

Chapter 815: CONSUMER PROTECTION STANDARDS FOR ELECTRIC AND GAS TRANSMISSION AND DISTRIBUTION UTILITIES

SUMMARY: This Rule establishes the minimum standards for the provision of service and the administration of credit and collection programs by electric and gas transmission and distribution utilities. These rules govern granting and denying service, credit and deposit practices, billing, disconnection, customer complaint procedures and methods of obtaining waivers from this Rule.

TABLE OF CONTENTS

1.	STATEMENT OF PURPOSES; APPLICABILITY; AND POLICY.....	2
2.	DEFINITIONS	3
3.	EMERGENCY MORATORIUM.....	7
4.	CUSTOMER PRIVACY	7
5.	CUSTOMER RIGHTS.....	7
6.	APPLICATION FOR SERVICE	9
7.	DEPOSITS FOR APPLICANTS AND CUSTOMERS	11
8.	BILLING AND PAYMENT STANDARDS	16
9.	PAYMENT ARRANGEMENTS.....	22
10	DISCONNECTIONS.....	27
11.	CONTINUATION OF UTILITY SERVICE IS REQUIRED FOR RESIDENTIAL CUSTOMERS WITH A MEDICAL EMERGENCY	39
12.	RECONNECTION OF SERVICE	41
13.	DISPUTE RESOLUTION PROCEDURES	42
14	CUSTOMER NOTICE OF PLANNED AND UNPLANNED SERVICE INTERRUPTIONS DUE TO MAINTENANCE OR REPAIRS.....	47
15.	ANNUAL REPORTS TO THE COMMISSION	48
16.	WAIVERS	49

65-407 PUBLIC UTILITIES COMMISSION**Chapter 815: CONSUMER PROTECTION STANDARDS FOR ELECTRIC AND GAS TRANSMISSION AND DISTRIBUTION UTILITIES**

1. STATEMENT OF PURPOSES; APPLICABILITY; AND POLICY**Purposes**

The purposes of this Rule are:

1. To assure safe and adequate provision of utility service;
2. To assure that service is not disconnected or refused unreasonably; and
3. To assure the utility's right to collect proper payment for utility service.

Every privilege that is granted and every duty that is required by this Rule imposes an obligation on utilities, applicants and customers to accept these privileges and perform these duties with good faith, honesty and fairness.

This Rule defines the minimum standards for nondiscriminatory practices that all transmission and distribution electric and gas utilities must follow. It does not, however, limit the power of utilities to give greater protection to their customers above these minimum standards.

B. Applicability of Rule

1. This Rule applies to all transmission and distribution electric and gas utilities that are subject to the jurisdiction of the Commission. A particular class or individual utility may be specifically exempt from one or more provisions of this Rule by a rule or order of the Commission.
2. Any provisions of this rule that conflict with or are pre-empted by the Bankruptcy Code or any order issued by or agreement authorized by a bankruptcy court or the Bankruptcy Code shall be inapplicable.
3. This Rule takes effect on April 16, 2008, with the exception of subsection 10(L)(5), Informational Packet to Disconnected Customers Prior to the Winter Period, which will take effect as soon as this rule is deemed effective by the Secretary of State. A utility must submit rate schedules that correct any conflict with the provisions of this Rule before April 16, 2008. Any conflicting provision in any rate schedule or term and condition after that date are superseded by the rule,
4. This Rule applies to the collection of amounts owed by a customer who is provided with electric or gas transmission and distribution utility service in Maine.

5. Any section of this rule not specifically designated as applying to residential or non-residential customers applies to all customers.

C. Policy

It is the Commission's policy that:

1. Utility bills should be paid by the date due. However, it is also the Commission's policy that customers of electric and gas utilities should not be disconnected because of their inability to pay without being afforded the opportunity to enter into a reasonable payment arrangement to ensure that their utility service is uninterrupted. It is also the Commission's policy that during the winter months, when severe weather conditions can pose a threat to health and safety, residential customers of electric and gas transmission and distribution utilities should not be disconnected because of their inability to pay the entire amount owed by the due date.
2. Electric and gas transmission and distribution utilities should establish payment arrangements for customers that take into consideration the individual customer's unique circumstances and that are most likely to result in the customer becoming current with their bills and retaining their utility service.
3. Residential customers who enter into a Regular or Special Payment Arrangement should be required to the extent possible to pay a reasonable portion of each utility bill when due during the winter period and to avoid an accumulation of arrearages that will be difficult to pay on a reasonable schedule during the non-winter months.

These policies shall be taken into consideration by the utility and the Consumer Assistance and Safety Division (CASD) when acting under this Rule.

2. DEFINITIONS

The following terms have the following meanings, unless the context clearly indicates a different meaning:

- A. **Account Balance.** "Account balance" means the total amount owed by a customer that has been properly billed by a utility in accordance with this Rule.
- B. **Amount Overdue.** "Amount overdue" means the amount that a utility has properly billed to a customer that has not been paid in full by the due date of the bill or by a date otherwise agreed upon.
- C. **Annualized Budget Payment Plan.** A payment arrangement comprised of equal monthly installments whereby a customer's anticipated annual utility service cost is combined with any arrearage amount and divided by 12 to result in the elimination of the arrearage amount at the end of 12-month period.
- D. **Applicant.** "Applicant" means any person or business that applies for utility service and who has not been a customer of the utility within the past 30 calendar days.

- E. **Basic Service.** "Basic service" means: 1) utility service where the Commission regulates the rate or charge for the service and the rate or charge for the service is contained in the utility's rate schedules; and 2) standard offer energy service provided by the utility.
- F. **Bill.** "Bill" means a statement, either in written or electronic form, from a utility to a customer that states the amount owed by the customer for the current billing period, the amount overdue, the account balance, late fees and any other charges lawfully owed by the customer.
- G. **Commission.** "Commission" means the Maine Public Utilities Commission.
- H. **Complaint.** "Complaint" is a dispute between an applicant or customer and a utility which the CASD has decided to resolve pursuant to this Rule.
- I. **Consumer Assistance and Safety Division.** "Consumer Assistance and Safety Division" or CASD is a division of the Commission assigned to with the responsibility of dealing with consumer issues under this Rule.
- J. **Customer.** "Customer" means any person or business that has applied for, been accepted and is either receiving utility service or has agreed to be billed for utility service. This term also includes a person or business that was a customer of the same utility within the past 30 days and who requests service at the same or a different location.
- K. **Deposit.** "Deposit" means any payment, however designated, that is held as security for future payment or performance.
- L. **Dispute.** "Dispute" means a grievance of a customer or applicant about a utility's application of any provision of this Rule. Disputes include, but are not limited to:
1. deposit requirements;
 2. the accuracy of meter readings or bill amounts;
 3. the proper person to be charged;
 4. the terms of a payment arrangement;
 5. the terms in order avoid a pending disconnection;
 6. the terms to obtain a reconnection; and
 7. the transfer of an account balance incurred in one customer's name into another customer's new account.

If a customer or applicant has a grievance and then indicates that the response from the utility's employee was satisfactory, the contact between the customer or applicant and the utility will not be considered a dispute.

- M. **Fraud.** The term “fraud” means a false representation, by words or conduct, or the concealment of facts which should have been disclosed, which is intended to deceive a utility and upon which the utility relies in taking actions with respect to a customer.
- N. **Levelized Payment Arrangement.** A “levelized payment arrangement” is a payment arrangement that estimates usage for a designated period of time and divides that usage and the past due amount evenly over the number of months of the arrangement. The result is equal monthly payments for the duration of the payment arrangement, which may extend beyond one year’s time.
- O. **LIAP.** “LIAP” is an acronym for “Low-Income Assistance Program,” which is a program to assist qualified low-income customers pay their electric bills, pursuant to Chapter 314 of the Commission’s rules.
- P. **Make-up Bill.** A “make-up bill” is a bill issued for previously unbilled utility service.
- Q. **Medium Commercial Customer.** A “medium commercial customer” means a nonresidential customer that meets the availability criteria to take service under a core customer class of a transmission and distribution utility that includes a demand charge and in which a customer’s maximum demand does not exceed 500 kilowatts or the utility’s kilowatt break-point between classes that is closest to but does not exceed 500 kilowatts, whichever is lower.
- R. **New Customer.** A “new customer” means any person or business that has applied and been accepted for service that has not taken service from the utility within the past 30 days.
- S. **Non-basic Utility Service.** "Non-basic Utility Service" means utility service that meets any of these conditions:
1. The Commission does not regulate the rate or charge for the service;
 2. The rate or charge for the service is not contained in the utility's rate schedules;
or
 3. The service is for merchandise or equipment that is not required as a condition of receiving utility service.
- T. **Occupant.** "Occupant" means any person who resides at a premises that is provided with utility service.
- U. **Payment Arrangement.** "Payment arrangement" means an agreement between a customer or applicant and a utility that allows the account balance or deposit to be paid in one or more installments.
- V. **Personal Contact.** "Personal Contact" means contact between the utility and the customer either in person or by telephone. The purpose of personal contact is to ensure that the customer receives an oral summary of his or her rights as provided for in this Section and is given all reasonable assistance in understanding these rights. Personal contact can be initiated either by the customer or the utility and may take place anywhere provided the

communication is sufficient to provide the required notice and assistance. Delivery of a written notice to a customer's residence alone does not constitute personal contact.

- W. **Physician.** "Physician" means any natural person authorized by law to practice medicine or osteopathy in Maine.
- X. **Premises.** "Premises" means any residential or non-residential building or property.
- Y. **Refund.** "Refund" means a reimbursement to a customer in the form of cash or a check, as opposed to applying a credit to a customer's account.
- Z. **Regular Payment Arrangement.** "Regular payment arrangement" means a payment arrangement whereby a customer's arrearage amount is divided into reasonable weekly, bi-weekly, or monthly installments and added to the customer's current amount due.
- AA. **Residential Utility Service.** "Residential utility service" means utility service provided to a dwelling. It includes service provided for a nonresidential purpose, if a residential dwelling is receiving service on the same meter.
- BB. **Medical Emergency.** "Medical emergency" means a situation where a customer or member of a customer's household has a medical emergency such that a lack of utility service would pose a serious risk of harm to that individual.
- CC. **Small Non-Residential Customer.** "Small Non-Residential Customer" or "Small Commercial Customer" with respect to electric companies means in the case of a consumer served by an investor-owned transmission and distribution utility, a nonresidential consumer that meets the availability criteria to take service under a core customer class of the T&D utility that does not pay a demand charge to the T&D utility or, in the case of a consumer served by a consumer owned T&D utility, a nonresidential consumer with a demand of 20 kilowatts or less. "Small Non-Residential Customer" with respect to gas utilities means a non-residential customer with annual consumption of 50,000 therms or less.
- DD. **Special Payment Arrangement.** "Special Payment Arrangement" means a payment arrangement in which the customer may pay less than the full amount of bills as they become due. Special Payment Arrangements shall require that the customer make regular monthly payments established according to the guidelines set forth in Section 9 of this Rule.
- EE. **Third Party.** "Third party" means a person or entity not employed by or working on behalf of the utility. For the purposes of this Chapter, neither Commission staff nor contractors working on behalf of the utility are considered "third parties."
- FF. **Unauthorized Use.** "Unauthorized use" means the interference or diversion of utility service. Unauthorized use includes, but is not limited to:
1. tampering with the meter (any act which affects the proper registration of service through a meter);
 2. by-passing the meter (unmetered service that flows through a device connected between the service line and customer-owned facilities); or

3. restoring service without authorization from the utility or the CASD.

