

THE STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

DM 03-010

**Order Imposing Emergency Moratorium on Winter
Disconnections for Gas and Electric Utilities**

O R D E R N O. 24,115

January 21, 2003

The New Hampshire Public Utilities Commission
(Commission) rules regarding the Disconnection of Service, N.H.
Code of Admin. Rules Puc 1203.11, et seq., applicable to
electric, gas and water utilities, provide that:

The Commission shall impose a
moratorium on disconnections of
service when there exists an
imminent peril to the public's
health, safety or welfare. N.H.
Code of Admin. Rules, Puc
1203.11(z).

The Commission has determined that due to the
extreme cold weather being experienced in New Hampshire,
and forecast to persist, an "imminent peril to the public's
health, safety or welfare" exists warranting the imposition
of a moratorium on disconnections of electric and gas
utility residential service. The Commission further notes
the possibility of a limited availability of emergency
funds to assist customers facing hardships in paying their
heating-related bills, as well as the possibility of rising

energy prices. The Commission is, therefore, issuing this declaration of a moratorium beginning tomorrow, January 22, 2003, through February 28, 2003 on such service disconnections, subject to an individual case-by-case review process whereby a gas or electric utility may request that the Commission's Department of Consumer Affairs review and approve a disconnection for cause.

In order to allow the continuation of service disconnections in circumstances where the requirements of N.H. Code of Admin Rules Puc 1203.11(b) (3) are satisfied concerning unauthorized or fraudulent use, abandonment of property, conditions dangerous to the health, safety or utility service of others, or a clear and present danger to life or health or physical property, or where other circumstances may exist that would justify a disconnection of service during the moratorium, the Commission will allow a utility to request permission for a waiver of the moratorium by application to the Consumer Affairs Division. The burden of proof to justify a disconnection of service during the moratorium shall be on the requesting utility. The Division shall provide a timely response to such requests. In addition, the provisions of Puc 1203.11(b) (4) and (5) shall continue to apply.

Customers who have the ability to pay a part or all of their gas and/or electric bills have a responsibility to make payments. To help ensure customers do not take advantage of the moratorium and use it as an opportunity to shirk responsibility for their utility bills, we will implement the moratorium in such a way as to mitigate the potential for abuse.

We will require the utilities to issue Late Payment Notices in lieu of disconnect notices. The Late Payment Notices shall include instructions to the consumer to contact the utility to arrange reasonable payment plans.

Utilities shall not be prohibited from following their regular collection procedures during the moratorium, but are prohibited from disconnecting a customer without express permission from the Commission. We believe that by substituting late payment notices for disconnect notices, by requiring customers to enter into an income-appropriate payment arrangement, by allowing utilities to continue to work their accounts receivables up to the point of, but not including, disconnection, and by providing the opportunity to receive a waiver of the moratorium in certain circumstances, the impact on accounts receivable should be small.

We will convene a technical session to determine the circumstances for, and the expedited process by which a utility can obtain a customer-specific waiver of the moratorium. The technical session will also address the format and language of the Late Payment Notices. We will also direct our Staff to reach out to the various municipal welfare offices and other social service agencies to communicate this change in process.

Based upon the foregoing, it is hereby

ORDERED, that a moratorium is hereby imposed on gas and electric service disconnections during the period of January 22, 2003 to February 28, 2003; and it is

FURTHER ORDERED, that during the moratorium period, gas and electric utilities shall issue Late Payment Notices in lieu of disconnect notices; and it is

FURTHER ORDERED, that a technical session shall be held at the offices of the New Hampshire Public Utilities Commission, 8 Old Suncook Road, Concord, New Hampshire, on January 28, 2003 at 1:30 p.m. for the purposes detailed above; and it is

FURTHER ORDERED, that the Commission's Director of Consumer Affairs contact the municipal welfare offices and other social service agencies to communicate this change in process to them.

By order of the Public Utilities Commission of
New Hampshire this twenty-first day of January, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary