



Know Your Utility Rights During and After COVID-19

By the Public Utility Law Project

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Hosted by: StateWide Senior Action Council



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What is a “public utility”

- A public utility is a privately or publicly-owned entity that provides residential customers with vital public services such as electricity, gas, telecommunications and water services.
-

NYS' Utility Unaffordability Crisis Pre-COVID-19

- NYS' electric and gas utilities issued 5.4 million shutoff notices between May of 2019 and April of 2020
- Service was terminated as a bill collection measure to more than 175,000 customers statewide between May of 2019 and April of 2020

**(Note: a customer = 1 meter which = approx. 3 people)*

NYS' Utility Unaffordability Crisis Great Recession Compared to COVID-19

Chart 1 - Number of Residential Utility Accounts in Arrears (2008 - 2020)



Source: Utility collections activity reports to NYS Public Service Commission

Chart 2 - Amount Owed By Residential Customers in Arrears (2008 - 2020)



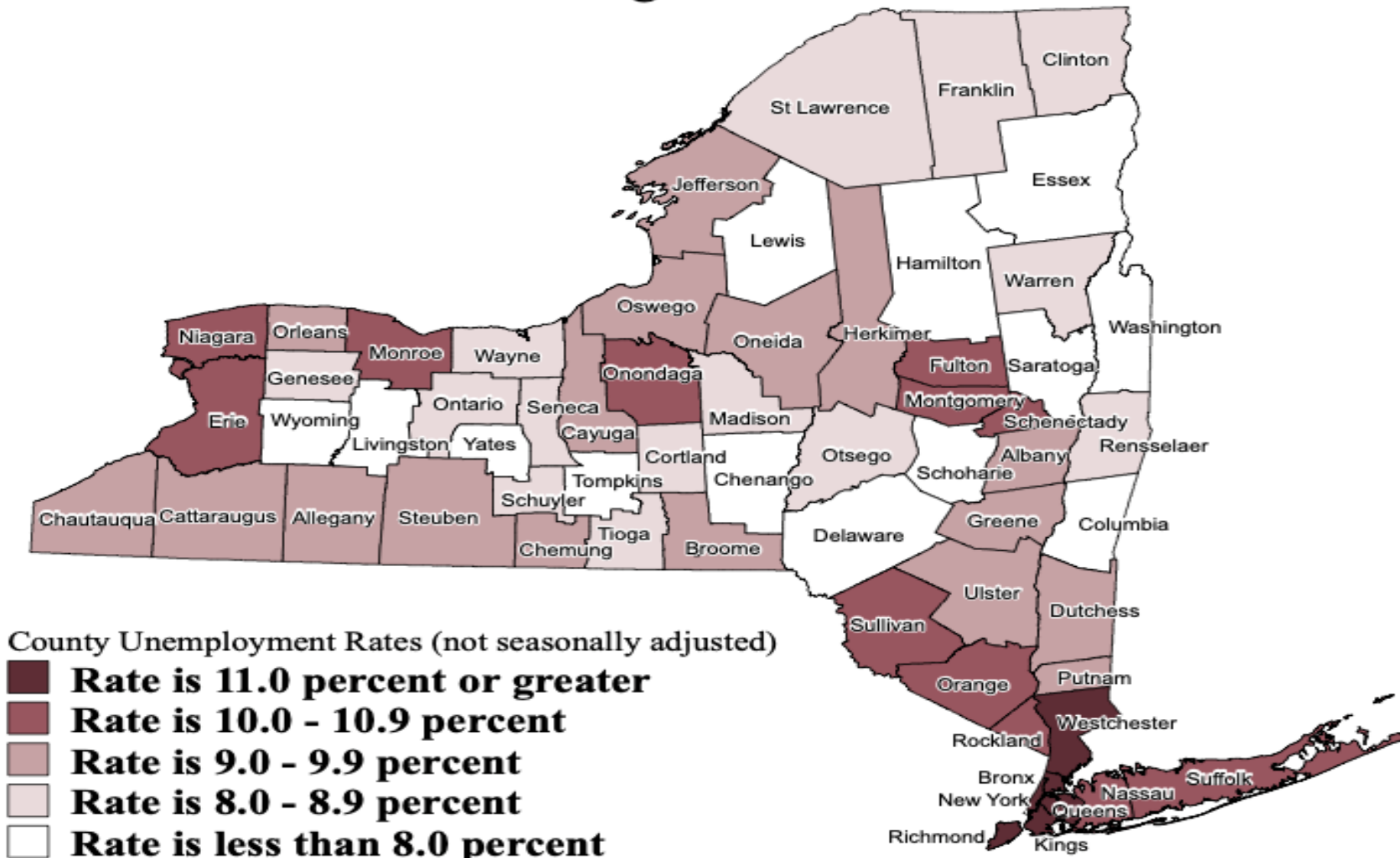
Source: Utility collections activity reports to NYS Public Service Commission

