requested, pursuant to (d) below, the utility shall forward a copy of the conference memorandum to the department and to the customer.

(d) During the conference, the utility shall inform the customer of the customer's right to request a conference with the department staff if the customer is dissatisfied with the outcome of the conference, pursuant to (e) below.

(e) A request for a conference with the department staff shall be made as follows:

(1) The customer's request for a conference with the department staff shall be made before the date of the proposed disconnection or within 5 business days after issuance of the utility's notification to the customer of the utility's resolution to the dispute as described in (b)(3), whichever is later; and

(2) The customer's request shall be made to the department in writing, in person, or by telephone.

(f) Failure to request a conference with the department staff within 5 business days after issuance of the utility's notification of the utility's resolution to the dispute shall result in implementation of the utility's decision pursuant to the conference with the utility.

(g) A conference with the department staff shall be scheduled at the convenience of the customer during normal business hours but shall be held no more than 15 business days following the date of the request.

(h) A report of the outcome of the conference with the department staff shall be prepared by the department staff and provided to all parties within 10 business days following the conference.

(i) If a customer requests a conference with the department staff, the utility shall continue service to the customer until such time as the department staff determines whether the disconnection is justified pursuant to these rules.

(j) If the utility or the customer does not agree with the outcome of the conference with the department staff, the party not in agreement may file a formal complaint pursuant to RSA 365:1 with the commissioner of the department within 5 business days following receipt of the report in (h) above.

(k) The utility shall not disconnect service for non-payment of any disputed amounts until the customer has exhausted all remedies before the department.

En 1203.17 Conference to Mediate Complaints Other Than Disconnection Complaints.

(a) A conference may be held between and among the customer, the utility, and the department's consumer division when prior discussion between and among the aforementioned parties has failed to result in a satisfactory resolution of the complaint.

(b) A conference may be held at the request of the customer or the utility. Provided no violations of department rules or the utility's tariff exist or efforts to otherwise mediate the complaint are not appropriate, the department's consumer division shall deny a request for a conference made by the customer or the utility.

(c) The utility shall inform the customer of ~~their his or her~~ right to request a conference with the department staff.

(d) A conference shall be scheduled at the convenience of the customer during normal business hours but shall be held no more than 15 business days following the date of the request.

(e) A report of the outcome of the conference shall be prepared by department staff and provided to all parties within 10 business days following the conference.

(f) If the utility or the customer does not agree with the outcome of the conference, or with the consumer division's determination denying a request for a conference, that a conference shall not be granted, the party not in agreement may file a formal complaint with the department pursuant to RSA 365:1.

(g) The utility shall not disconnect service for non-payment of any disputed amounts until the customer has exhausted all remedies before the department and, where the commission has jurisdiction, the commission.

En 1203.18 Transfer of Service.

(a) Whenever a utility receives a request to change an account for service from one customer to another or to add another name to an account, the following shall apply:

- (1) The utility shall give timely notice of such change to the new customer; and
- (2) The utility may require written confirmation of the request from the new customer.

(b) For the purposes of this section, timely notice means notice made to the new customer within 5 business days of the utility's receipt of the request to change an account for service from one customer to another.

(c) Until timely notice is given pursuant to (a)(1) above, or until the new customer has given confirmation pursuant to (a)(2) above, the original customer of record shall remain liable for charges on the account.

En 1203.19 Interruption of Service.

(a) In the event of interruption of service, utilities shall re-establish service within the shortest time practicable consistent with safety.

(b) When service is interrupted because the utility must perform work on mains, lines, or equipment, the utility shall perform the work at a time causing minimum inconvenience to customers consistent with the circumstances.

(c) Whenever practicable with reference to the planned work contemplated by (b) above, utilities shall notify the following customers, where known, in advance:

- (1) Alarm services;
- (2) Medical alert services;
- (3) Emergency services;
- (4) Medical emergency customers; and
- (5) Other similarly situated customers who will be seriously affected by the service interruption.

