

DM 04-004

THE STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

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

O R D E R    N O.    24,262

January 9, 2004

The New Hampshire Public Utilities Commission's (Commission) rules regarding disconnection of service, N.H. Code of Administrative Rules Puc 1203.11, et seq., which are applicable to electric and gas utilities among others, 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).

Due to the extreme cold weather being experienced in New Hampshire, which is forecast to persist, we have determined that an "imminent peril to the public's health, safety or welfare" exists warranting the imposition of a moratorium on disconnections of electric and gas residential utility service. We further note the possibility of a limited availability of emergency funds to assist customers facing hardships in paying their heating-related bills as well as higher energy prices during this winter season. Consequently, we declare a

moratorium, beginning Monday, January 12, 2004, through February 29, 2004, on electric and gas utility service disconnections, subject to a case-by-case review process whereby the 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, we 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 direct our Staff to notify the utilities regarding the circumstances for and the expedited process by which a utility can obtain a customer-specific waiver of the moratorium. The format and language of the Late Payment Notices will also be communicated to the utilities by Staff. We 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 12, 2004 to February 29, 2004; 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 the Commission's Director of Consumer Affairs shall notify gas and electric utilities regarding the circumstances for and the expedited process by which a utility can obtain a customer-specific waiver of the moratorium as well as the format and language of Late Payment Notices; 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 ninth day of January, 2004.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Graham J. Morrison  
Commissioner

Attested by:

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Debra A. Howland  
Executive Director & Secretary