GG. **Utility.** "Utility" means any electric or gas transmission and distribution utility doing business in Maine and subject to the jurisdiction of the Commission and provisions of this Rule.

HH. **Winter Disconnection Period.** "Winter Disconnection Period" means the period beginning November 15 of each year and continuing through April 15 of the following year.

3. EMERGENCY MORATORIUM

When the Commission or the Director of the CASD determines that, due to an emergency, termination of utility service by one or more utilities would present a clear danger to the health or safety of one or more customers, the Commission or the CASD Director may declare a partial or complete moratorium on the termination or disconnection of service by any or all utilities. When such a moratorium is declared, the duration of the moratorium will be specified.

4. CUSTOMER PRIVACY

A utility shall not disclose, sell or transfer, other than for debt collection, credit reporting, or usage reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, or as otherwise authorized by law, Commission rule or Order, individual customer information, including, but not limited to, a customer's name, address, telephone number, electricity or gas usage, or payment history, to a third party without the consent of a customer. Utilities may accept oral certification from a social service agency that they have received authorization from the customer to discuss that customer's account information. For a consumer-owned utility where its customers are members of the utility's corporation, the utility may share customer information with its corporation members only to the extent necessary to allow for the election of officers and for the utility to perform other functions necessary for the operation of the utility. A utility may also share customer information with State, County, tribal, and local emergency management agency personnel when the customer information is requested at the time of that agency's response to an emergency situation.

5. CUSTOMER RIGHTS

Each utility must provide all new customers with a written summary of their rights and responsibilities under this Rule. The summary must be mailed or delivered to all new customers within two months of the customer receiving service and must be displayed prominently and available at all utility offices that are open to the general public. The summary may be provided electronically if a customer has requested that bills or notices be provided electronically.

A. **Residential customers.** For residential customers, the summary must contain information concerning, but not limited to:

1. procedures for billing and for estimated billing;
2. methods for customers to verify the accuracy of their bills;

3. payment methods, locations, late fees (if any) and optional payment programs and appurtenant fees offered by the utility;
4. security deposit and guarantee requirements;
5. procedures for disconnection and reconnection of service;
6. the utility's ability to remotely disconnect service, if applicable;
7. the utility's dispute procedures;
8. the customer's right to bring any unresolved disputes to the CASD;
9. the CASD's toll-free consumer telephone number, as well as its mailing and email addresses;
10. an explanation of meter reading procedures which would enable a customer to read the customer's own meter;
11. procedures that customers or occupants may follow during emergency service interruptions, including how to notify the utility of the need for priority restoration due to the presence of life support systems;
12. procedures for having a third party receive copies of notices;
13. the utility's limitations on liability for service interruptions contained in the utility's rate schedule on file with the Commission, when a claim for abatement may be requested, and how a customer can submit a claim for damages or abatement due to service interruptions;
14. procedure for customers using electrically powered medical equipment to obtain special identification in the utility's customer information and outage management systems for disconnections and outage situations;
15. toll-free telephone number, mailing and email addresses of the utility where further inquiries may be made;
16. the existence of the utility's LIAP (if it has one) and procedures for enrollment;
17. the existence of the utility's oxygen pump and ventilator assistance programs (if it has such programs) and procedures for enrollment pursuant to Chapter 314; and
18. the need to protect sensitive electronic equipment from power surges and power spikes through the use of surge protectors and other protective devices.

Gas utilities are not required to provide the information contained in subsections 17 and 18.

- B. **Nonresidential customers.** For non-residential customers, the same information required by paragraph A above must be provided, with the exception of the information contained in subsections 11, 14, 16, and 17.

6. APPLICATION FOR SERVICE

A. Obligation to provide service

A utility may not refuse to provide service to an applicant, except as provided for below.

1. Residential applicants

A utility may deny service to a residential applicant who fails to meet any of the following conditions.

- a. **Past overdue amount.** A utility may condition the granting of service on a residential applicant paying an amount overdue for previous basic service provided by that utility within the prior six years, subject to the following two conditions:
- i. If the utility is aware of the debt before service is initiated, the utility must offer a payment arrangement to a residential applicant on the undisputed balance before service is initiated; and
 - ii. If the utility discovers the debt after it has granted service, the utility has 60 days from the date of the applicant's request for service to provide written notice to the customer of the outstanding debt and its intention to collect the outstanding debt. If a utility does not notify the applicant of its intent to collect the outstanding debt within the 60-day time period, the utility is prohibited from transferring the debt to the applicant's current account. The utility must allow the customer at least 30 days after receipt of the written notice to pay the debt or enter into a payment arrangement. If the customer fails to respond during this time period, the unpaid amount may be transferred to the customer's current account and disconnection procedures may be initiated for failure to pay or make a payment arrangement. A utility may demand payment of an unpaid account balance after the 60-day period has passed if the utility was unable to discover the evidence to justify the demand within the time periods established by this Section because of fraud or material misrepresentation by the applicant.
- b. **Payment of a deposit.** A utility may condition the granting of service on the payment of a deposit pursuant to Section 7.
- c. **Provision of proper identification.** A utility may condition the granting of residential service on the provision of adequate proof of identification. In situations where fraud is suspected, a utility may require an applicant to provide photo identification.

- d. **Compliance with local, state, and national electric safety codes.** A utility may condition the granting of service on a customer's premise equipment being in compliance with local, State, and National electric or gas safety codes.

2. **Non-residential applicants**

A utility may deny service to a non-residential applicant that fails to meet any of the following conditions:

- a. **Past overdue amount.** A utility may condition the granting of service on a non-residential applicant paying an amount overdue for previous basic service provided by that utility if the applicant accrued the debt within the prior six years. If the utility discovers the debt after it has granted service, the utility must provide written notice to the customer of the outstanding debt and its intention to collect the outstanding debt.
- b. **Payment of a deposit.** A utility may condition the granting of service on the payment of a deposit pursuant to Section 7.
- c. **Compliance with local, state, and national electric safety codes.** A utility may condition the granting of service on a customer's premise equipment being in compliance with local, State, and National electric or gas safety codes.

B. **Provision of service by next business day**

A utility should provide service to an applicant as soon as possible, but must provide service by the end of the next business day after the request for service is received, or a deposit and/or unpaid account balance is paid, provided that facilities exist to provide service within that timeframe. If facilities do not exist, such as in the case where a line extension must be constructed, the utility must initiate its standard procedures to provide service by the end of the next business day after the request for service is received.

C. **Service in another's name**

Except as provided for in this Section, a utility may not require an applicant to pay for service provided in another person's name unless a court or other administrative agency has determined that the applicant is legally obligated to pay for that service. To prevent the practice of "name swapping," a utility may transfer a residential account balance that was incurred for service provided by that utility within the prior six years from the date of the application in the name of another person to the applicant's new account when both people:

- 1. resided together at the same address where the arrearage occurred;
- 2. Received the benefit of the utility service; and
- 3. will benefit from the applied for utility service.

A utility has 60 days from the date the applicant applies for service to transfer the account balance to the applicant's account. If the transfer does not take place within this time

period, the utility cannot transfer the account balance. When a utility decides to transfer an existing account balance to an applicant's new account, the utility must add the previous customer's name to the account, in addition to the applicant's name and provide written notice to the applicant of the transfer that includes the evidence demonstrating 1 through 3 above (typically the evidence is obtained through telephone calls from both persons). The notice must be provided at least seven days prior to the transfer and, must provide the applicant the opportunity to challenge the transfer, first to the utility and if not resolved to the customer's satisfaction, to the CASD. The utility must maintain a record of its investigation of the challenge pursuant to Section 13(E).

D. Application for service at a location where an active account already exists

A utility may deny service to an applicant where the service location for which the applicant is seeking service already has an active customer who does not wish to terminate service.

E. Explanation of charges

A utility must disclose the following information at the time an applicant requests service:

1. non-recurring installation, application or registration fees charged by the utility for the type of service requested;
2. if non-basic services are available, the charge for any non-basic services selected by the customer; and
3. the recurring charge for the least cost class of service available to the applicant.

F. Designation of third party to receive notices

An applicant or customer may notify the utility in writing that the customer is designating a third party to receive disconnection notices concerning the customer's account, as well as notices of planned and unplanned outages. The utility must keep a record of the third party's name, address and telephone number. Whenever the utility contacts the customer about matters related to deposits, disconnections, overdue amounts or hazardous conditions of utility service, and planned or unplanned service interruptions, the utility must make every reasonable effort to contact the third party and provide the same information at the same time it is provided to the customer. Any notice of disconnection provided to the third party must contain the disclosures required by Section 10(J). Nothing in this subsection obligates the third party to make payment of any amount owed by the customer, unless there is independent evidence of an obligation to pay. Every utility must inform new customers of their right to designate a third party to receive notices pursuant to Section 5.

7. DEPOSITS FOR APPLICANTS AND CUSTOMERS

A. Residential applicants

A utility may demand a deposit from a residential applicant only if one or more of the following circumstances apply:

1. An account balance for residential utility service incurred in Maine is unpaid at the time that the applicant requests service. The amount must be either:
 - a. for service provided within the past six years from the utility from whom the applicant requests service; or
 - b. for residential utility service provided by any utility within the past 12 months.
2. An unpaid, undisputed account balance for residential utility service provided in Maine within the past six years was not paid until after the utility obtained a court judgment.
3. The applicant was disconnected for nonpayment of an undisputed bill by any utility within the past 12 months.
4. The applicant was disconnected for unauthorized use or theft of service by any utility within the past 12 months.
5. The applicant entered into a plan of repayment under Chapter 13 of the Federal Bankruptcy Code and the Bankruptcy Court dismissed the plan for failure to comply with its terms within the past six years.
6. The applicant has no source of income sufficient to pay the cost of utility service.

B. Non-residential applicants

A utility may demand a deposit from any non-residential applicant as a precondition of granting service but the utility must consider a non-residential customer's prior credit history with another utility when determining whether to require a deposit for service to a new business of that non-residential customer provided the non-residential customer requests this consideration and provides permission for the other utility to share the credit history information. The utility must consider the non-residential customer's prior credit history with the other utility in the same manner it would consider the prior credit history of a non-residential customer located in its own service territory. A utility must also consider a non-residential customer's prior credit history with that utility when determining whether to require a deposit for service to a new business of that non-residential customer within the utility's service territory.

C. Residential customers

A utility may demand a deposit from a residential customer only if:

1. the customer files a petition under the Federal Bankruptcy Code and the Federal Bankruptcy Court allows the utility to demand a deposit;
2. the customer requests that service be reconnected at the same or different location after the customer was disconnected for nonpayment for a second time within a 24-month period. In these situations, the utility must take into consideration any commitment of assistance offered by assistance agencies to reconnect the

customer's service. If the commitment of assistance is sufficient to allow for the reconnection of service, absent the demand for a deposit, the utility must:

- a. accept the commitment of assistance and apply the payment to the account balance; and
 - b. offer the customer the option of paying the deposit in three monthly installments consistent with the process described in section 7(F)(1) of this Chapter, with the exception that the first monthly payment cannot be due earlier than the due date of the first bill issued following the reconnection.
3. the customer requests that service be reconnected at the same or different location after the customer was disconnected for unauthorized use or theft of services; or
 4. the customer had an unpaid account balance at the time the customer applied for service for which the utility was unaware because of fraud or material misrepresentation by the customer.