(d) A utility may interrupt or curtail service ~~and~~/or vary the characteristics thereof in the following circumstances:

- (1) When necessary to prevent injury to persons or property;
- (2) When requested by state and municipal fire, police, or emergency response officials; and
- (3) When necessary to effect a temporary load reduction or temporary rationing of product for the common good of the utility system.

(e) Additional specificity regarding interruption of service shall be contained in the following rules:

- (1) Electric, En 300;
- (2) Gas, En 500;
- (3) Water, En 600; and
- (4) Sewer, En 700.

En 1203.20 Utility Reports.

(a) Each electric or gas utility with more than 10,000 customers shall submit electronically the following reports to the department's consumer division:

- (1) Utility Disconnection Activity Report; and
- (2) Utility Accounts Receivable Report.

(b) Each utility shall file such reports on a monthly basis, no later than 30 calendar days following the last day of the month which is the subject of the report.

(c) The Utility Disconnection Activity Report shall include the following information for residential customers:

- (1) The title "Utility Disconnection Activity Report";
- (2) The name of the utility making the report;
- (3) The month and year represented by the information contained in the report;
- (4) The number of business days for the month representing the information contained in the report; and
- (5) The following information for each billing month:
 - a. The number of disconnection notices sent by the utility with corresponding information regarding the following:
 1. The total amount of the money owed on accounts subject to the disconnection notice sent to customers; and
 2. The total amount that is past due on such accounts;
 - b. The total number of disconnections with corresponding information regarding the following:

1. The total amount of money owed on the accounts disconnected; and
 2. The total amount that is past due on such accounts; and
 - c. The total number of customers previously disconnected whose service was restored with corresponding information regarding the following:
 1. The number restored the same day; and
 2. The number restored the following day or thereafter.
- (d) The Utility Accounts Receivable Report shall:
- (1) Be filed with the department each month, no later than 30 days following the last day of the month which is the subject of the report; and
 - (2) Include the following information regarding residential customers:
 - a. The title "Utility Accounts Receivable Report" identified by the month and calendar year applicable to the data in the report;
 - b. The name of the utility making the report;
 - c. Sales revenue for the applicable month and year-to-date;
 - d. Sales by unit of measure for the applicable month and year-to-date;
 - e. Number of bills for the applicable month and year-to-date;
 - f. Average bill by dollar value and unit of measure for the applicable month and year-to-date;
 - g. Gross write-offs for the applicable month and year-to-date;
 - h. Net write-offs for the applicable month and year-to-date;
 - i. Amounts of any previously written off balances which were collected in the applicable month and year-to-date;
 - j. Late charge revenue billed for the applicable month and year-to-date; and
 - k. Utility accounts receivable information aging data, in dollar amounts, for the applicable billing month and year-to-date as follows:
 1. Current;
 2. Thirty days in arrears;
 3. Sixty days in arrears;
 4. Ninety days in arrears;
 5. Over 90 days in arrears; and
 6. A total of items 1.-5. above.
- (e) The information required in (d)(2)k above shall also be provided for residential terminated accounts.

(f) For purposes of complying with (e) above, to the extent that a utility cannot separate residential accounts from accounts other than residential accounts, the utility shall report the combined information and note on its report to the department that the information represents all customer accounts.

PART En 1204 WINTER RULES

En 1204.01 Applicability of Winter Rules. En 1204, Winter Rules, shall apply only to residential customers of public utilities providing gas or electric service in the state of New Hampshire excluding limited electrical energy producers as defined in RSA 362-A. The requirements of this section shall be in addition to those disconnection provisions of En 1203.11 and En 1203.12. Where the circumstances triggering the application of En 1204 and En 1205 occur concurrently, the provisions of En 1205 shall govern.

En 1204.02 Effect of Arrearages. Arrearages existing on customers' bills prior to the winter period shall not make a customer eligible for disconnection during the winter unless the arrearages exceed, either singly or when added to winter arrearages, the amount noted in 1204.03 below.