NYS' Economic struggle due to COVID-19

- **NYS on PAUSE-** has shown a major overall shift of employees being moved to telework and/or unemployment
- **Sheltering in place** has transferred utility use from business/commercial locations customer accounts to residential location customer accounts, making 100% of the residential customer's energy use their cost to pay, as opposed to some of that burden falling on employers
- As of July 2020, **New York City's unemployment rate** was 20.0% (when the unemployment rate was 4.3% in July, 2019)

NYS' Economic struggle due to COVID-19

August 2020



UTILITY RELATED PROTECTIONS DURING COVID-19

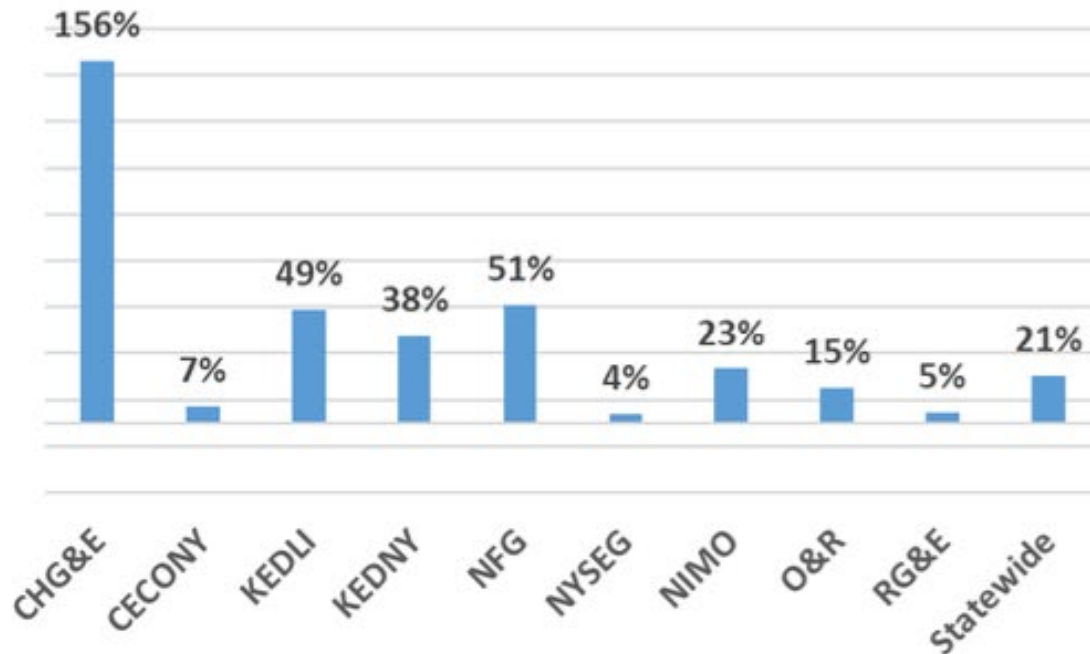
- **June 17, 2020 Moratorium law signed by Governor Cuomo**
 - The law prevents (water, telephone, gas and electric) utility companies from terminating service to residential customers during the pandemic and
 - Includes consumer protections such as allowing customers to enter into, or restructure, a deferred payment agreement on their services
- **Question:** When will the moratorium end?
 - The moratorium on service terminations will either end: 180 days after the State of Emergency is lifted on November 4, 2020 or on March 31, 2021 (whichever date comes sooner).

