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PUBLIC UTILITY
LAW PROJECT
OF NEW YORK, INC.

SHINE A
LIGHT
ON YOUR
UTILITY
RIGHTS

DURING AND
AFTER COVID-19

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**PUBLIC UTILITY
LAW PROJECT**
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What we will talk about today:

- 1. The COVID-19 pandemic, economic downturn and what protections are still in place when it comes to your utilities;**
- 2. Energy (electric & gas) protections;**
- 3. Telecom. (financial assistance);**
- 4. Water (financial assistance); and**
- 5. Q/A session!**

NY Utility customers continue to fall behind

- As of April 2022, **1.26 million residential energy consumer accounts** were 60 days+ behind on payments.
- There's a statewide total of **\$1.89 billion** in total energy arrears (60 days or older).
- Con Edison customer arrears exceed **\$825 million** and more than **380K** households are 60+ days behind.
- **Note:** the amount of residential water arrears statewide is unknown, and the amount of internet and telephone service arrears statewide is unknown.
- *See DPS Case 91-M-0744

I. ENERGY UTILITIES



Electric & Natural Gas

*ConEd - electric
& natural gas
(heating/cooking gas)*

EXAMPLE: WHAT DOES A TERMINATION NOTICE LOOK LIKE?

 4 Irving Place
New York, NY 10003

Current balance due

Pay By
12/01/21

November 10, 2021



**THIS IS A FINAL TURN-OFF NOTICE
PLEASE BRING IT TO OUR ATTENTION WHEN PAYING**

Your payment agreement has been cancelled, because we have not received your payment.
Con Edison is temporarily suspending electric and gas shutoffs of customers having payment difficulties, but you need to take action before December 1, 2021 or your account may be disconnected when shutoff actions resume.

Please take one of the following actions by December 1, 2021:

- Pay [REDACTED] to reinstate your agreement and avoid disconnection of service
- Pay [REDACTED] to get back on track with your agreement
- Pay [REDACTED] to clear your full past due balance

To make payment, visit us at www.coned.com/guestpay or call our payment express line at 1-888-925-5016. Or if you pay in person, be sure to bring this notice to our attention when paying this bill.

It is important that we receive your payment by December 1, 2021 to avoid disconnection of your service.

Tear or Cut here

Wondering if you can get a better deal on your energy needs? Explore your choices at www.PowerYourWay.com.

BNA
Page 1 of 3

Account number: [REDACTED]

 4 Irving Place
New York, NY 10003

Payment slip
Please make checks payable
to Con Edison.

Bill Summary
Past Due Bill
Total Amount Due [REDACTED]

 PD BOX 1702
NEW YORK, NY 10116-1702

+ [REDACTED]

[REDACTED]

[REDACTED]

November 10, 2021
Page 2 of 3

If you are having difficulty making a payment or your financial situation has changed, we may be able to arrange new payment terms. Please call us at 1-212-243-3003.

You may be able to get help in paying your utility bills or with a down payment towards a new agreement by contacting the NYC Human Resources Administration (HRA) at 1-800-692-0557 or the Westchester Department of Social Services (DSS) at 1-914-995-3333.

Information explaining your rights is enclosed.
Credit Operations

**FINAL TERMINATION NOTICE RESIDENTIAL RIGHTS
ACT NOW TO AVOID A SERVICE TURN-OFF!**

Your payment is overdue. Your utility service will be turned off if we do not receive your payment by the due date of this notice. Please pay the overdue amount immediately. Pay by telephone using your checking account at 1-888-925-5016. If you cannot pay the amount in full or have a question about your account, call 1-877-963-6333 24 hours a day and we can explain how you can avoid a shutoff.

IMPORTANT INFORMATION ABOUT YOUR RIGHTS AND OBLIGATIONS You have important protections under the Home Energy Fair Practices Act (HEFPA) which are summarized below.

Service Turn-Off Schedule: Your service will not be turned off for nonpayment before the specified turn-off date. We disconnect service Mondays through Thursdays, between 8 a.m. and 4 p.m. Service will not be turned off on or the day before a holiday, or during the last ten weeks of December.

Reconnection of Service: If your service is turned off for nonpayment and you have paid or made arrangements with us to pay the overdue bills and/or requested reconnection, there will be an additional charge for reconnecting service. You can pay these charges immediately or they can be included in the payment plan arranged for service reconnection. A charge of \$26 will be applied to reconnect Monday through Friday, 8 a.m. to 4 p.m., except holidays. A charge of \$26 will be applied to reconnect on Saturdays and Sundays. Reconnection charges are subject to applicable sales taxes. Service restoration may take up to 24 hours after you have made payment arrangements.