En 1204.03 Protection from Disconnection.

(a) An arrearage resulting from non-payment of bills for service rendered during the winter and non-winter period shall exceed the following amounts before a notice of disconnection for a primary residence can be sent:

- (1) For gas non-heating customers, \$125;
- (2) For electric non-heating customers, \$225; and
- (3) For electric and gas heating customers, \$450.

(b) Notwithstanding (a) above, during the winter period utilities shall seek department approval before disconnecting the service of residential customers known to be 65 years or older.

(c) No residential customer shall be disconnected during the winter period for non-payment of a deposit or portion of deposit.

En 1204.04 Payment Arrangements.

(a) During the winter period, the requirements of En 1203.07 relative to payment arrangements shall be replaced by the following:

- (1) For non-financial hardship customers, the payment arrangement shall include a promise to pay the current bill on or before the due date and permit repayment of the arrearage in equal installments over the winter period and the 6 months following the conclusion of the winter period; and
- (2) For financial hardship customers, unless otherwise requested by the customer, the payment arrangement shall be as follows:
 - a. For a period of 12 months, with monthly payments equal to one twelfth of the total balance due plus one twelfth of the projected future monthly bills for the 12-month period; or
 - b. For the duration of the winter period with monthly payments equal to 10% of the monthly total balance due.

(b) Notwithstanding the provisions of (a) above, no utility shall be required to change the terms of existing payment arrangements to comply with the provisions of (a) above unless so requested by the customer.

(c) At the end of the winter period, customers having arrearages and who are without an existing payment arrangement shall be provided an opportunity to make a payment arrangement under En 1203.07 and the following requirements:

- (1) The payment arrangement shall permit repayment of the arrearage in equal installments over the 6 months following the conclusion of the winter period; and
- (2) The payment arrangement shall establish arrearage payments which shall be in addition to payment of current bills.

(d) Customers claiming financial hardship under this section shall provide evidence of financial hardship to the utility on an annual basis.

En 1204.05 Winter Period Notice of Disconnection.

(a) In addition to the notice of disconnection required by En 1203.11 and En 1203.12, during the winter period notice shall be provided to an adult residing at the affected residence in the following manner:

- (1) In person or by telephone; and
- (2) A minimum of 2 business days but no more than 8 business days prior to the date of the proposed disconnection.

(b) If the utility is unable to notify an adult residing at the affected residence pursuant to (a) above, the utility shall seek department approval before disconnecting service.

(c) When seeking department approval, pursuant to (b) above, the utility shall inform the department of:

- (1) Customer's age or estimate thereof;
- (2) The number of children in the household under the age of 5, if known;
- (3) The number of household members over the age of 65, if known;
- (4) Amount of the customer's arrearage;
- (5) Date and amount of the last 6 payments;
- (6) Date and amount of the last 6 bills;
- (7) The existence of any prior medical emergency certifications for the customer or household members; and
- (8) The existence and nature of any financial hardship, if known.

(d) The department shall not approve disconnection of service to customers when the following conditions exist:

- (1) The customer has financial hardship; and
- (2) The customer has made a good faith effort to make payments towards the utility bill.

(e) Customers claiming financial hardship under this section shall provide evidence of financial hardship to the utility on an annual basis.

En 1204.06 Review of Pre-Winter Period Disconnections.

(a) For each customer disconnected for non-payment from April 15 through October 15 and whose account remains inactive as of November 1, the utility shall send a letter via first class mail no later than November 7 to the last known customer of record for that service address.

(b) The letter shall include the following:

- (1) The name of the customer or customers;
- (2) The service address;
- (3) A statement that the utility's records show the customer was disconnected for non-payment and the date on which the disconnection occurred;
- (4) A statement directing the customer to contact the utility to arrange to have utility service restored;
- (5) The utility's toll free customer service telephone number; and
- (6) The toll free telephone number of the department's consumer division.

