



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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CASD Memo 2021-06

To: All Electric Utilities

From: Derek D. Davidson, Director
Consumer Assistance & Safety Division (CASD)

Date: November 9, 2021

Re: L.D. 1328/Public Law 347 - Statutory Amendment to Title 35-A, § 717 –
Winter Terminations

The purpose of this memo is to ensure that electric utilities are aware of a change the first session of the 130th Legislature made to Title 35-A, § 717 – Winter Terminations. The change that I wish to point out pertains to the following language:

§717(2) During a disconnection prohibition period, a transmission and distribution utility may not send or deliver, orally, on paper or electronically, to any residential customer of the utility any notice or communication that:

A. Provides for disconnection of the customer's electric service on a specified date or within a specified interval of time during a disconnection prohibition period, *unless the utility has received the prior permission of the consumer assistance and safety division to make the disconnection on the specified date or within the specified interval of time;* (emphasis added)

A copy of P.L. Ch. 347 is included with this memo.

This statutory language prohibits electric utilities from issuing disconnection notices to customers during the winter period without first seeking and receiving permission to disconnect the customer from the CASD. As utilities are undoubtedly aware, the Commission has opened a rulemaking to implement changes to the winter disconnection process established in Chapter 815, § 10(M) of the Commission's rules in response to L.D. 1328.¹

The Commission should complete the Chapter 815 rulemaking within the next couple of weeks. The rule revisions being adopted therein will provide electric and gas utilities with guidance regarding the process to follow when requesting permission to disconnect a customer's service during the winter period from the CASD.

If you have any questions regarding this memo, please feel free to contact me at derek.d.davidson@maine.gov or by phone at 207-287-1596.

¹ See *Commission Initiated Rulemaking Amendments to Consumer Protection Standards for Electric and Gas Utilities for Chapter 815, Docket No. 2021-00266.*

H.P. 980 - L.D. 1328

An Act To Protect Maine Electricity Customers from Threats of
Disconnection in the Wintertime

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §717 is enacted to read:

§717. Winter terminations

1. Definition. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Disconnection prohibition period" means any time between November 15th and April 15th, or during any other period when, pursuant to rules adopted under section 704, the commission has prohibited a transmission and distribution utility from disconnecting residential customers or prohibited such disconnections without the permission from the consumer assistance and safety division.

B. "Residential customer" includes any customer account to which electric service is provided for residential purposes, regardless of whether the electricity received under that account is also used for business purposes.

2. Notice of winter disconnection. During a disconnection prohibition period, a transmission and distribution utility may not send or deliver, orally, on paper or electronically, to any residential customer of the utility any notice or communication that:

A. Provides for disconnection of the customer's electric service on a specified date or within a specified interval of time during a disconnection prohibition period, unless the utility has received the prior permission of the consumer assistance and safety division to make the disconnection on the specified date or within the specified interval of time; or

B. Makes any reference to disconnection or involuntary termination of the customer's electric service during a disconnection prohibition period, unless the notice or communication includes a prominent statement that disconnection of a residential customer's electric service during the disconnection prohibition period cannot take place without the advance permission of the consumer assistance and safety division, 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 consumer assistance and safety division.

3. Past due accounts; assistance programs. Notwithstanding any provision of law to the contrary, the notice permitted under subsection 2 to a residential customer from a transmission and distribution utility is deemed a notice of disconnection for the purpose of establishing eligibility for certain emergency assistance programs, including, but not limited to, the emergency general assistance described in Title 22, chapter 1161 and the fuel assistance described in Title 30-A, chapter 201, subchapter 13.

4. Violation; penalties. A transmission and distribution utility that violates this section is subject to a civil penalty not to exceed \$2,500, payable to the customer to whom the prohibited communication is sent. This penalty is recoverable in a civil action and is in addition to any other remedies to which the customer may be entitled.