WHAT DO I NEED TO KNOW ABOUT GAS & ELECTRIC SERVICE TERMINATIONS?

- If a customer cannot pay their electric or gas bill on time, the utility cannot terminate that person's service for at least 35 days:
 - The utility can take no action until your payment is at least 20 days past due.
 - The utility must issue a final termination notice at least 15 days before shut-off.
- **Terminations are allowed:**
 - Monday – Thursday between 8:00 AM to 4:00 PM
- **Terminations are NOT allowed:**
 - *On any Friday or public holiday.*
 - *On any day the utility's main office is closed.*
 - *During the 2-week period encompassing the winter holidays and New Year's Day.*

SUMMER SHUT-OFF PROTECTIONS

- **NYS does not have a moratorium on terminations during the winter months, BUT...**
- **Between November 1st and April 15th, “heating season”, the utility:**
 - **Must wait 35 days to act; and also:**
 - **Must try to contact an adult resident by telephone or in person at least 72 hours before the shut-off, to see if a medical emergency exists.**
 - **Must try to contact an adult resident by telephone or in person at the time of shut-off.**
- ***Summer protections: In Con Edison's 2019 rate case, the utility agreed not to terminate service for nonpayment when the heating index is 93 degrees or higher (and 1 calendar day before and 2 calendar days after the 93-degree day)***

PULP's CHECK LIST: WAYS TO PREVENT ELECTRIC & GAS TERMINATIONS

- Encourage the customer to **pay what they can when they can**
- **Contact the utility** to ask if a termination is scheduled and if so when it is
- If there is a termination date scheduled, ask the utility for a 30-day courtesy hold on the account so that they have time to remedy the situation
- Has the customer sought **financial assistance** for the arrears through their local Human Resources Administration (“HRA”), or sought funds from charitable orgs? If they have, encourage them to tell their utility and request a hold on their account
- Does someone in the house have a “**serious medical condition**” or is using “**life sustaining equipment**”?
- Has the utility offered the customer an affordable “**deferred payment agreement**”? If not, help them get one without delay.
- Has the customer filed a **complaint** with the **Dept. of Public Service**?

PULP CHECK LIST: LONG STANDING FINANCIAL ASSISTANCE PROGRAMS TO HELP PAY ENERGY BILLS

- **Low-Income Home Energy Assistance Program (HEAP) - Federally Funded Program** (opened 10/1/2021). *Apply by contacting HRA (some NYC residents receive HEAP automatically)*
 - **Emergency HEAP** (30 days of protection vs shutoffs) (Opened Jan 3, 2022.)
 - **Domestic electric emergency HEAP grant** (thermostat runs on electric)
 - **Renter's HEAP**; (opened 10/2/2021)
 - **Heating Equipment Clean and Tune** (open Oct 1, 2021- Sept. 31, 2022)
 - **Heating Equipment Repair/Replace** (open Oct 1, 2021- Sept. 31, 2022)
 - **Cooling Assistance** (opens May 2, 2022)
- **“Emergency Energy Assistance”** through HRA (aka "One Shots")
- **Religious, 501c3, affinity programs, utility-funded “charitable” programs**

CON ED HAS A MONTHLY LOW-INCOME BILL DISCOUNT PROGRAM

- **Con Ed has a low-income monthly bill discount program**
- If you receive assistance from any of the programs below, you can contact customer service and share with them a copy of your award letter or benefits letter to be enrolled into the program.
 - Home Energy Assistance Program (**HEAP**); Supplemental Nutrition Assistance Program (**SNAP**);* Supplemental Security Income (**SSI**); **Direct Vendor or Utility Guarantee**; Temporary Aid to Needy Families (**TANF**) – NYC TANF; Safety Net Assistance (**SNA**) – NYC SNA; **Medicaid**; **Federal Public Housing Assistance**; **Veterans Pension and Survivors Benefit**; Lifeline Telephone Service Program (**Lifeline**)
- **Enrollment is good for 1-year. After that you'll need to recertify to remain in the program:**
- **NOTE: SNAP awardees are automatically given “renters heap” even if they qualify for more assistance. You should check and tell the utility if they get too little aid.**
 - **To apply:** <https://www.coned.com/en/accounts-billing/payment-plans-assistance/low-income-enrollment-enquiry>

COVID-19 RELATED FINANCIAL ASSISTANCE PROGRAMS

- **Emergency Rental Assistance Program (“ERAP”)**– federal funding has been received to help provide rent and utility relief
 - **Note:** The Budget added more funds to ERAP
 - Applications from September 2021 are currently being reviewed/paid
- **The Regular Arrears Supplemental Benefit (“RAS”)** – up to \$10,000 in electric or gas utility arrears relief through HRA.
 - *Applications closed on March 15, 2022, BUT the State Budget includes a second round of funding!*
- ***A new State program was created in the Budget that will release funds through the utilities' EAP programs!***

ENERGY EFFICIENCY PROGRAMS

- New Yorkers may be able to lower their electric/gas bills through energy efficiency and bill discount programs.
 - To learn more, NYSERDA's website: <https://energyadvisor.ny.gov/>
- You could also qualify for programs, including "[Solar for All](#)" and "[EmPower](#)".