(c) In addition to the letter described in (b) above, each electric or gas utility shall place a notice on its website during the month of October which:

- (1) Explains the reconnection policy for financial hardship and medical emergency customers;
- (2) Provides the utility's toll free customer service telephone number; and
- (3) Provides the toll free telephone number of the department's consumer division.

(d) Customers who contact the utility shall be offered a payment arrangement:

- (1) That is compliant with En 1204.04 (a); and
- (2) Under which 10% of the outstanding balance shall be sufficient to restore service when the customer provides evidence that a financial hardship exists.

(e) The utility shall provide the names, addresses, and telephone numbers of social service agencies in the customer's vicinity known to the utility as providing possible assistance with the payment of utility bills to customers who contact the utility and are unable to make the minimum payment.

(f) When a customer indicates that a household member has a medical emergency as defined in En 1202.12, the utility shall inform the customer of ~~their his or her~~ rights as detailed in En 1205 and service will be restored upon:

- (1) The oral notification of the existence of a medical emergency pursuant to 1205.02 (d); and
- (2) Establishment of a payment arrangement in accordance with En 1203.07.

(g) Annually, the utility shall submit a report to the department no later than December 10 summarizing:

- (1) The number of letters mailed; and
- (2) The number of customers whose service was restored.

PART En 1205 MEDICAL EMERGENCY RULES

En 1205.01 Applicability of Medical Emergency Rules. The provisions of En 1205 shall apply to service provided to residential customers at their primary residences by electric, gas, and water utilities. For the purposes of this section, the primary residence for a minor child with a medical emergency certification shall include the primary residences of any parent or guardian with shared residential responsibility. The requirements of this section shall be in addition to those requirements of En 1203.11 and En 1203.12. When the circumstances triggering the application of En 1204 and En 1205 occur concurrently, the provisions of En 1205 shall govern. Medical emergency rules pertaining to service provided by telephone utilities to residential customers shall be found in En 410.04.

En 1205.02 Medical Emergency Certification.

(a) Provision of a medical emergency certification, in conjunction with a payment arrangement for any past due balances in accordance with En 1203.07, shall be sufficient to protect a customer's account from disconnection of service so long as the customer complies with the terms of the payment arrangement and follows the requirements for renewal of the certification upon its expiration, as set forth in En 1205.02(f).

(b) A medical emergency certification shall be valid for the period of time designated by the licensed physician, licensed advanced practice registered nurse, or licensed physician's assistant, or mental health practitioner as defined in RSA 330-A:2, VII, provided the certification is for no less than 90 days and no more than one year.

(c) There is no limit on the number of times a medical emergency certification may be renewed consistent with (b) above.

(d) Oral notification of the existence of a physical or mental health condition which would become a danger to the physical or mental health of the customer or household member may be provided to the utility by the customer and shall be sufficient to protect a customer's account from disconnection of service provided:

(1) Certification as described in (e) below from a physician, advanced practice registered nurse, physician's assistant, or mental health practitioner is received within 15 calendar days; and

(2) Any prior oral notification made within the past 12 months has been documented through certification as described in (e) below.

(e) Certification of a medical emergency by a physician, advanced practice registered nurse, physician's assistant, or mental health practitioner shall:

(1) Contain a statement to the effect that the customer or identified member of the customer's household has a physical or mental health condition which would become a danger to the customer's or household member's physical or mental health should the utility service be disconnected;

(2) Be in writing, which includes any electronic communication, or be made by telephone with written or electronic confirmation received by the utility within 15 calendar days of the telephoned certification;

(3) Contain licensing information for the physician, advanced practice registered nurse, physician's assistant or mental health practitioner; and

(4) Indicate the medical necessity for and use of any life support equipment by the customer or identified member of the customer's household.

(f) All renewals of medical emergency certifications shall comply with (b) and (e) above.

(g) The medical emergency certification may be made through the completion of a form provided by the utility or another written or electronic format provided such other format complies with the provisions of (e) above.