Alert: Termination notices are still being mailed. To qualify for the 6 month “safe harbor” protections, customers must tell their utility their finances have been affected by COVID-19

NYS' Utility Unaffordability Crisis

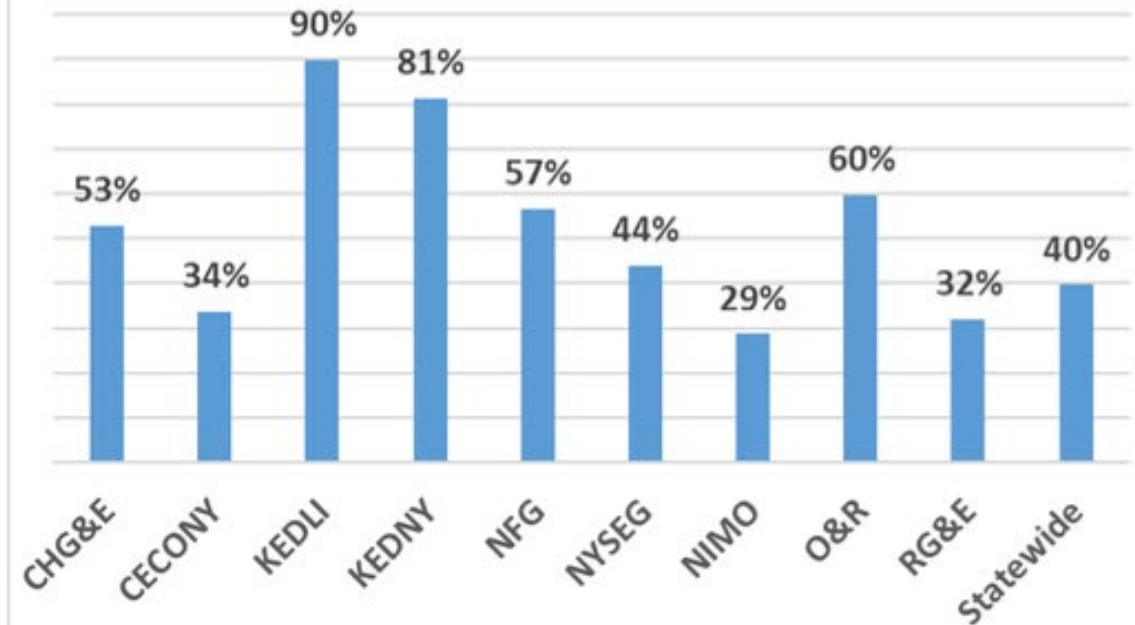
6.5 Months into COVID-19 Economic Crisis

Chart 3 - Percent Change in Number of Residential Accounts in Arrears (By Utility, February to August, 2020)



Source: Utility collection activity reports submitted to NYS Public Service Commission

Chart 4 - Percent Change in Amount Owed By Residential Customers in Arrears (By Utility, February to August, 2020)



Source: Utility collection activity reports submitted to New York State PSC.



What we will talk about

- How to prevent terminations of electric and gas service
 - What is a deferred payment agreement
 - What financial assistance programs may be available for utility customers
 - How to use the NYS Department of Public Service's complaint process
 - Telecommunications issues - ex. loss of landline service
 - Water – NYC lien process
-

I. Gas and Electric service

Gas and electric utility service can be used to:

- Heat your home;
- Cook your food;
- Keep your lights on;
- Run your internet services and “cable phone”; and
- more

What you need to know about terminations of electric and gas service for non-payment

What you need to know about terminations

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

Ways to prevent terminations

- Call your utility company and **“self certify”** that you’ve experienced financial changes due to COVID-19
- Does someone in the house have a **“serious medical condition”** or is using **“life sustaining equipment”**
- Has the customer sought financial assistance for the arrears through the **NYC Human Resources Admin (“HRA”)**, or funds from charitable orgs
- Has the customer been offered an affordable **“deferred payment agreement”**
- Has the customer filed a **complaint** with the Dept. of Public Service
- You can call and **respectfully request a temporary “hold”** (ex. 30-days) on your account.