WHAT QUALIFIES AS A SERIOUS MEDICAL CONDITION OR LIFE SUSTAINING EQUIPMENT?

- If the customer or household member has a serious medical condition that will be aggravated by termination.
- Service can be continued if:
 - The doctor calls the utility and advises them of the emergency condition.
 - **Telephone certification is only good for 5 days – must be followed by a written certification.**

REQUIREMENTS FOR A WRITTEN CERTIFICATION

- A written certification is valid for only 30 days and must contain:
 - doctor's name, address and state registration number
 - name and address of utility customer
 - nature of serious illness or medical condition
 - statement that the illness or condition will be aggravated by termination of utility service with reasons supporting the conclusion.
- **Note: Doctor's Letter 30-day hold can only be renewed once under law, but as a practical matter, utilities may be flexible on this.**

EXAMPLE:

**This medical letter
was rejected.**

[Redacted]

[Redacted] [Redacted]

February 21st, 2019

R: [Redacted]
Acct# [Redacted]

To Conedison,

Please be advised that the above named patient suffers from ASTHMA and requires an AC powered outlet to administer her treatments via nebulizer machine three times a day.

Sincerely,
[Redacted]
LIC # [Redacted]

[Redacted]

WHAT IS LIFE SUSTAINING EQUIPMENT?

- You are considered to be on “life sustaining equipment” if you rely on electrically operated life-sustaining medical devices and you may be in immediate danger if your electric service is interrupted.

DEFERRED PAYMENT AGREEMENTS (DPA's); A HEFPA REQUIREMENT

- A DPA is a written agreement to pay arrears for past utility service over time.
- It must be in writing, signed by the customer and a utility representative.
 - A down payment on arrears may be required.
 - It must be tailored to customer's financial circumstances.
 - *The lowest agreement is \$0 down, \$10 per month plus the current bill.*
 - It may be amended if customer's financial circumstances change.
 - The DPS Hotline & Complaint Process are available if the customer is struggling to negotiate a deal with the Company.

THE DEPARTMENT OF PUBLIC SERVICE'S COMPLAINT PROCESS

- **First, complain to the utility**
- **Second**, call the Department of Public Service's Complaint Line at 800-342-3377 or file a complaint online [http://www3.dps.state.ny.us/ocs/itgate.nsf/\(webDPS_welcome\)?OpenForm](http://www3.dps.state.ny.us/ocs/itgate.nsf/(webDPS_welcome)?OpenForm).
- Most initial complaints are not investigated by the Department and are referred back to the utility with direction to review the customer complaint and respond to the customer
 - *If the complaint is related to the provision of service, the utility should contact the customer within two business hours*
 - *If the complaint is related to billing or another matter, the utility should contact the customer by the close of the following business day*
- *You can appeal decisions within 15 days: informal hearing/review, then the Public Service Commission, request for reconsideration, Article 78 in Supreme Court*

WHAT HAPPENS IF MY LANDLORD STOPS PAYING THE ELECTRIC/GAS BILL?

- Sometimes energy accounts are under the landlord's (LL) name (ex: heat included in the tenant's rent or common areas— electric to run the elevator)
- What can the tenants do if they receive a notice from Con Ed that the LL's account is at risk of termination:
 - Contact the LL or management co to notify them and ask what their plan is (the LL can enter into a DPA with the co);
 - Contact Con Ed and request updates on the status of the LL's account
 - Tenant can form an Association and open an account in the Association's name- then deduct payments made to Con Ed, from their rent
 - Speak with your NYC Councilmember, NYS Assembly and Senator's offices to notify them of what's going on
 - If service is lost- contact HPD
 - Consider [Article 7-A of the RPAPL](#) action to have another entity take over the building

CON EDISON BILL SURGE

- Your ConEd bill has two parts: delivery charges and supply charges.
- **Delivery**: In 2019, the Public Service Commission approved a 3-year increase for Con Ed, where rates go up each year; the most recent increase was January 2022 (the last in this rate plan).
- **Supply**: Commodity prices (natural gas) are up a lot, resulting in increases in energy prices in NYS.
- But the Companies are supposed to forecast and plan when they believe costs will go up, especially when they get a warning of price increases looming ahead, like they did in October of 2021.