D. Non-residential customers

A utility may demand a deposit from an existing non-residential customer in lieu of disconnection authorized by Section 10 of this Rule or from a customer who was not required to pay a deposit as a precondition of service but has become an unacceptable credit risk as determined by the utility.

E. Amount of deposit

1. Residential applicants and customers

A utility cannot demand a deposit which is more than the two highest consecutive billing periods incurred within the previous 12-month period at that location. The amount of the deposit for a location with no previous usage history with the utility cannot exceed the two highest consecutive bills of the utility's other residential locations whose usage is similar or expected to be similar.

2. Non-residential applicants and customers

A utility cannot demand a deposit which is more than the amount reasonably anticipated to be due for service for the two highest billing periods expected within a 12-month period.

F. Payment of deposits

1. Residential applicants and customers

A utility must provide residential applicants and customers the option of either paying the deposit in full or entering a payment arrangement on the deposit amount that allows payment in at least three installments: 50% payable upon the

determination that the deposit is required; 25% payable 30 days after the determination; and 25% payable 60 days after the determination.

- a. A utility may demand full payment of the deposit amount when an applicant requests service and the applicant enters into a payment arrangement for an unpaid account balance at the same time.
- b. If a customer requests reconnection following disconnection for nonpayment, the customer may elect one of the payment options according to Section 12.
- c. A utility may negotiate payment of the deposit over a longer period as the utility determines appropriate.
- d. Guarantee instead of deposit. A utility must accept a third-party guarantee agreement instead of a cash deposit for a residential customer if the guarantor is a customer whose account is not in arrears at the time the deposit is requested. The guarantee agreement must be in writing, contain the disclosures required by this Section, and be limited to a specific time period. The utility may cancel the guarantee agreement if the guarantor incurs an arrearage with the utility that is more than 60 days old, and a guarantor may cancel the agreement upon at least 30 days written notice to the utility and the customer. If the guarantee is cancelled or the term has expired, the utility can demand a deposit from the customer. If a deposit is not paid or if a payment arrangement is not established within 30 days after the notice that requires payment of a deposit is provided, a utility may begin further collection procedures.

2. **Non-residential applicants and customers**

The utility must offer non-residential applicants and customers the option of paying the required deposit in at least two equal installments. Deposits may be in any of the following forms, listed in order of preference:

- a. Cash.
- b. Irrevocable bank letter of credit.
- c. Surety bond.
- d. Third-party guarantee instrument acceptable to the utility.
- e. Other security instrument acceptable to the utility.

G. **Disclosure**

When a utility demands a deposit, it must send or deliver a written disclosure to an applicant or customer within three business days after the demand is made. If the disclosure is not provided within the three-day period, the utility cannot collect the deposit from the customer. If the disclosure was not provided within the three-day period and customer has already paid the deposit, the deposit must be refunded to the customer.

A copy of the disclosure must also be provided to any guarantor within the same time period. The disclosure must contain:

1. the date that the utility demands a deposit;
2. the amount of the deposit;
3. the due date and payment options for the deposit, including the option of a third-party guarantor for residential applicants and customers; and
4. the procedure by which the applicant or customer can dispute the deposit requirement or deposit amount.

H. Interest

A utility must pay interest on deposits according to the provisions of Chapter 870 of the Rules of the Commission.

I. Retention and refund

1. Refund

A utility must refund a deposit in any of the following circumstances:

- a. When a residential or small non-residential customer establishes good credit. If a residential customer pays all bills or makes all payments pursuant to an established payment arrangement by the due date for 12 consecutive months and the customer does not have a remaining account balance at the end of the 12-month period, the utility must refund the deposit, including accrued interest, within 30 days after the 12th bill is paid. If a small non-residential customer pays all bills or makes all payments pursuant to an established payment arrangement by the due date for 5 consecutive years and the small non-residential customer does not have a remaining account balance at the end of the 5 year period, the utility must refund the deposit, including accrued interest, within 30 days after the final bill of the 5 year period is paid. Utilities may retain deposits collected from non-residential customers that do not meet the definition of small non-residential customers for so long as the customer remains a customer.
- b. When a residential or non-residential customer has been disconnected. The utility then must apply the deposit, including accrued interest, to the account balance for utility service and refund the remainder within 30 days or with the final bill, whichever is later. A transfer of service from one location to another is not considered disconnection for the purpose of this paragraph.
- c. When a residential or non-residential customer closes an account. When a customer closes an account, the utility may apply the deposit to an existing account balance or other accounts for that customer that were closed within the past six years that were not fully paid when the account was closed. The utility must then refund any remaining deposit amount,

including accrued interest, to the customer within 60 days of the customer closing the customer's account.

- d. When a residential customer substitutes a third-party guarantor. If a guarantor is provided in accordance with the provisions of Section 7(F)(1)(d) above, the utility must refund the deposit, including accrued interest, up to the limits of the guarantee.
- e. Earlier refund. The utility may choose to refund a deposit, including accrued interest, any time earlier than this subsection requires.

2. **Transfer of service**

When a customer transfers service from one location to another location, an existing deposit may be transferred to the new location and must be adjusted according to the anticipated usage at the new location. If the anticipated usage at the new location is lower than the old location, the utility must either refund the difference to the customer or must apply the difference to the customer's account as a credit. If the amount of the refund is equal to or less than the cost the utility will incur to issue a refund check to the customer, the utility may credit the customer's account. If the refund is greater than the cost to cut a check, the utility shall send the customer a check for the refund amount or, if the customer so chooses, the refund may be applied as a credit to the customer's account. If the usage is higher at the new location, the utility may require the customer to pay a deposit reflecting the incremental usage amount. In this instance, the incremental amount must be collected in accordance with Section 7(F) above. The transfer and any subsequent adjustment must be made within 60 calendar days of the date the service is transferred.

8. **BILLING AND PAYMENT STANDARDS**

A. **Bill frequency**

A utility shall bill on a regular recurring basis and must offer at least one monthly billing option.

B. **Due date of bills**

The due date of a bill must be at least 25 days after the bill is mailed or otherwise delivered to the customer. A bill is considered "mailed" on the date the bill is postmarked. If there is no postmark, the utility shall date the bill and mail the bill on or before the date on the bill.

C. **Bill content**

Each bill issued by a utility shall clearly state the following minimum information:

- 1. The beginning and ending dates of the period for which service was provided.

2. The beginning and ending meter readings for the billing period and the difference between the two meter readings, unless the customer's usage was estimated for that billing period pursuant to section 8(L).
3. The due date by which payment must be made and that after this date the account will be considered overdue and late fees imposed, if authorized.
4. The amount due for service provided during the current billing period.
5. An itemization of State and Federal taxes.
6. An itemization of all other current unpaid charges, including, if applicable, installation fees, reconnection fees, deposit payments, and late payment fees which have accrued to the customer's account. A utility may not separately list line items on the bill that do not represent a separate, discreet utility service or a State or Federal tax.
7. The total amount of all payments or other credits made to the customer's account during the current billing period.
8. The amount overdue, if applicable.
9. The account balance.
10. A clear and conspicuous marking of all estimates.
11. The address and toll-free telephone number of the utility where the customer may write or call to ask questions or dispute the bill with the utility.
12. A designation of the applicable class of service as stated in the utility's approved rate schedule.
13. The toll-free telephone number of the Commission's Consumer Assistance and Safety Division (CASD) and a statement of the services available from the CASD. Such language shall be approved by the Director of CASD for each utility

D. Additional Billing Requirements for Electric Investor-owned Transmission and Distribution Utilities

1. Electric investor-owned transmission and distribution utilities shall include, once per year, as an insert or attachment to customer bills, an informational chart or charts produced by the Commission that displays a 10-year history of transmission, distribution, and standard-offer service rates for the customer's current rate class, along with a statement of the total percentage change in transmission, distribution and standard-offer service rates over the 10-year period. The insert shall direct the customer to the utility's website where they may access such information for all rates available to the customer's rate class. The Commission shall post these charts on the Commission's website.

2. Electric investor-owned transmission and distribution utilities shall provide to the Commission annually by April 1 information regarding the average rate, including transmission, distribution and standard-offer rate components, of each rate class for the prior 10-year period on a calendar-year basis. Rate information shall be the average revenue per kWh. The Commission shall develop an informational chart for the utilities to include in customer bills pursuant to Section 8(D)(1) above.

E. Bill format

The bill format must include:

1. sufficient information so that the ordinary customer can understand the basic components of the bill;
2. gas utilities shall provide comparative usage information for at least the prior 13-month period;
3. investor-owned electric transmission and distribution utilities shall provide customers comparative usage information for the prior 24-month period that compares each month's usage between the first 12 months and the second 12 months of the 24-month period. This shall include the equivalent billing month usage two years prior. Comparative usage data will be provided to residential, small commercial, and medium commercial customers. Comparative usage information on transmission and distribution utility bills shall be provided as monthly kWh usage;
4. definitions of technical terms used in the bill; and
5. sufficient separation between sections, type size and visual highlighting to make the bill uncluttered and easy to read.

F. Billing errors and previously unbilled service

A utility shall notify promptly a customer in writing of a billing error after it discovers or is notified of the error. An explanation of the credit or charge on the bill or in a bill insert that accompanies the bill containing the credit or charge that explains the error will meet the notice requirement of this Section. The utility shall correct the error within 45 days of discovery or notice and investigate the possibility that the billing error may affect multiple customers. Discovery of the error is the point in time when the utility first becomes aware of the billing error; or, if notice of the error is provided by a third party, discovery of the error is when the utility confirms that a billing error was made. In the latter situation, the decision regarding whether or not a billing error occurred must be made within 14 days of the utility's receipt of the third party's notice of the error. If more than 10 customers are affected by the billing error, the utility shall immediately notify the CASD.

1. Make-up bills

A utility may issue a corrected bill for previously unbilled service, including standard offer service, caused by a billing error, failure to read the customer's meter pursuant to Section 8(L), or a meter malfunction that could not have been

reasonably detected by the customer or the utility, for service that was provided in the previous 12 months. In these circumstances, the utility must either apportion the usage evenly over the period in which the unbilled usage occurred or apportion the unbilled amount pursuant to the utility's usage algorithm. Once the usage has been properly apportioned over the unbilled period, the utility may re-bill the customer based on the approved rate schedule rates in effect during the unbilled usage period. A utility may also agree to a settlement that abates all or a portion of the previously unbilled service.

- a. If the make-up bill is for service that was previously unbilled because of unauthorized use or fraud by the customer, the utility may bill for service that occurred up to six years before the issuance of the "make-up" bill.
- b. When a utility issues a make-up bill, it must notify the customer in writing of the right to a payment arrangement for the previously unbilled amount. The terms of a payment arrangement negotiated for the previously unbilled amount should take into account the period during which the unbilled service accrued, the length of time between the usage and the issuance of the bill, and the reason for the unbilled amount.

2. **Refunds**

A utility shall refund any amount billed in excess of correct rates, including standard offer service, within the previous six years from the date of the utility's discovery or its notification of the error.

F. **Payment**

1. **Extension of due date required**

If the due date for payment falls on a Saturday, Sunday, legal holiday, or any other day when the utility's offices are not open for business, the utility shall extend the due date to the next business day.

2. **Payment by mail**

If the customer sends payment by mail, payment is made on the date the utility receives the payment.

