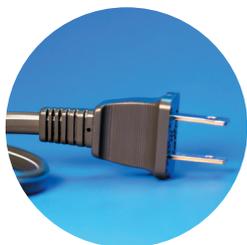


# Utility Service Disconnection

Your rights and responsibilities



- You are responsible for paying your bills on time and in full.
- If you are unable to pay for utility services, you are responsible for contacting the utility immediately to determine if alternate payment arrangements can be made.
- If you receive a disconnection notice, contact the utility **immediately** and:
  - Discuss exactly why you received the notice.
  - Discuss payment plan options, if you are facing disconnection due to nonpayment.
  - Remember that under certain circumstances, utilities are required to provide payment options while continuing to provide service. In other cases, they may provide such options.
- While the OUCC does not offer financial assistance, various programs can help low-income households.



Important Information



Indiana Office of Utility Consumer Counselor

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[www.IN.gov/OUCC](http://www.IN.gov/OUCC) • toll-free: 1-888-441-2494 • voice/TDD: 317-232-2494 • fax: 317-232-5923

Service disconnection rules vary by type of utility. The following summary only applies to utilities that are regulated by the Indiana Utility Regulatory Commission (IURC).\* The IURC's service disconnection rules are detailed in Title 170 of the Indiana Administrative Code, available on the Internet ([www.IN.gov/legislative](http://www.IN.gov/legislative)) and at local libraries.

## Disconnection Notices

When a regulated utility is planning to disconnect a customer's service, it must provide a written notice to the customer a certain number of days in advance (except under certain circumstances as noted below).

The time period varies by type of utility:

- Electricity & natural gas – 14 days
- Water, sewer & landline telephone\*\* – 7 days

The disconnection notice must be clearly written, precise and understandable. It must include the date and reason for the proposed disconnection, along with the utility's telephone number and consumer rights information or a reference to relevant published service standards. If you receive a disconnection notice, you should contact the utility **immediately**.



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\* The IURC does not regulate municipal sewer systems. Indiana law allows certain utilities to remove themselves from IURC regulation, including municipal water systems; utilities operated by not-for-profit corporations; privately owned water and sewer utilities serving fewer than 300 customers; cooperative electric and telephone companies; and privately owned telephone utilities with fewer than 40,000 access lines. The Indiana General Assembly deregulated most telephone service offerings in 2006. For most telephone utilities, the only retail service still regulated by the IURC is stand-alone basic local landline service (which cannot include any additional services such as direct-dialed or operator assisted long distance service, call waiting, caller ID, voice mail, etc.).

\*\* Landline telephone service in Indiana is in a transitional phase and will be fully deregulated by July 1, 2009. During this time, state disconnection regulations will remain in effect for certain landline telephone providers and services. State disconnection rules do not apply to wireless, Internet, cable television or other telecommunications services.

A utility can only disconnect service for nonpayment between 8:00 a.m. and 3:00 p.m. local time, and only on a day that the utility's office is open to the public. Also, service may not be disconnected for nonpayment after noon of the day before any day that the utility office is closed to the public. (In other words, if a utility's offices are closed on a particular Friday, it cannot disconnect service after noon on the Thursday before.)

## When a Disconnection Occurs

A gas, electric, water or sewer utility employee:

- Must make a reasonable effort to identify himself or herself before disconnecting service (This does not apply to telephone utilities, since service is disconnected from the utility's office.);
- Should be able to answer any questions about the disconnection procedure, the reason for the disconnection and the total amount of delinquent charges; and
- Should attempt to verify whether any outstanding bills have been paid or are currently in dispute.

If you can provide a paid receipt or other credible evidence of payment, the employee is not allowed to disconnect service.

Utilities are not required to collect any "on the spot" payments to prevent service disconnection, but they may. If you make an "on the spot" payment, be sure to get a written receipt showing the date and time, the payment amount, and the employee's name and business address.

If your service is disconnected, the employee should provide the address and telephone number to contact to arrange for service reconnection.

A utility can disconnect service **without notice** on certain conditions, including if:

- A dangerous or life-threatening situation exists;
- The IURC or a court has ordered the disconnection;
- The utility detects fraudulent or unauthorized service use (and has reasonable grounds to believe the customer is responsible);

- Equipment has been tampered with (and the utility has reasonable grounds to believe the customer is responsible); or
- The utility's equipment is being used in a way that disrupts service to other customers.

A utility may not disconnect service for failure to pay for merchandise or appliances purchased from the utility (as opposed to utility service). Disconnection is also not allowed for failure to pay for service to the previous occupant of a customer's property, unless there is evidence that the current customer is responsible for past-due charges and is trying to defraud the utility by setting up service under a different name.

## **Disconnection Can be Avoided or Postponed Under Certain Circumstances**

### **Financial Difficulty**

A utility may decide not to disconnect service (even when it has the legal right to do so) if the customer contacts the utility to discuss the reason for falling behind in payments. However, the customer must:

- Pay a reasonable portion of the bill -- the lesser of:
  - \$10 or 10 percent for electric, water and sewer,
  - \$25 or 10 percent for gas, or
  - \$20 or 25 percent for landline telephone service\*\*;
- Agree to pay the remainder within three months;
- Agree to pay all undisputed future charges when due; and
- Not have violated any similar payment agreement with the utility in the last 12 months.



A consumer may be able to prevent disconnection of local landline telephone service by remaining up-to-date in paying local service charges, even if the customer falls behind in paying for long distance or other types of services.\*\*

## Home Energy Assistance

A natural gas or electric utility may not disconnect a customer's service between December 1 and March 15 if he or she qualifies and has applied for the state's Energy Assistance Program, regardless of whether benefits are received.

## Medical Reasons

If a disconnection will cause a serious and immediate threat to the health or safety of a person in the customer's household, the utility must postpone the disconnection for 10 days (or 30 days, for telephone service) if the customer provides a medical statement from a licensed physician or a public health official. This postponement can be continued for one additional 10-day period if an additional medical statement is provided. A natural gas utility may grant an additional postponement for medical reasons after 20 days, at the utility's discretion.

## Getting Reconnected

If a customer pays all past due charges or makes satisfactory payment arrangements and resolves any other problems that led to loss of service, he or she can apply to have service reconnected. The utility:

- Must reconnect service within one working day of the request.
- May charge a reconnection fee, but it cannot exceed the charge approved by the IURC.
- May require a customer deposit as allowed under IURC rules.



If a customer's service has been wrongfully disconnected, the utility should restore the service immediately and at no charge.

## Wrongful Disconnection

If you believe a regulated utility has wrongfully or illegally disconnected your service, contact the IURC or OUCC. The agencies can assist you with any questions you may have, along with general concerns about utility matters.

- The **Indiana Utility Regulatory Commission** can be reached toll free at **1-800-851-4268**.
- The **Indiana Office of Utility Consumer Counselor** can be reached toll free at **1-888-441-2494**.

## Financial Assistance

- Indiana's Energy Assistance Program (EAP) can help low-income Hoosiers with natural gas and electric bills. Those who qualify are protected from service disconnection during most of the winter heating season (but remain responsible for charges). For more information, call 1-800-382-9895 toll-free.
- Lifeline and Link-Up telephone assistance offers discounts on phone connection and monthly local service charges to eligible households. To learn more, contact your local phone company or the OUCC.
- More assistance may be available from township trustees, private charities and individual utilities.