Financial assistance programs to help pay your electric and gas bills

Low-Income Home Energy Assistance Program (HEAP)

*Opens November 2, 2020

- Emergency HEAP- 30 days of protection
- Renter's HEAP
- "replace/repair" funding & "HEAP for cooling"

State Funded Programs (i.e., Low-Income Affordability Program)

Social Services Law 131-s a/k/a "Emergency Energy Assistance" through HRA

Utility Funded Programs (Ex. National Grid's "Care & Share")

Religious, 501c3, affinity programs, Catholic Charities

Deferred Payment Agreements (DPA)

A **DPA** is a written agreement to pay arrears for past utility service over time:

- It must be in writing, signed by the customer and a utility representative;
 - A down payment on arrears may be required
 - It must be tailored to customer's financial circumstances
 - (the lowest agreement is \$10 per month plus the current bill)
 - It may be amended if customer's financial circumstances change
- The Department's Hotline & Complaint Process are available if the customer is struggling to negotiate a deal with the Company

Filing a complaint with the NYS Department of Public Service

- **First, complain to the utility.** If the utility company does not resolve the complaint, then...
- **Second,** call the Department of Public Service's Complaint Line – 800-342-3377
- or, file a complaint online at:
[http://www3.dps.state.ny.us/ocs/itgate.nsf/\(webDPS_welcome\)?OpenForm](http://www3.dps.state.ny.us/ocs/itgate.nsf/(webDPS_welcome)?OpenForm)



II. Telecommunications

- *Landline/cell phone
- *Internet
- *Cable TV

Problems with landline telephone

Loss of landline service- old copper wires are breaking down and many phone carriers prefer not to repair them

- If you lose landline service, first complain to the company. Then file a complaint with the Dept. of Public Service

Billing problems-

- **First complain to the Company.** Then file a complaint with the Dept. of Public Service
- **Long distance telephone calls made to locations outside New York State** you should contact the Federal Communications Commission (“FCC”)

Other common telecommunications problems:

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

Contact information for filing a complaint

- **New York State Attorney General:**
 - (800) 771-7755
- **Federal Communications Commission:**
 - (888) 225-5322
- **Department of Public Service's Complaint Line:**
 - (800) 342-3377
 - or online
[http://www3.dps.state.ny.us/ocs/itgate.nsf/\(webDPS_welcome\)?OpenForm](http://www3.dps.state.ny.us/ocs/itgate.nsf/(webDPS_welcome)?OpenForm)

Lifeline telephone

- **The federal Lifeline Program provides low-income consumers with a monthly discount on their phone or internet service.**
- Subscribers may receive a Lifeline account on either a wireline or a wireless service, but they may not receive an account on both services at the same time.