3. **Electronic payment**

If the customer pays a bill electronically from a utility's authorized vendor, either over the phone or the internet, the utility must consider the payment "received," for the purpose of avoiding credit action and a late payment charge, at the date and time the transaction is executed by the customer.

4. **Payment at a remote office**

If the customer pays at a branch office or authorized agency of the utility, the utility shall consider the payment "received" for the purpose of avoiding credit

action and a late payment charge at the date and time the transaction is executed by the customer.

5. Conflicting due dates

When a utility provides a customer with multiple notices or contacts containing different due dates, payment is due on or before the latest due date provided, with the exception of notices issued pursuant to section 10(H) (dishonored check), which supersede all other notices.

G. Late payment charges and returned check charges

Utilities must comply with Chapter 870 of the Commission's rules relating to late payment charges and returned check charges.

H. Application of partial payments

When a utility receives payment that is insufficient to pay the full account balance, the utility must apply payment to the oldest balance due, unless instructions from the customer, a disputed bill, or a payment arrangement requires otherwise.

I. Non-basic utility service

A utility must either issue a separate bill for non-basic utility service or apply partial payments first to basic charges and then to non-basic charges.

J. In-person payment locations

A utility shall maintain a reasonable number of locations throughout its service territory where customers may pay bills in person. Utilities may charge a fee for processing in-person payments pursuant to a rate schedule approved by the Commission.

K. Transfer of service and collection of unpaid account balances

1. Transfer to a new account

When a customer requests a transfer of service to a new location, a utility may without prior notice transfer the customer's current account balance to the customer's new account, provided that the new account is the same type as the old account, i.e., residential or non-residential, and the transfer takes place within 60 days of the activation of service at the new location or the closing of the prior service, whichever date is later. Utilities are prohibited from transferring account balances from a residential account to a non-residential account and vice versa. In situations where a landlord is responsible for a common area meter, which is considered a business account, and also chooses to have service for the individual rental units placed in the landlord's name in between tenants, a utility may transfer the balance from the individual units (residential) to the common area (business) account.

2. **Transfer of multiple accounts**

- a. Account balance. In situations where a customer maintains multiple accounts and chooses to close an account with an account balance, a utility may transfer the account balance to a remaining, active account, provided the accounts are the same, i.e., residential to residential or business to business. Any transfer must be made within 60 calendar days of the account being closed. In these situations, a utility may not transfer a residential account balance to a business account and vice versa.
- b. Credit balance. In situations where a customer maintains multiple accounts and chooses to close an account with an account credit, the credit shall be refunded to the customer, unless the customer requests that the credit be applied to another account. The refund or credit shall be provided within 60 calendar days of the customer closing the account.

3. **Transfer of unpaid account balance to a guarantor**

If a customer is disconnected, a utility may transfer to the account of a third party guarantor any portion of the account balance which is equal to the cash deposit requirement of the customer.

4. **Fraud or misrepresentation**

If a utility discovers that a customer has a previous account balance incurred due to fraud or misrepresentation, the utility may transfer the unpaid account balance to the customer's current account within 30 days of the utility's discovery of the fraud or misrepresentation.

5. **Compliance with this Section**

If an unpaid account balance is not transferred according to paragraphs 1, 2, or 3 above, a utility cannot demand or collect it from a current customer by any means authorized by this Rule.

6. **Pending disconnection notice**

If a disconnection notice is pending when a customer requests transfer of service to a new location, the utility may continue the disconnection process at the new location. If the notice required by Section 10(D) has been issued and the contact required by Section 10(L)(2) has been attempted and service has not been disconnected because the customer has refused access to the customer's premises, the utility may deny service at a new location when the customer requests a transfer of service.

L. **Meter reading**

A utility must obtain an actual meter reading every month, unless:

- 1. extreme weather conditions, emergencies, equipment failure, work stoppages or other similar circumstances prevent an actual meter reading by utility employees;

2. the utility must have access to the customer's premises to obtain a reading and the utility is unable to gain access after using reasonable efforts to obtain access; or
3. a customer is billed on a seasonal basis according to terms included in the rate schedule of the utility.

An "actual meter read" includes an electronic read obtained via an automated read system.

M. Past usage

As required by 14 M.R.S.A., §6045, upon request, a transmission and distribution utility shall provide free of charge to current or prospective customers, tenants or property owners residential electric energy consumption and cost information for a dwelling unit for the prior 12-month period or figures reflecting the highest and lowest electric energy consumption and cost for the previous 12 months. The cost must include and separately identify the cost of the transmission and distribution utility's services and the cost of electricity. If a unit has been occupied for a period of less than 12 months or for any other reasons the utility does not have information regarding electricity consumption or costs for a period of 12 months, the utility shall estimate the unit's annual kilowatt-hour consumption or cost. The estimated cost must be based on the applicable standard-offer service price or default service price established by the Commission.

9. PAYMENT ARRANGEMENTS

A. Payment arrangement required

A utility shall continue to serve a customer who does not pay an account balance in full if the customer agrees to enter a payment arrangement for the account balance and agrees to pay each future bill for service on or before the due date of the bill until the payment arrangement is completed. A payment arrangement may involve a single or multiple payments.

B. Written confirmation of payment arrangement

A utility shall mail or deliver to the customer a written confirmation of a payment arrangement that requires two or more payments within three business days after a payment arrangement is established. The written confirmation shall:

1. inform the customer of the terms of the payment arrangement;
2. include the CASD's address and toll free telephone number; and
3. inform the customer of the utility's right to issue a 3-day disconnection notice for failure to comply with a payment arrangement.

C. Failure to confirm payment arrangement in writing

If a utility does not mail or deliver a written confirmation of a payment arrangement to the customer within three business days after a payment arrangement is agreed to, the

utility cannot disconnect the customer for failure to comply with the payment arrangement. A utility may either attempt personal contact to negotiate a new payment arrangement or issue a 14-day disconnection notice for residential customers or a 7-day notice for non-residential customers according to Section 10(D).

D. Basic service payment arrangement to be separate

Any agreement permitting installment payments on an account balance for non-basic service must be separate from a payment arrangement for basic service.

E. Written guidelines

Utilities shall adopt written guidelines which describe the types of payment arrangements offered by that utility by April 16, 2008, and shall modify the guidelines anytime a change is made. Utilities shall submit a copy of the guidelines to the CASD within 30 days of the guideline's completion or modification.

F. Residential customers

Utilities must establish payment arrangements that take into consideration the individual customer's unique circumstances and that are most likely to result in customers becoming current with their bills and retaining their utility service, including, but not limited to, regular payment arrangements, Special Payment Arrangements during the winter period, annualized budget payment plans, and levelized payment arrangements. A levelized payment arrangement may periodically be adjusted to account for changes in the estimated usage. In these situations, an arrangement cannot be adjusted more than four times a year. If a customer and the utility cannot agree on the terms of a payment arrangement, including a customer's claim that the customer cannot afford to pay any amount towards the arrearage, the utility must refer the customer to the CASD for assistance.

1. Criteria for determining a reasonable payment arrangement

In determining if a particular arrangement is reasonable, the utility must take into account:

- a. the customer's ability to pay;
- b. the size of the overdue amount;
- c. the customer's payment history;
- d. the amount of time and reason why the overdue amount is outstanding; and
- e. any special circumstances creating extreme hardships within the household.

The utility must make every reasonable attempt to negotiate a payment arrangement that is likely to prevent disconnection and reduce the amount overdue to zero. If a utility and a customer cannot agree on the terms of a payment arrangement, the utility must refer the customer to the CASD and the CASD will establish a reasonable payment arrangement.

2. **Notification of LIAP and other forms of financial assistance**

When a customer informs a utility that the customer cannot pay a bill and the customer is in imminent threat of disconnection, the utility must provide the customer with information regarding its LIAP (if applicable), as well as other sources of financial assistance including, but not limited to, 211, the Department of Health and Human Services, the Community Action Agencies, and local Town or City government.

3. **Second payment agreement**

The utility may, but is not required to, offer a second payment arrangement to a customer who is in default of a first payment arrangement. If the first payment arrangement is a Special Payment Arrangement, the utility shall offer at least one additional payment arrangement during the non-winter period.

4. **Notification of Conservation Measures to Low Income Customers**

The utility shall offer any customer eligible to participate in the utility's LIAP any existing no-cost energy conservation measures, including, but not limited to, any energy audit, offered by the utility, as a condition of the second payment arrangement. Customers shall accept the measures to the extent they have the authority to do so.

5. **Winter period**

Between November 1 and April 1, utilities must offer customers the opportunity to enter into a Special Payment Arrangement, provided that the first payment will be due prior to April 15, when such an arrangement is the best option for keeping the customer's bills affordable during the winter and summer period and ensuring that the customer is not disconnected.

- a. **Utility contact required for all customers who were on a Special Payment Arrangement the prior winter and who have an amount overdue of at least \$100.00.** Utilities must attempt to contact each customer that was on a Special Payment Arrangement the prior winter period, that did not meet the requirements of the Special Payment Arrangement, that has not been placed on an alternative payment arrangement, and that has an amount overdue of at least \$100.00 as of November 1 and establish a payment arrangement. The contact attempt shall be made after November 1 and before November 15 and can be by letter, telephone call, or other means that is likely to achieve contact with the customer. For customers who the utility is unable to contact, the utility may automatically enroll these customers in an appropriate Special Payment Arrangement for the pending winter period, provided the utility notifies the customer in writing of the terms of the Special Payment Arrangement and offers the option of rejecting the terms or negotiating an alternative payment arrangement. In situations where the customer's circumstances warrant, the utility may also consider Special Payment Arrangements that extend beyond the following November 1, such as a levelized payment arrangement.

b. **Customer with whom the utility makes contact.** The utility shall in good faith attempt to establish a Special Payment Arrangement or any other payment arrangement that best addresses a particular customer's situation, with any customer with whom it makes contact for the entire amount owed and for amounts expected to be incurred so that the customer's account will not be in arrears as of the subsequent November 1. In situations where the customer's circumstances warrant, the utility may also consider Special Payment Arrangements that extend beyond the following November 1, such as a levelized payment arrangement.

i. **Standard payment plan options.** The utility shall offer at least one standardized Special Payment Arrangement to all residential customers. This standard payment option shall require level monthly payments based on either:

(a) an annualized budget payment plan; or

(b) a combination of level payments prior to the issuance of the March bill which are not less than the customer's average summer bill, and level payments beginning with the bill issued in March that reflect one-seventh of the total of the following: the arrearage at that time; the March bill; and estimated bills through September.

In any case, the standardized payment plan should be designed to pay any arrearage incurred prior to entering the Special Payment Arrangement or as a result of the level monthly payments required by the Special Payment Arrangement by the following November 1. As noted in Sections 9(F)(5)(A&B) above, a utility may extend a Special Payment Arrangement beyond the following November 1 when individual customer circumstances warrant.

ii. **Individualized payment plan.** If a customer can demonstrate that the customer cannot maintain a Special Payment Arrangement based on at least one of the Standard Payment Plan options contained in the utility's guidelines, including, but not limited to, the amount or timing of the level payments, a Special Payment Arrangement shall be negotiated based on factors unique to the customer, such as the amount of money owed, the customer's ability to pay, the customer's payment history, the time the debt has been outstanding, the reasons why the debt has been outstanding and other relevant factors. Individualized payment plans shall, where possible, result in levelized payment.

iii. **Information required.** The utility shall provide the customer with information regarding financial assistance pursuant to Section 9(F)(2). The utility shall not be responsible for determining whether individual customers are eligible for such assistance. The utility shall also inform the customer that, at the customer's request, the utility shall provide to any possible source

of financial assistance for the customer the (1) total amount of arrearage; (2) the average monthly bill of the customer under one or more of the standard payment options offered by the utility; and (3) a statement that disconnection may result if the customer fails to enter into a Special Payment Arrangement or fails to make payments under a Special Payment Arrangement.