THE BILL SURGE

- You can file a complaint with the DPS and note that your ConEd bill has skyrocketed and ask that they investigate the Company.
 - Call 1 (800) 342-3377; or
 - File online at www.dps.ny.gov/complaints.
 - Submit a public comment in ConEd's rate case <https://on.ny.gov/3BaBrl4>
- **Investigations are happening:**
 - *The Senate Committee on Investigations and Government Operation will investigate billing practices and surge prices.*
 - *The NYS Attorney General has announced she's looking into ConEd.*
 - *The DPS is also investigating all energy utilities; focused primarily on ConEd.*

CON EDISON 2022 RATE CASE (CASE NO. 22-E-0064)

- ConEd is seeking \$1.2 billion in additional electric and \$500 million in added gas revenues.
 - The current proposal would **increase electric bills by 11.2% and gas bills by 18.2% over three years.**
- The company wants to upgrade and operate its overhead and underground delivery systems in the five boroughs and in Westchester County, recover the money already spent to provide service, and offset expiry of certain federal income tax credits.
- Company notes that these upgrades are necessary help integrate solar and wind power and ensure the system can handle the growing need to charge electric vehicles. It also wants to fund clean energy investments, including a 200MW solar PV plant and four battery energy storage system (BESS) projects.
- **Chime in - public comments are now open! To file a comment, visit:**
<https://documents.dps.ny.gov/public/Comments/PublicComments.aspx?MatterCaseNo=22-E-0064>

QUESTIONS?

II. TELECOM



- Landline telephone
- Cell phone
- Internet
- Cable
- Internet/ VOIP phones

THE AFFORDABLE CONNECTIVITY PROGRAM (“ACP”) (Formerly “EBB”)

- The ACP is a program that **subsidizes broadband internet service for low-income consumers**. To find out more, visit <https://www.fcc.gov/acp>
- You might be eligible if you are:
 - a **lifeline** recipient;
 - a **pell grant** recipient;
 - someone in your household receives **free/reduced school lunch**; or
- Recipients can receive an up to \$30/month subsidy for their broadband internet service. You can keep the same ISP that you are already using!
- Some EBB providers also offer up to \$100 to purchase a device to access the internet (laptops, desktops, tablets, and etc). To apply: visit <https://acpbenefit.org/> or call **(877) 384-2575** and ask for an application.

COMMON TELECOMMUNICATIONS PROBLEMS

- **Internet Service/ISPs/Cable Co's** - billing and service quality concerns are handled by the FCC and the NYS Attorney General
- **Cell phone** - billing and service quality concerns are handled by the FCC & NYS Attorney general (the NYS Legislature chose in 1998 not to regulate these services)
- **Cable TV** - billing and service quality concerns are handled by the FCC, NY PSC and complaints can be made to one's municipality ("Franchisor")
- **Satellite** - billing and service quality concerns are handled by the FCC and the NYS Attorney General
- **Internet/VoIP Telephones (Ooma, Vonage, "Magic Jack" & most cable-phones)** - FCC and the NYS Attorney General

CONTACT INFORMATION FOR FILING A COMPLAINT

- **New York State Attorney General:**

- (800) 771-7755
- Or online - <https://ag.ny.gov/complaint-forms>.

- **Federal Communications Commission:**

- (888) 225-5322

- **Department of Public Service's Complaint Line:**

- (800) 342-3377
- or online via <https://bit.ly/PSCComplaint>.

III. WATER

A graphic with a dark blue background featuring a faint city skyline. A large, light blue water droplet is centered in the upper half. The text "Trouble With Your Water Bill?" is written inside the droplet in a dark blue serif font. In the bottom left corner, there is a white box with the text "PUBLIC ACCESS DESIGN". In the bottom right corner, there is a paragraph of text.

PUBLIC ACCESS DESIGN

Having trouble paying your water bills? New Yorkers have rights to avoid shutoffs during and after the **COVID-19 pandemic**. Learn more!

NYC WATER

- New York City's [Municipal Water System](#) serves roughly 2.7 million households in NYC, and roughly 1 million customers in the Hudson Valley.
- Water arrears will typically be an issue for homeowners.

LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (“LIHWAP”)

- LIHWAP is open now and addresses residential water arrears:
- **LIHWAP helps low- and fixed-income households pay the cost of drinking and wastewater services.**
- It will assist households who have past due bills, up to a maximum of \$5,000 per household. Note: Funds are very limited (only \$69.8million for NYS) so apply quickly.
- Importantly, households with a water lien on their local property taxes due to non-payment can qualify.
- You can apply online at [APPLY FOR LIHWAP](http://waterassistance.otda.ny.gov)
(<http://waterassistance.otda.ny.gov>)