How to apply

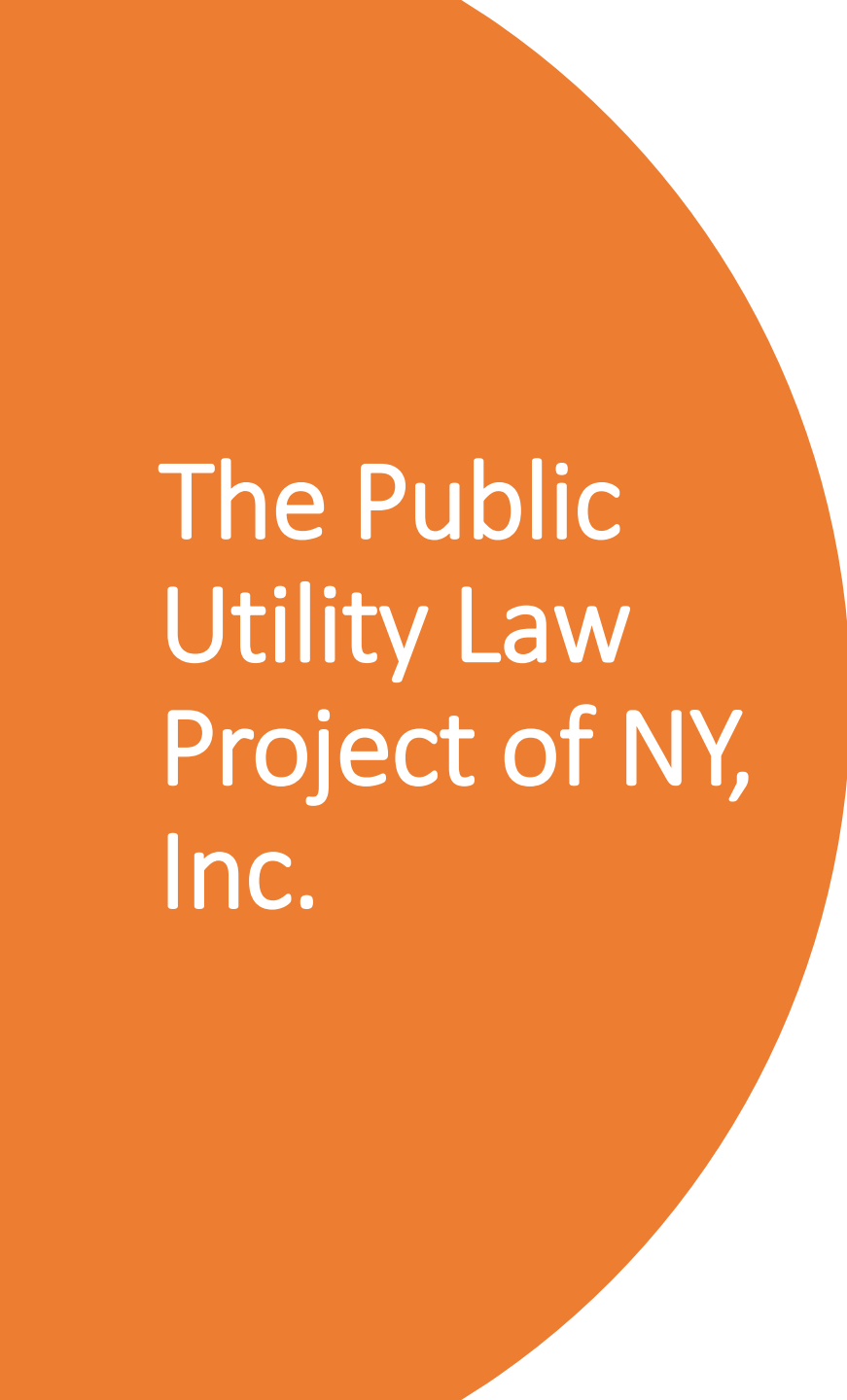
1. Apply Online: <https://nationalverifier.servicenowservices.com/lifeline>
2. Mail in Your Application Lifeline Support Center P.O. Box 7081 London, KY 40742
3. Contact a Phone or Internet Company directly

III. Water

NYC can place a lien, which is a legal claim against real property for unpaid property taxes, water, sewer, or other property charges, including the interest due on the taxes and charges.

- It is not a sale of the property, but if the taxes and/or charges are not paid or resolved, the new lien holder can begin a foreclosure proceeding in court.
- **In 2020, the NYC Department of Finance Lien Sale has been POSTPONED**
- Property owners can pay the debt, establish a standard or PT AID (Property Tax Interest and Deferral) payment plan, or apply for an exemption that would qualify you for removal from the sale.

Learn more at: <https://www1.nyc.gov/site/finance/taxes/property-lien-sales.page>



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