- iv. **Conservation Measures.** The utility shall offer as a condition of the first Special Payment Arrangement offered to any customer during the current Winter Disconnection Period any no-cost energy conservation measures, including, but not limited to, an energy audit, offered by the utility. Customers shall accept the measures to the extent they have the authority to do so.

c. **Failure to Comply with a Payment Arrangement**

- i. Unless a material deterioration in financial circumstances is demonstrated by the customer, a customer who has failed to complete a regular or special payment arrangement on bills accrued during the previous 12-month period shall not be entitled to a Special Payment Arrangement under this subsection.
- ii. If a customer fails to comply with the terms of a Special Payment Arrangement during the same Winter Disconnection Period in which it was made, the utility shall attempt to establish a second Special Payment Arrangement. If the customer fails to comply with the terms of a second or subsequent Special Payment Arrangement, the utility may attempt to establish another Special Payment Arrangement or it may seek permission to disconnect pursuant to Section 10(M)(4).
- iii. If the customer fails to comply with terms of a Special Payment Arrangement after April 15 and after the receipt of the written statement required by paragraph e below, the utility may disconnect in accordance with Section 10(D), unless said disconnection would occur on or after November 15, in which case the utility must follow the requirements of Section 10(M).

- d. **Written Statement Concerning Installment Payments.** After March 1 and before May 31, the utility shall provide each customer who made a Special Payment Arrangement with a written statement of the total amount due and the amounts and payment schedule in order to pay the total amount by November 1.

G. **Non-residential customers**

Utilities must offer non-residential customers payment arrangements that take into consideration the customer's unique circumstances and that are most likely to result in the customer becoming current with their bills and retaining their utility service. In determining if a particular arrangement is reasonable, the utility must take into account:

1. the size of the overdue amount;
2. the customer's payment history; and
3. the amount of time and reason why the overdue amount is outstanding.

The utility must make every reasonable attempt to negotiate a payment arrangement that is likely to prevent disconnection and reduce the amount overdue to zero. If a utility and a customer cannot agree on the terms of a payment arrangement, the utility must refer the customer to the CASD and the CASD will establish a reasonable payment arrangement.

10. DISCONNECTIONS

A. When disconnection procedures can begin

A utility may begin disconnection procedures without the consent of the customer or occupant only if one or more of the following conditions exist:

1. The customer does not pay or make a payment arrangement on an undisputed overdue amount that is more than \$50.00. A utility can disconnect service for an overdue amount of less than \$50.00 only if the overdue amount is more than 90 days old or the utility bills four times a year or less.
2. The customer does not make payment according to the terms of a payment arrangement.
3. The customer does not pay or make a payment arrangement for a deposit or provide a third-party guarantor according to the provisions of Section 7;
4. Service is being used, but no occupant or other person has applied for customer status.
5. The customer unreasonably refuses to allow access to the premises to install or read a meter or for the necessary inspection or repair of utility property.
6. There is unauthorized use (as that term is defined in Section 2(Z)) of the utility service delivered to the affected premises.
7. The utility has reason to believe there is fraud or that the customer has materially misrepresented his or her identity to obtain utility service without complying with the provisions of this Rule.
8. The occupant's service poses a threat to the safety of any person or the integrity of the utility delivery system.
9. The utility receives a directive from the State Electric Inspector, State Pipeline Safety Inspector, or local code enforcement officer to disconnect service for safety reasons.

10. The customer does not comply with a decision of the CASD or the Commission according to Section 13.

B. Customer request or abandonment

A utility may disconnect service at the request of a customer (provided that the provisions of Section 10(I) concerning landlord/tenant disconnections are not applicable) or if the premises is clearly abandoned. A utility may require customers to give notice of requests to disconnect service. A utility cannot require more than seven days' notice. The utility may require the customer to pay for service that is actually provided until the customer gives the required notice, the utility actually disconnects the service, the utility initiates disconnection procedures for failure to apply for customer status, or there is an application for service at that location.

C. When disconnection cannot occur

Disconnection without the customer's consent cannot occur in the following situations.

1. Amount Overdue

The amount overdue stated on the disconnection notice includes:

- a. non-basic utility service (defined in Section 2(Q));
- b. amounts owed from a different account, unless a transfer of the account balance was done according to Section 8(K);
- c. amounts owed for estimated bills when the latest bill issued was based on an estimated read; or
- d. service provided in the name or names of persons other than the customer, unless a court or other administrative agency has determined that the customer is legally obligated to pay the amount overdue or a transfer of account balance was completed according to Section 6(C). This paragraph does not affect the creditor rights and remedies of a utility provided by other law.

2. Existence of medical emergency

A utility must not disconnect if it has been notified of a medical emergency according to Section 11.

D. Notice Requirements

1. Without notice

A utility can disconnect a customer without notice in the circumstances described in:

- a. Section 10(A)(6) (unauthorized use);
- b. Section 10 (A)(8) (dangerous condition);

- c. Section 10(A)(9) (directive from State or local official); or
- d. Section 10(B) (customer request or abandonment).

2. **14-Day notice and 7-day notice**

A utility must provide residential customers with written notice of the intent to disconnect at least 14 calendar days before the stated disconnection date and must provide non-residential customers with written notice of the intent to disconnect at least seven calendar days before the stated disconnection date in the circumstances described in:

- a. Section 10 (A)(1) (failure to pay);
- b. Section 10 (A)(5) (refusal of access); or
- c. Section 10 (A)(7) (fraud or material misrepresentation).

3. **3-Day notice**

A utility must provide written notice of the intent to disconnect a customer at least three business days before the stated disconnection date in any of the circumstances described in:

- a. Section 10(A)(2) (broken payment arrangement);
- b. Section 10(A)(3) (failure to provide a deposit or guarantor);
- c. Section 10(A)(4) (failure to apply for customer status);
- d. Section 10(A)(10) (failure to comply with Commission decision), unless the CASD or the Commission establishes a different notice period;
- e. Section 10(H) (dishonored check); or
- f. Section 11(C) (certification of a serious medical condition).

4. **Time of issuance**

- a. A utility cannot issue a disconnection notice for the circumstances described in Section 10(A)(1) (failure to pay an overdue amount) until at least 30 days after the original bill is mailed. A bill is considered “mailed” on the date it is postmarked. If there is no postmark, a utility must date and mail the bill on or before that date. A utility cannot issue a disconnection notice for the circumstances described in Section 10(A)(2) (broken payment arrangement) and 10(A)(3) (failure to pay a deposit) until at least one business day after the due date of the payment.
- b. A utility may issue a disconnection notice for the other circumstances described in Section 10(A) at any time after the applicable criteria are met.

E. Disconnection date

The disconnection date for residential and non-residential customers stated in the notice must not be a Friday, weekend, legal holiday, the day before a legal holiday or a day when the utility's office is not open for public business. The term "legal holiday" is defined in 4 M.R.S.A. Section 1051.

F. Period of effectiveness

A disconnection notice is effective for 10 business days after the disconnection date stated in the notice. If a utility fails to properly disconnect service within this time frame, the disconnection notice procedures must be repeated.

G. Refusal of access by customer

If a customer expressly refuses to allow the utility access to the meter or other fixture or device necessary to accomplish disconnection, the 10-business day period provided in Section 10(F) above can begin on the date of the last refusal by the customer. This provision applies if the utility:

1. records the date, time and manner of each attempt to disconnect service and each express refusal by the customer to allow access; and
2. has no other reasonable means to disconnect the customer other than that refused by the customer.

H. Check returned for insufficient funds

1. Residential customers

If a residential customer has paid by a check that was not honored by the bank before the expiration of the disconnection notice, the utility must attempt to obtain payment by alternate means from the customer before disconnecting service. If a check is not honored after the expiration of the disconnection notice, the utility can issue a 3-day disconnection notice pursuant to Section 10(D)(3) above and require payment by cash or certified check. A disconnection notice issued a result of a dishonored check supersedes any other pending disconnection notice.

2. Non-residential customers

If a non-residential customer has paid by a check that was not honored by the bank before the expiration of the disconnection notice, the utility may proceed with disconnection pursuant to Section 10(L) below.

I. Disconnection notice procedures for leased or rented residential property

1. A utility cannot disconnect a premises when it is aware that it is leased or rented at the request of a lessor, owner, or agent ("landlord") or because the landlord (as a customer) has failed to pay an overdue amount, unless:
 - a. the tenant agrees in writing to the disconnection;
 - b. the landlord signs a statement that the premises are vacant;
 - c. the utility by personal inspection determines that the premises are vacant; or
 - d. the utility gives notice as described in paragraph 2 below.
2. A utility must make every reasonable attempt to deliver the notice in person to at least one adult occupant of each unit. With respect to a single meter, multi-unit building, the utility must also post the notice at or near the front and rear entrances to the building or buildings affected. The notice must, in addition to the applicable disclosures of Section 10(J) below, inform the tenant how service can be continued. A utility must either offer the tenant the opportunity to obtain service in the tenant's name or otherwise assume responsibility for further payment.
3. The disconnection notice must be mailed or delivered at least 14 days before the disconnection date stated in the notice.
4. Before the actual disconnection of service to a single-meter, multi-unit building, a utility must:
 - a. have a rate schedule approved by the Commission that assesses a reasonable fee for the collection of an unpaid account balance from the landlord, in addition to an applicable reconnection fee;
 - b. apply any existing deposit to the current account balance; and
 - c. file the lien authorized by Title 35-A M.R.S.A. §706.
5. A utility cannot require the tenant to pay for any charges incurred by the landlord or demand a deposit or advance payment based on the landlord's credit history.
6. This subsection also applies if a municipality requests the utility to disconnect service at a location where the municipality has temporarily put the service in its name on behalf of the occupant.

J. Content of disconnection notice

A disconnection notice must be in writing and conspicuously contain the following information:

1. the overdue amount or the exact reason for the disconnection if not for an overdue amount;

2. what the customer must do to avoid disconnection;
3. the disconnection date and the period for which the disconnection notice is effective;
4. for residential customers, a statement of the customer's right to postpone disconnection due to a medical emergency with the customer or an occupant and a description of how to postpone the disconnection according to Section 11;
5. a statement that the customer can avoid disconnection by negotiating a payment arrangement with affordable monthly, bi-weekly or weekly installment payments and that the overdue amount must be paid in a reasonable period of time. This disclosure is not required if the disconnection notice is for a broken payment arrangement;
6. a statement of the customer's right to submit a dispute before the disconnection date including the address and toll-free phone number of the CASD;
7. a statement that the customer cannot submit a dispute to the CASD until the customer has first tried to resolve the dispute with the utility;
8. a telephone number that the customer can call to resolve the situation causing the disconnection and a statement that the call may be made collect from within the utility's service area, unless a toll free number is offered or calls within the utility's service area are toll free to the designated telephone number;
9. a statement of the reconnection charge, if any; and,
10. a statement of the utility's policy concerning the requirement of a deposit in the event of disconnection.