(h) Upon being notified of the existence of a medical emergency in accordance with (d) or (e) above, the utility shall inform the customer in writing of the following:

- (1) The customer's continuing obligation to pay for services;
- (2) The requirement to enter into and comply with a payment arrangement consistent with En 1203.07 as a condition of the medical emergency certification;
- (3) That failure to comply with any payment arrangement entered into with the utility will result in disconnection of service;
- (4) The option to designate a third-party contact for communications with the utility regarding billing and other matters related to the customer's account;
- (5) The customer's responsibility to renew any medical emergency certification on a timely basis to ensure continued service; and
- (6) The need for the customer to plan for power outages that might occur.

(i) If certification of a medical emergency has not been provided within 15 days of receipt of oral notice from a customer or the physician, advanced practice registered nurse, physician's assistant, or mental health practitioner that a medical emergency would exist if utility service were disconnected, the utility shall send a reminder notice to the customer advising that such certification must be received within 15 days of the date of the reminder or disconnection will occur on a specified date at least 16 days from the date of the reminder notice.

(j) Provided the reminder notice described in (i) above contains the information required in En 1203.11(b)(2), the utility shall not be required to send a separate notice of disconnection.

(k) If the utility does not receive written or electronic certification of the medical emergency within the time period in (i) above, the utility may disconnect service in accordance with En 1203.11.

En 1205.03 Disconnections of Service to Medical Emergency Customers.

(a) A utility shall not disconnect service to a customer who has provided current verification of a medical emergency and is complying with a payment arrangement.

(b) If a customer does not enter into a payment arrangement or does not comply with the terms of a payment arrangement negotiated in accordance with En 1203.07, the utility may seek permission to disconnect service to the customer.

(c) When requesting permission from the department to disconnect service, the utility shall provide the department with the following information:

- (1) The name of the customer or customers;
- (2) The service address;
- (3) The mailing address if different from the service address;
- (4) The customer's account number;

- (5) The requested date for disconnection;
- (6) The history of the medical emergency certifications on the account;
- (7) The amount of the arrearage;
- (8) The amounts and dates of the last 12 payments received by the utility;
- (9) The amount of the utility's proposed payment arrangement;
- (10) The last 12 months of billing history;
- (11) Summary of collection activities on the account;
- (12) The number of children in the household under the age of 5, if known;
- (13) The number of household members over the age of 65, if known;
- (14) The existence and nature of any financial hardship, if known, as documented on an annual basis by the customer claiming financial hardship; and
- (15) Any other information the utility deems pertinent.

(d) When the utility seeks department authorization to disconnect service pursuant to this section, it shall notify the customer in writing of its request and provide a copy of the request for authorization at the same time.

(e) Notwithstanding any other rule to the contrary, the department shall not approve disconnection of service to customers with a current medical emergency certification when the customer has made a good faith effort to make payments towards the utility bill.

(f) The department shall provide an opportunity for the customer to respond to the utility's request to disconnect service under this section.

(g) The department's decision on a utility's request to disconnect under this rule shall be:

- (1) Valid through November 15 of the year in which it was issued; and
- (2) Issued in writing and sent to the utility and the customer.

(h) Upon the department's approval of the utility's request to disconnect service, the utility shall provide notice to the customer as required in En 1203.11 prior to disconnecting service.

En 1205.04 Expiration of Medical Emergency Certification.

(a) Thirty days prior to the expiration of the medical emergency certification, the utility shall send a reminder notice to the customer advising that, if a medical emergency still exists, the certification of a medical emergency must be renewed. The notice shall include the date by which the certification must be renewed.

(b) Upon the expiration of a medical emergency certification, the utility shall notify the customer that the medical emergency certification has expired and the customer's account will no longer be medically protected. Such notice shall also indicate the balance due, if any.