K. Plain language disconnection notice

Every utility must use a plain language disconnection notice that complies with the following guidelines:

1. The type size must be no smaller than 10 points high. The typeface (shape of the letters) should be designed to improve or enhance the visual size of the type. Headlines should be in larger or bold type. All text should be in capitals and lower case as opposed to ALL IN CAPITALS;
2. The color of the disconnection notice and type must avoid problems for persons whose "color deficient" sight makes all colors appear as shades of gray;
3. The use of reverse-blocks in which letters appear as white against a black or dark gray background must be avoided; and
4. The headline on a disconnection notice must conspicuously be entitled "Disconnection Notice" in at least 12 point type.

L. Disconnection procedures**1. Time for Residential and non-residential customers.**

Disconnection must occur between 8:00 a.m. to 3:00 p.m. during the effective period of the notice. Disconnection cannot occur on a Friday, weekend, legal holiday, the day before a legal holiday or a day when the utility's office is not open for public business. These restrictions can be varied if:

- a. the utility has made special arrangements with the customer to disconnect at an alternative time;
- b. access to the premises can only be obtained at an alternative time; or
- c. the disconnection is for a reason other than nonpayment.

2. Attempt to contact

A utility must make a reasonable effort to contact the customer personally before disconnection occurs. This duty is met if the utility:

- a. contacts the customer by telephone on the date specified in the Notice or during the effective period of the Notice; or
- b. attempts personal contact with the customer at the time of a premise visit to disconnect.

For utilities that have the ability to remote disconnect, this duty is met if the utility makes a least two telephone attempts, one before 5:00 p.m. and one after 5:00 p.m., and the utility provides written notice of the utility's ability to remote disconnect pursuant to Section 5(A).

3. Procedure upon contact before disconnection

- a. If the utility obtains contact with the customer before disconnection, the utility must attempt to avoid disconnection. In any case, an authorized utility employee must explain:
 - i. the amount overdue or other reason for the proposed disconnection; and
 - ii. how the disconnection can be avoided, including the customer's obligation to pay the overdue amount or enter into an installment payment arrangement; notifying the customer of the right to file a dispute with the CASD in the event that the customer is unable to resolve the issue with the utility; explaining the duty of the customer to pay any portion of a bill which the customer does not dispute; and asking residential customers if anyone resides at the location that has a medical condition that would be seriously aggravated by a loss of utility service. If the answer is "yes," the

employee must explain the process for postponing disconnection due to a serious medical condition.

- b. A utility employee who visits the premises to disconnect is not required to have the authority to negotiate or enter into payment arrangements or to accept payment or make change to avoid disconnection. If the utility employee is not authorized to fully explain the customer's rights and obligations as described in paragraph 3(a) above, the employee must offer the customer the opportunity to communicate with an employee who has this authority before disconnecting the service. If the utility has already made personal contact with a customer pursuant to subsection 2 above and the customer has not taken the necessary steps to avoid disconnection, the utility is not required to postpone disconnection a second time pursuant to this subsection to contact the utility. If a customer offers to pay the overdue amount to prevent disconnection, the utility employee must either:
 - i. accept payment, give a receipt and leave the service intact; or
 - ii. direct the customer to the nearest location where payment is accepted and postpone disconnection for a reasonable time.
- c. The utility may assess a reasonable fee pursuant to a rate schedule approved by the Commission when the overdue amount is paid in the situations described in paragraph b above.

4. **Post-disconnection notice**

- a. If disconnection occurs as a result of a premise visit, the utility must post or deliver a written notice to an occupant of the premises at the time of the disconnection. The written notice must contain:
 - i. the address and telephone number of the utility;
 - ii. the overdue amount or other reason for the disconnection;
 - iii. the requirements for reconnection; and
 - iv. the procedure for residential customers to declare a serious medical condition.
- b. A utility must mail the written notice required by this subsection within three business days when:
 - i. a customer's billing location is different from the service location; or
 - ii. a premise visit was not required to disconnect.

5. **Informational packet to disconnected residential customers prior to the winter period**

By November 15 of each year, utilities must mail an informational packet to each residential customer that was disconnected for non-payment between April 16 (the end of the previous winter period) and October 15, who was not subsequently reconnected by November 1, that includes:

- a. the address and telephone number of the utility;
- b. the overdue amount or other reason for the disconnection;
- c. the requirements for reconnection;
- d. the procedure for residential customers to declare a serious medical condition;
- e. the existence of the utility's LIAP (if it has one) and procedures for enrollment;
- f. the existence of the utility's oxygen pump assistance program (if it has one) and procedures for enrollment pursuant to Chapter 314;
- g. a copy of the customer's rights during the winter period, pursuant to section 10(M)(5)(b);
- h. the customer's right to bring any unresolved disputes to the CASD; and
- i. the CASD's toll-free consumer telephone number, as well as its mailing and email addresses.

The informational packet must be mailed to last known mailing address of the customer.

M. **Winter disconnection of residential customers and occupants**

1. **Notice to customers**

In situations where a customer has a past due amount and the utility plans to seek permission to disconnect the customer's service during the Winter Disconnection Period, the utility must first provide notice to the customer that: 1) states the customer has a past due amount and that the customer should contact the utility to make a payment arrangement; 2) states the customer may be eligible for a "Special Payment Arrangement" during the Winter Disconnection Period that includes the option of paying less than the full amount of bills as they become due; 3) states failure to respond to the notice may result in the utility seeking permission to disconnect the customer's service from the CASD; and 4) includes a prominent statement that disconnection of a residential customer's electric service during the Winter Disconnection Period cannot take place without the

advance permission of the CASD, that the customer will be notified of any request for such permission and that the customer will have the opportunity to be heard by the CASD.

2. **Notice to occupants where no individual has applied for utility service**

In situations where utility service is being used but no person has applied for service, and the utility plans to seek permission to disconnect the service during the Winter Disconnection Period, the utility must first provide notice to the occupant that: 1) states the occupant needs to contact the utility to apply for service; 2) states failure to respond to the notice may result in the utility seeking permission to disconnect the occupant's service from the CASD; and 3) includes a prominent statement that disconnection of a residential occupant's service during the Winter Disconnection Period cannot take place without the advance permission of the CASD, that the occupant will be notified of any request for such permission and that the occupant will have the opportunity to be heard by the CASD. This notice shall be provided to the occupant through a premise visit. If the occupant is not home when the premise visit is made, the notice shall be left on the door. Once this notice is provided to the occupant, if the occupant fails to respond to the notice, the utility may seek permission to disconnect the occupant's service pursuant to subsection 5 below.

3. **Attempt at personal contact with residential customer required prior to disconnection**

In situations where the utility plans to disconnect a residential customer, a representative from the utility shall attempt to make personal contact with the customer in person or by telephone prior to seeking permission to disconnect the customer's service from the CASD. When attempting to contact by telephone, the utility shall make at least two attempts to contact the customer. One telephone call attempt should be made before 5:00 p.m. and one after 5:00 p.m. If the utility fails to make personal contact with the customer by telephone, but reaches the customer's voicemail, the utility must leave the customer a message stating that the customer should contact the utility as soon as possible to discuss the customer's account. If the utility attempts personal contact through a premise visit and is unsuccessful, the utility must leave a written Notice of Customer Rights at the premises.

Upon making personal contact, whether initiated by the utility or the customer, the utility representative shall orally provide the Notice of Customer Rights as specified in Section 10(M)(6) and give the customer all reasonable assistance to ensure his or her understanding of said rights. If the utility is not able to make personal contact with the customer, the utility must then proceed in accordance with paragraph 4 below and attempt contact in the manner described therein; provided that, if the utility fails to make such personal contact by April 15, the utility is not required to proceed in accordance with paragraph 4 but may proceed in accordance with Section 10(L)(3).

4. **Failure to make personal contact with customer**

- a. **Unoccupied premises.** If the utility is unable to make personal contact with the customer after at least one visit to the residential unit and it appears reasonably certain from an on-site inspection that the unit is not inhabited, the utility shall provide a written Notice of Customer Rights by first class mail to the last recorded billing address of the customer. This Notice shall be accompanied by a warning that, if a response is not received within five business days of the postmark date, the service may be disconnected. If a response is received within five business days after the postmark date, the utility shall proceed in accordance with the requirements of Section 9(F). If no response has been received by the utility within five business days after the postmark date, the service may be disconnected in accordance with Section 10 (B). If, following disconnection, the residential unit is found to be occupied, the utility must immediately reconnect service and proceed in accordance with the requirements of Section 9(F)(5).
- b. **Potentially occupied premises.** If the utility is unable to make personal contact with the customer after at least one visit to the residential unit and is uncertain after an on-site inspection whether the unit is inhabited, the utility shall provide a written Notice of Customer Rights by first class mail to the last recorded billing address of the customer. This Notice shall be accompanied by a warning that if a response is not received by the utility within five business days, the utility may seek permission to disconnect from the CASD. If a response is received within five business days after the receipt date of the mailing, the utility shall proceed in accordance with the requirements of Section 9(F)(5). If no response has been received by the utility within five business days after the receipt date of the mailing or the mailing is returned to the utility undelivered, the utility may seek permission to disconnect from the CASD pursuant to paragraph 5 .

5. **CASD permission required to disconnect during Winter Disconnection Period**

- a. During the Winter Disconnection Period, a utility may not disconnect any customer or occupant except in one of the following circumstances and only after it has received the authorization of the CASD:
- i. The customer rejects the opportunity to make a payment arrangement, if applicable, or does not agree to the terms specified by the CASD.
 - ii. The customer fails to comply with the terms of a second or subsequent Special Payment Arrangement or the terms of any other payment arrangement, if applicable.

- iii. The utility and the CASD are not able to make contact with the customer or occupant as specified in Sections 10(M)(2) or 10(M)(3) above.
- b. Any utility seeking permission to disconnect a customer shall submit its request including all supporting reasons in writing and send a copy to the customer or the occupant. The request must include copies of the notice(s) sent to the customer as required by Sections 10(M)(1) or 10(M)(2) above. The CASD will render its decision as soon as possible, which decision shall be confirmed in writing. In making a decision with respect to such authorization, the CASD shall consider the individual circumstances of the customer, including the customer's efforts with respect to communication and cooperation with the utility and the CASD, ability to pay, need for utility service during the Winter Disconnection Period, and compliance with the provisions of previous Special and Regular Payment Arrangements and shall also consider the utility's compliance with the requirements of this subsection with respect to the customer. In addition to granting permission to disconnect a customer, the CASD may also grant a utility permission to cycle disconnect a customer. In this situation, the utility would be required to follow the requirements of Section 10(M)(6) below. In denying a request to disconnect, the CASD may set the terms for a payment arrangement for the customer.

6. **Cycle Disconnections**

In situations where a utility is granted permission to cycle disconnect a customer, the utility must comply with the following standards:

- a. Disconnection will not occur before 8:00 a.m. and reconnection will occur no later than 5:00 p.m.
- b. Disconnection will not occur on weekends or holidays.
- c. Disconnection will not occur on days when the temperature is not expected to reach 32 degrees Fahrenheit or on days when predicted weather conditions might make it difficult for the utility to reconnect. The second limitation does not apply to utilities that can cycle disconnect without making a premise visit.
- d. Disconnection will not occur when the utility is aware that there are children under 12 years of age or elderly persons at the premises.
- e. Disconnection will not occur when an occupant of the premises has a medical condition such that a lack of utility service would pose a serious risk of harm to that individual in accordance with Section 11 of this Rule.

7. **Notice of Customer Rights**

- a. **Oral Notice of Customer Rights.** "Oral Notice of Customer Rights" means an easily understood explanation of the customer's rights and responsibilities under this subsection. An oral Notice of Customer Rights shall include the following information:
- i. Customers will be provided an opportunity to enter into either a Regular Payment Arrangement or a Special Payment Arrangement. If the utility and the customer fail to agree on the terms of the either type of payment arrangement, the utility must submit the matter to the CASD. If the customer fails to contact the utility to make a payment arrangement or if the customer fails to make payments according to the payment arrangement, the customer can be disconnected if the utility receives authorization from the CASD.
 - ii. A general description of the payment arrangement options offered by the utility.
- b. **Written Notice of Customer Rights.** All electric and gas utilities shall include a copy of the Notice of Customer Rights with the first bill rendered to a residential customer after November 1. A copy of the Notice is included in this Rule as Attachment 1.

8. **Copies of notices must be filed with the CASD**

Each utility shall file with the CASD a copy of all notices, bill inserts or additions, forms, and instructional materials which it develops and uses pursuant to this subsection. If the utility makes substantive changes to these materials, it must provide copies of the revised materials to the CASD.

11. **CONTINUATION OF UTILITY SERVICE IS REQUIRED FOR RESIDENTIAL CUSTOMERS WITH A MEDICAL EMERGENCY**

A. **Basic service is required for residential customers when a medical emergency necessitates a continuation of service**

A utility may not disconnect service or refuse to reconnect service to any residential customer when the customer or an occupant of the customer's residence is certified by a physician or the physician's agent or designee to have a medical emergency. If a utility discovers after a disconnection of service that the customer or an occupant of the customer's residence is certified by a physician or the physician's agent or designee to have a medical emergency, the utility must reconnect the service pursuant to subsection D, provided the customer is eligible for a medical emergency declaration pursuant to subsection E.

B. **Disconnection postponed pending certification**

If the customer or member of the customer's household notifies the utility that the customer or an occupant of the customer's residence has a medical emergency and that certification of the medical emergency will be obtained, the utility may not disconnect service for at least three business days. The effective period of a pending disconnection notice can be extended to accommodate this three-day period if the utility notified the customer of the extension at the time the utility was notified of the medical emergency.

C. Certification procedure

A physician's certification of a medical emergency may be oral or written. A utility may not challenge the validity of an oral or written certification with a physician or a physician's agent, unless the utility has reason to believe that fraudulent information has been provided by the customer. If the utility has reason to believe that certification is not valid, it should file a request for an exemption of this Section with the CASD. The utility may require written confirmation within seven days of an oral certification. The utility may require that a written certification include the following if the utility provides a form for the physician to complete:

1. The name and service location of the customer (to be provided by the utility).
2. The name and address of the person with the medical emergency.
3. A statement that a serious illness or medical condition exists which would be seriously aggravated by lack of utility service.
4. The anticipated length of the medical emergency.
5. The specific reason why continued service is required.
6. The name, office address, telephone number and signature of the certifying physician.

If the written certification is not provided within the seven day period, the utility may proceed with disconnection if the pending disconnection notice is still effective or may pursue disconnection pursuant to Section 10(D)(3) if the pending disconnection notice has expired.

D. Reconnection of service

When a utility is required to reconnect service under this Section, the utility shall attempt to provide service on the day it receives the certification. In any case, service must be provided by 5:00 p.m. of the next day.

E. Length of certification; renewals

The utility may not disconnect the customer for the time period specified in the certification or 30 days, whichever is less. If the certification does not specify a time period or it is not readily ascertainable, the utility must not disconnect for a least 30 days. A certification may be renewed a total of two times during any 12-month period. This limitation applies to the premises as a whole, i.e., regardless of how many different people with a medical emergency reside at the same premises, the utility must accept no

more than a total of three medical emergency certifications for the premises within a 12-month period.

F. Customer's duty to pay or make a payment arrangement

Whenever service is provided due to the existence of a medical emergency, the utility shall inform the customer of the continuing duty to pay or make a payment arrangement for the amount overdue. A utility must offer to refer a customer to possible sources of financial assistance for the payment of the utility bill when a medical emergency is declared.

G. Disconnection upon expiration of a certification

A utility may begin disconnection procedures when a certification of a medical emergency expires if the customer has failed to pay or enter into a payment arrangement for the amount overdue.

12. RECONNECTION OF SERVICE

A. Duty to reconnect

If service has been disconnected, the utility must reconnect service pursuant to this Section when the cause of disconnection has been remedied.

B. Payment arrangement, deposit

1. Residential customers

a. Customers not on a payment arrangement at the time of disconnection

A utility must offer the customer a reasonable payment arrangement on the account balance if the disconnection was for nonpayment and the customer was not on a payment arrangement at the time of the disconnection. If the utility demands a deposit as a prerequisite for reconnection, the utility must offer the following options to the customer:

- i. pay the deposit and enter into a payment arrangement for the amount overdue;
- ii. pay the amount overdue and enter into a payment arrangement for the deposit; or
- iii. pay the deposit and amount overdue in full.

b. Customers on a payment arrangement at the time of disconnection.

If the cause of the disconnection was a broken payment arrangement, the utility must either:

- i. require the customer to pay the catch-up amount on the arrangement, in addition to a deposit if a deposit is allowed by

section 7(A) of this Chapter, and a reconnection fee, as a prerequisite for reconnection. In these situations, the utility must offer the customer the option of paying the deposit in three monthly installments consistent with the process described in section 7(F)(1) of this Chapter, with the exception that the first monthly payment cannot be due earlier than the due date of the first bill issued following the reconnection; or

- ii. offer the customer a new payment arrangement. If the utility demands a deposit as a prerequisite for reconnection, the utility must offer the options listed in subsection B(1)(a) above to the customer.

2. **Non-residential customers**

For non-residential customers, utilities may require the customer to pay the amount overdue and a deposit before the reconnection of service. The utility may also require the customer to pay a reconnection fee prior to reconnection or include the reconnection fee in the next bill, provided it has such a fee in its rate schedule approved by the Commission.

C. **Time**

The utility must make a reasonable effort to reconnect service during business hours on the same day that it receives the request to reconnect. At the latest, reconnection must be made before 5:00 p.m. the following business day after the request. If a customer requests reconnection to occur at other than regular business hours, the utility must inform the customer of the higher reconnection charge, if applicable, and make a reasonable effort to reconnect if requested, but the utility is not obligated to do so unless a medical condition exists. Any request to reconnect where the utility receives notice that the cause of the disconnection has been remedied by 3:00 p.m. must be considered as received during “normal business hours” the same day the notice was received for the purposes of assessing a reconnection fee.

D. **Reconnection fee**

A utility may file a rate schedule to charge a reasonable fee for reconnection during regular business hours and a higher fee for reconnection at other times.

13. **DISPUTE RESOLUTION PROCEDURES**

A. **Toll-free line**

Utilities whose customers must make a toll call to reach them must provide a toll free line for customers to call to resolve billing and service disputes.

B. **Employees available**

A utility shall have an adequate number of properly trained employees available during business hours to respond to questions from applicants and customers, resolve disputes,

and address requests for service. Customers calling the utility must be provided the opportunity to talk to a live customer representative without spending an unreasonable amount of time on hold and without being forced to navigate through an unreasonable number of menu levels in an automated phone answer system. If a customer call is not automatically forwarded to a live person once a menu option is selected, the option to speak to a live representative must be provided as a menu choice. A utility with fewer than five full-time employees or fewer than 300 customers is not required to have an informed employee available at all times during business hours. If such a utility achieves contact with a customer before disconnection, the utility must not disconnect the customer until it has offered the customer the opportunity to resolve a dispute or to avoid disconnection by contact with the employee who is authorized to resolve disputes and enter into payment arrangements.

C. Disconnection of service prohibited

A utility may not threaten disconnection or disconnect the service of a customer if the customer has informed the utility that the customer disputes liability for the bill, a utility's deposit request, or the terms of a payment arrangement required by a utility to avoid disconnection, until the dispute is resolved pursuant to subsection D below. When a customer disputes only a portion of the bill, the utility may require payment of that portion not in dispute to prevent disconnection.

D. Dispute resolution process

When a utility becomes aware of a dispute by an applicant or customer, whether or not disconnection is pending, the utility shall:

1. Investigate dispute

Investigate the dispute, preserving a record of the substance and results of the investigation;

2. Report results

Report the results of its investigation to the applicant or customer based on the record; and

3. Attempt to resolve dispute

Attempt in good faith to resolve the dispute.

E. Dispute record maintenance

All utilities must preserve records of disputes for a period of ten years from the date the dispute was resolved and those records must be available for examination by the Commission. The dispute records must include:

1. the name and address of the applicant or customer with the dispute;
2. the date and subject matter of the dispute;

3. the record of investigation required by this Section;
4. all communications to or from the customer regarding the dispute;
5. the adjustment or resolution offered to the customer; and
6. the final adjustment or resolution.

F. Notification of right to file a complaint with the CASD

If a utility cannot resolve a dispute with an applicant or customer after the procedures set forth above have been completed, the utility shall orally inform the applicant or customer of the right to file a complaint with the CASD and of the toll-free telephone number of the CASD. If the complaint concerns a pending disconnection of service, the utility shall orally inform the customer that the complaint must be filed before the disconnection date or within two business days of the oral notice, whichever is later. During that time, the utility may not disconnect the customer's service. If the two day extension exceeds the disconnection date of the notice, the effective period of the notice can be extended to accommodate the two day extension period.

G. Limitation of disconnection during CASD investigation

1. Limitation on disconnection pending resolution

A utility may not threaten disconnection or disconnect service to a customer who disputes liability for the bill, a utility's deposit request, or the terms of a payment arrangement required by a utility to avoid disconnection and has filed a complaint with the CASD until the complaint is resolved pursuant to Section 13(H) and (I) below. Non-residential customers must pay their monthly charges that accrue after a complaint involving a disputed payment arrangement is filed with CASD until the complaint is resolved, including the outcome of any appeal before the Commission.

2. Reconnection pending resolution

If a customer files a complaint after service has been disconnected, the customer is entitled to reconnection pending resolution of the complaint only if the Director of the CASD finds reasonable grounds to believe that the utility has failed to follow the disconnection provisions of this Rule (Section 10) or has failed to notify the customer of the right to file a complaint with the CASD as required by Section 13(F) above. If the CASD orders the utility to reconnect service on this basis, the utility shall reconnect the customer's service without reconnection charges or deposit.

H. CASD complaint process

1. CASD acceptance of complaint

The CASD will not accept a complaint from a customer if the customer has not first attempted to resolve the dispute with the utility, pursuant to Section 13(D) above. The CASD may also reject, without investigation, a complaint that is outside its

jurisdiction or is without merit. A complaint may be considered to be "without merit" if, among other things, the CASD has previously issued a decision regarding the same issue that is the basis for the complaint. If the CASD accepts a complaint, the CASD shall investigate the complaint pursuant to paragraph 2 below.

2. CASD investigation of a complaint

The CASD will inform a utility that a complaint has been filed and the date of the filing by whatever means is acceptable to both the CASD and the utility, e.g., in writing, by telephone, by e-mail, or by fax. The CASD will conduct an informal investigation of the complaint that may include:

- a. an informal meeting with the customer and/or the utility;
- b. a review of the written record of the utility's investigation required by Section 13(D) above; and
- c. an examination of other records, such as billing and payment information, notice of disconnection, or any other information that the CASD deems relevant to the complaint.