(c) Following the expiration of a medical emergency certification on an account where the utility has submitted a request for permission to disconnect service, the utility shall not undertake any disconnection activity until such time as the request has been withdrawn from the department.

(d) Notice provided in (b) above shall include a statement directing the customer to contact the utility immediately if the previously certified medical condition continues to exist.

En 1205.05 Disconnection of Service to Customers with Expired Medical Emergency Certifications.

(a) The utility shall be required to follow the steps set forth in En 1205.05 (b) through (i) one time within the 9-month period following the expiration of the medical emergency certification.

(b) The issuance of any notice of disconnection shall be done in accordance with En 1203.11(g) and content of the notice shall comply with the provisions of En 1203.11(b).

(c) The notice of disconnection shall provide contact information for both the utility and the department's consumer division.

(d) No less than 2 calendar days but no more than 8 calendar days prior to the date of the proposed disconnection of service, personal contact shall be made with the customer or an adult residing at the premises. The contact may be made by telephone or in person.

(e) If no personal contact is made as described in (d) above, no disconnection shall occur unless the utility complies with (f) and (i) below.

(f) The utility may proceed with a field visit on or after the disconnection date stated in the disconnection notice as follows:

(1) If an adult resident of the premises is not at home, the utility shall leave a notice in a conspicuous location at the premises and shall leave the premises without disconnecting the service; or

(2) If an adult resident of the premises is at home, the utility shall ask if the medical emergency still exists and inform the adult resident of the process for providing a certification of medical emergency as described in En 1205.02 (b) and (d). If no medical emergency exists, the utility may proceed with the service disconnection in accordance with En 1203.11.

(g) The notice required in (f)(1) above shall advise the customer;

(1) The medical emergency certification on the customer's account has expired;

(2) There is an unpaid past due balance on the account;

(3) The utility was at the premises that day to disconnect the utility service;

(4) To contact the utility to make arrangement for payment; and

(5) The utility will return the following week to disconnect service unless the customer contacts the utility.

(h) For the purposes of this section, the 8 business day limitation established in En 1203.11(m) shall begin upon the provision of notice pursuant to (f)(1) above.

(i) Prior to disconnecting the service of a customer with whom no personal contact was made, a supervisor at the utility shall review the account.

En 1205.06 Reporting Requirements.

(a) Each utility shall provide an annual report to the department containing:

- (1) The total number of customers with medical emergency certifications on June 30;
 - (2) The total amount due and the total amount past due as of June 30 for those customers with medical emergency certifications;
 - (3) The monthly average number of customers with medical emergency certifications for the period July 1 through June 30;
 - (4) The monthly average balance due and past due for the period July 1 through June 30;
 - (5) The percent of medical emergency customers with past due balances as of June 30;
 - (6) The number of accounts with current medical emergency certifications that were disconnected during the period July 1 through June 30 and the past due balances associated with those accounts;
 - (7) The number of accounts with expired medical emergency certifications that were disconnected in accordance with En 1205.04 during the period July 1 through June 30 and the past due balances associated with those accounts; and
 - (8) The number of customers with current medical emergency certifications who were disconnected in error along with an explanation of why the account was erroneously disconnected.
- (b) The report required in (a) above shall be submitted to the department no later than August 15 of each year.
- (c) A copy of the report required in (a) shall be provided to the office of the consumer advocate.

APPENDIX

| RULE NUMBER | STATUTE IMPLEMENTED |
|----------------------|---------------------------------|
| En 1201 - 1202 | RSA 12-P:5, IV; RSA 363-B |
| En 1203.01 - 1203.04 | RSA 12-P:5, IV |
| En 1203.05 - 1203.07 | RSA 12-P:5, IV; RSA 363-B |
| En 1203 08 - 1203.09 | RSA 12-P:5, IV; RSA 365:1 & 2 |
| En 1203.10 - 1204.06 | RSA 12-P:5, IV; RSA 363-B:1 & 2 |
| En 1205 | RSA 12-P:5, IV; RSA 363-B |