3. Provision of information to the CASD by a utility

A utility shall provide information requested by the CASD within 10 business days of its receipt of the request. This information may include, but is not limited to, billing and payment information, notice of disconnection information, the written record of the utility's investigation of the customer's dispute, or any other information in the utility's possession or that is readily available to the utility that the CASD deems necessary to investigate the customer's complaint. If the utility cannot provide the requested information within the 10-day time period, it may request an extension from the Director of the CASD or the Director's designee. The extension request may be made orally or in writing and it may be granted or denied orally or in writing.

4. Compliance with Rules

In CASD complaint proceedings, the utility has the burden to demonstrate compliance with all applicable Commission rules, once the CASD has determined that a valid question is raised about whether a utility's actions are compliant with a rule(s).

5. Decision

The CASD will complete its investigation and issue a written decision within 30 days of its receipt of information from the utility that is deemed necessary by CASD staff to resolve the complaint. The decision by the CASD shall impose any just and reasonable requirements necessary to resolve the complaint, including, but not limited to:

- a. reconnection of service, deposit requirements;

- b. payment arrangement terms;
- c. an adjustment of late fees accrued since the complaint was received;
- d. a refund or a credit in situations where a customer has paid more to the utility than the customer owed;
- e. a determination of whether a violation of this Rule has occurred; and
- f. a determination that a utility may proceed with disconnection in appropriate circumstances.

6. Notice of appeal rights

When a decision is rendered, the CASD shall inform the customer and the utility of the right to appeal the decision to the Commission and of the rights of both parties while an appeal to the Commission is pending.

I. Appeal to the Commission

1. Appeal process

The customer or the utility may appeal a CASD decision to the Commission by filing a notice of appeal with the Administrative Director of the Commission within 10 calendar days after the date of the decision. Notwithstanding Section 6(C) of the Maine Rules of Civil Procedure and Section 305 of the Commission's Rules of Practice and Procedure (Chapter 110), no additional time is allowed for mailing. During the 10 day appeal period, the utility may not disconnect service to a customer.

2. Disconnection delayed and payment required

If an appeal is filed with the Commission, a utility may not disconnect or terminate the customer's service until the appeal is decided. This prohibition stands, even if the CASD's decision allows the disconnection. If an appeal is filed with the Commission involving a disputed payment arrangement, a non-residential customer must pay its monthly charges that accrue until the appeal is decided.

3. Commission review

The Commission shall review the decision to determine if it complies with applicable statutory and regulatory requirements, is based on sound facts, and does not represent an abuse of discretion by the CASD.

4. Order

The Commission shall issue an order affirming the CASD's decision or, if the decision is not affirmed, the Commission shall:

- a. remand the complaint to the CASD for reconsideration with an explanation of the basis for the remand;

- b. remand the complaint back to CASD to gather further facts;
- c. issue an order reversing or altering the CASD's decision; or
- d. issue an order opening an investigation pursuant to 35-A M.R.S. §1303.

14. CUSTOMER NOTICE OF PLANNED AND UNPLANNED SERVICE INTERRUPTIONS DUE TO MAINTENANCE OR REPAIRS

The term "interruption" in this subsection means either a cessation of service or a substantial degradation in the quality of service normally provided. A utility may temporarily interrupt service when it is necessary to repair or maintain the utility delivery system (planned or unplanned); to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, state or national emergency. Whenever a utility performs any of these tasks, the utility must take all reasonable measures to ensure the safety of its customers and to protect customers' property against damage.

A. Reasonable notice required

When the utility schedules a service interruption for maintenance or repairs, the utility must give reasonable notice of the cause and expected duration of the interruption to customers and occupants who may be affected. If the service interruption is scheduled to affect more than 10 customers or customers receiving service at the transmission or sub-transmission level, or last more than five hours, reasonable notice means three days if feasible, but 24 hours at a minimum. In other cases reasonable notice means notice as soon as practicable.

B. Notification of affected customers

When service is interrupted without notice for more than five hours, the utility must attempt to notify directly those customers who have informed the utility of the presence of life support systems or other special needs that depend on utility service of the cause and expected duration of the outage. Utilities must make reasonable efforts to notify other affected customers and occupants of the cause and expected duration of the interruption through general notification means such as posting outage information on a website and making outage information available to customers that call the utility.

C. Method of notification

Notice required by paragraphs A and B can be given by the method best suited to the nature of the interruption, the size of the area affected, the time of year, and the resources available to the utility. In any case, the utility must take all reasonable steps to notify directly those customers who have informed the utility of the presence of life support systems or other special needs that depend on utility service that a planned or scheduled interruption will occur.

D. Identification of customers on life support

A utility must solicit applicants and customers to report the presence of life support systems or other special needs, pursuant to Section 5(A)(11). Once reported, the utility must identify these customers in its billing system, outage restoration system, and at the customer's meter.

15. ANNUAL REPORTS TO THE COMMISSION

Every utility must file the following information with the CASD by February 15 of each year, with the information listed separately for residential and non-residential customers (unless otherwise specified):

1. the average number of accounts receiving service (to obtain the annual average, sum the month-end totals and divide by 12);
2. the average customer bill per billing period and per year (divide the total residential revenues receivable by the number of bills issued);
3. the average number of accounts with overdue amounts per billing period (an overdue amount is the amount billed to the customer that was not paid by the due date of the bill or by a date otherwise agreed upon);
4. the average dollar amount of overdue amounts per billing period;
5. the number of disconnection notices issued per month;
6. the number of disconnections for any reason other than at the request of the customer or the abandonment of the premises per month;
7. the number of residential reconnections following disconnection without consent per month (do not include requests for service by new customers);
8. the number of residential reconnections following disconnection without consent per month where the service was placed in another person's name;
9. the number of residential accounts that were disconnected without consent that year that were not reconnected prior to the start of the winter period. This number should not include accounts that were placed in another person's name;
10. the number of payment arrangements negotiated by type;
11. the number of deposits requested and received and their average dollar amount;
12. the number of applications for service that were denied;
13. the number of residential applications for service in which the utility demanded a deposit or payment arrangement according to Section 6(A)(1)(a)(ii) (after the request for service, but within 60 days);

14. the gross revenue received;
15. the actual write off amounts and method used to ascertain those figures (and any other figures which reflect uncollectible amounts);
16. the amount recovered from previously written off amounts and method used to ascertain those figures;
17. the number of cases and dollar amount of unpaid debt pursued through the court system or other means, the costs of collection by each method, with an identification of those accounts in which the utility could have but did not transfer the prior debt to a current account according to Section 6(A)(1)(a) and 6(C); and
18. the total number of customer disputes handled.

16. WAIVERS

The Commission may grant waivers to the provisions of this Rule.

A. Utility waiver

Upon the written request of any utility subject to this Rule or upon its own motion, the Commission may, for good cause, waive any requirement of this Rule that is not required by statute. The waiver may not be inconsistent with the purposes of this Rule or Title 35-A. The Commission, the Director of the CASD, or the Hearing Examiner assigned to a proceeding related to this Rule, may grant the waiver.

B. Individual customer waiver

1. Request requirements

A utility may request that the CASD grant a waiver from any provision of this Rule in any case involving an individual applicant or customer whose conduct and known financial condition pose a clear danger of substantial losses to the utility. A request for waiver under this subsection must be made to the CASD. The request may be written or oral, but an oral request must be followed promptly by a written confirmation. The written request or confirmation shall include a detailed statement of the facts alleged by the utility in support of the request. The utility shall immediately notify, in writing, the individual applicant or customer whose service would be affected by the proposed waiver, describing the nature and effect of the requested waiver and the facts alleged in support of the request.

2. CASD review

The CASD may reject any request for waiver that does not present facts that satisfy the standard of Section 16(B)(1) above.

3. **Decision**

The CASD shall issue a written decision granting, denying, or granting in part the requested waiver. When the CASD determines that a waiver is required to avoid a clear danger of substantial losses to the utility, it shall notify the customer and the utility of the decision. The notification may be made orally, but a written confirmation of the decision must be promptly issued. The decision or written confirmation shall:

- a. describe the nature and effect of the waiver;
- b. explain why the waiver was granted or denied; and
- c. inform the customer and the utility of the right to appeal the CASD's decision to the Commission, as provided in Section 15(B)(4) below.

4. **Appeal of Waiver Decision to Commission**

By following the procedures in Section 13(I) of this Rule, a party may appeal a decision by the CASD granting or denying, in whole or in part, a request for an exemption. If the CASD grants an exemption, the utility may not act on the exemption until the appeal period expires.

STATUTORY AUTHORITY:

35-A M.R.S. §§ 104, 111, 704, 1308; P.L. 2021 ch. 347.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on September 13, 2007. It was filed with the Secretary of State on September 14, 2007 (filing 2007-411) and became effective on September 19, 2007.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on June 19, 2009. It was filed with the Secretary of State on June 23, 2009 (filing 2009-263) and became effective on June 28, 2009.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on May 1, 2012. It was filed with the Secretary of State on May 2, 2012 (filing 2012-138) and became effective on June 1, 2012.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on July 25, 2013. It was filed with the Secretary of State on July 26, 2013 (filing 2013-182) and became effective on July 31, 2013.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General February 12, 2020. It was filed with the Secretary of State on February 18, 2020 (filing 2020-028) and became effective on February 23, 2020.

EFFECTIVE DATE: This rule was approved as to form and legality by the Attorney General on January 4, 2022. It was filed with the Secretary of State and became effective on January 8, 2022.

Appendix A

AVOID WINTER DISCONNECTION - KNOW YOUR RIGHTS

If you are unable to pay your electric [gas] bill this winter, you can avoid losing your service. To do so ---

1. You must contact us. You must let us know that you cannot pay your bill. We cannot help you if you do not contact us. Please call us at _____.
2. To avoid disconnection, you must enter into a payment arrangement. We will offer you several payment options to pay your winter electric [gas] bills in monthly payments that you can reasonably afford. In most cases, you must pay all that you owe us by the following November 1.
3. You may be eligible to participate in our Low Income Assistance Program. This program provides financial assistance to eligible customers to help pay your electric bills. To learn more about our Low Income Assistance Program, you can either contact us at _____ or contact your local Community Action Agency.

[#4 for electric utilities only]

4. You may be eligible to participate in our Oxygen Pump/Ventilator Assistance Program. This program provides financial assistance to eligible customers who for health-related reasons must use an oxygen pump or ventilator at least 8 hours each day. To learn more about our Oxygen Pump/Ventilator Assistance Program, you can either contact us at _____ or contact your local Community Action Agency.
5. You may also be entitled to other financial assistance from State or local government agencies or other private sources to help you pay your utility bills. To find out more about available financial assistance, we recommend that you call 211. While we cannot obtain assistance for you, we may also be able to refer you to others who can help you apply. In addition, we may be able to provide you with or refer you to others who can provide no-cost energy audits, weatherization or other measures to reduce high electricity [gas] usage and reduce your monthly bill.
6. Failure to contact us may result in disconnection with the approval of the Consumer Assistance and Safety Division of the Maine Public Utilities Commission.

If you have questions, please call us at _____. If you are not satisfied, call the Consumer Assistance and Safety Division of the Maine Public Utilities Commission TOLL FREE at 1-800-452-4699.

**YOU MUST TAKE THE FIRST STEP.
DO NOT LET YOUR ELECTRIC [GAS] BILL GET AHEAD OF YOU.**