

Suggested Revisions to Chapter 14

Energy Association of Pennsylvania – March 20, 2023

CHAPTER 14 RESPONSIBLE UTILITY CUSTOMER PROTECTION

Sec.

- 1401. Scope of chapter.
- 1402. Declaration of policy.
- 1403. Definitions.
- 1404. Cash deposits and household information requirements.
- 1405. Payment arrangements.
- 1406. Termination of utility service.
- 1407. Reconnection of service.
- 1408. Surcharges for uncollectible expenses prohibited.
- 1409. Late payment charge waiver.
- 1410. Complaints filed with commission.
- 1410.1. Public utility duties
- 1411. Automatic meter readings.
- 1412. Reporting of delinquent customers.
- 1413. Reporting of recipients of public assistance.
- 1414. Liens by city natural gas distribution operations.
- 1415. Reporting to General Assembly and Governor.
- 1416. Notice.
- 1417. Nonapplicability.
- 1418. Construction.
- 1419. Expiration.

Enactment. Chapter 14 was added November 30, 2004, P.L.1578, No.201, effective in 14 days.

Special Provisions in Appendix. See sections 4, 5 and 6 of Act 201 of 2004 in the appendix to this title for special provisions relating to applicability, expiration and administration and enforcement of chapter.

§ 1401. Scope of chapter.

This chapter relates to protecting responsible customers of public utilities.

§ 1402. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Formal service rules were first adopted by the Pennsylvania Public Utility Commission in 1978 with the stated goal of enforcing uniform, fair and equitable residential utility service standards governing eligibility criteria, credit and deposit practices, account billing, termination and restoration of service procedures and customer complaint procedures. These rules have not successfully managed the issue of bill payment. Increasing amounts of unpaid bills now threaten paying customers with higher rates due to other customers' delinquencies.

(2) The General Assembly believes that it is now time to revisit these rules and provide protections against rate increases for timely paying customers resulting from other customers' delinquencies. The General Assembly seeks to achieve greater equity by eliminating opportunities for

customers capable of paying to avoid the timely payment of public utility bills.

(3) Through this chapter, the General Assembly seeks to provide public utilities with an equitable means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections and by increasing timely collections. At the same time, the General Assembly seeks to ensure that service remains available to all customers on reasonable terms and conditions.

(4) The General Assembly believes that it is appropriate to provide additional collection tools to city natural gas distribution operations to recognize the financial circumstances of the operations and protect their ability to provide natural gas for the benefit of the residents of the city.

§ 1403. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Applicant." A natural person not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested. The term does not include a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

"Change in income." A decrease in household income of 20% or more if the customer's household income level exceeds 200% of the Federal poverty level or a decrease in household income of 10% or more if the customer's household income level is 200% or less of the Federal poverty level.

"Creditworthiness." An assessment of an applicant's or customer's ability to meet bill payment obligations for utility service.

"Customer." A natural person in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential utility service is requested. The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

"Customer assistance program." A plan or program sponsored by a public utility for the purpose of providing universal service and energy conservation, as defined by section 2202 (relating to definitions) or 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers must comply with certain responsibilities and restrictions in order to remain eligible for the program.

"Electric distribution utility." An entity providing facilities for the jurisdictional transmission and distribution of electricity to retail customers, except building or facility owners or operators that manage the internal distribution system serving such building or facility and that supply electric power and other related electric power services to occupants of the building or facility.

"Formal complaint." A complaint filed before the Pennsylvania Public Utility Commission requesting a legal proceeding before a Pennsylvania Public Utility Commission administrative law judge or a mediation under the management of a Pennsylvania Public Utility Commission administrative law judge.

"Household income." The combined gross income of all adults in a residential household who benefit from the public utility service. This definition does not preclude a different definition for purposes of a customer assistance program or other universal service program.

"Informal complaint." A complaint filed with the Pennsylvania Public Utility Commission by a customer that does not involve a legal proceeding before a Pennsylvania Public Utility Commission administrative law judge or a mediation under the management of a Pennsylvania Public Utility Commission administrative law judge.

"LIHEAP" or "Low Income Home Energy Assistance Program." A federally funded program that provides financial assistance in the form of cash and crisis grants to low-income households for home energy bills and is administered by the Department of Public Welfare.

"Medical certificate." A written document, in a form approved by the commission:

- (1) certifying that a customer or member of the customer's household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition; and
- (2) signed by a licensed physician, nurse practitioner or physician's assistant.

"Natural gas distribution service." The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

"Natural gas distribution utility." A city natural gas distribution operation or entity that provides natural gas distribution services and may provide natural gas supply services and other services. The term does not include either of the following:

- (1) Any public utility providing natural gas distribution services subject to the jurisdiction of the Pennsylvania Public Utility Commission that has annual gas operating revenues of less than \$6,000,000 per year, except where the public utility voluntarily petitions the commission to be included within this definition or where the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory.
- (2) Any public utility providing natural gas distribution services subject to the jurisdiction of the commission that is not connected to an interstate gas pipeline by means of a direct connection or an indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

"Natural gas supply services." The sale or arrangement of the sale of natural gas to retail gas customers and services that may be unbundled by the Pennsylvania Public Utility Commission under section 2203(3) (relating to standards for restructuring of natural gas utility industry). The term does not include natural gas distribution service.

"Occupant." (Reserved).

"Payment arrangement." An agreement whereby a customer who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

"Public utility." Any electric distribution utility, natural gas distribution utility, small natural gas distribution utility, steam heat utility, wastewater utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Pennsylvania Public Utility Commission.

"Significant change in circumstance." Any of the following criteria when verified by the public utility and experienced by customers with household income less than 300% of the Federal poverty level:

- (1) The onset of a chronic or acute illness resulting in a significant loss in the customer's household income.
- (2) Catastrophic damage to the customer's residence resulting in a significant net cost to the customer's household.
- (3) Loss of the customer's residence.
- (4) Increase in the customer's number of dependents in the household.

"Small natural gas distribution utility." A public utility providing natural gas distribution services subject to the jurisdiction of the commission that:

- (1) has annual gas operating revenues of less than \$6,000,000 per year; or
- (2) is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

"Steam heat utility." An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

"Wastewater utility." An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation. The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.

"Water distribution utility." An entity owning or operating equipment or facilities for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.
(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended the defs. of "applicant," "customer," "payment agreement," and "public utility" and added the defs. of "creditworthiness," "medical certificate," "small natural gas distribution utility," "steam heat utility" and "wastewater utility."

References in Text. The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

§ 1404. Cash deposits and household information requirements.

(a) General rule.--In addition to the right to collect a deposit under any commission regulation or order, the commission shall not prohibit a public utility from requiring a cash deposit, payable during a 90-day period in accordance with commission regulations, in an amount that is equal to one-sixth of the applicant's estimated annual bill, at the time the public utility determines a deposit is required, from the following:

- (1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:
 - (i) Nonpayment of an undisputed delinquent account.
 - (ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.
 - (iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
 - (iv) Unauthorized use of the utility service delivered on or about the affected dwelling.
 - (v) Failure to comply with the material terms of a settlement or payment arrangement.

(vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.

(vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.

(viii) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

(2) Any applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology, as provided in a commission-approved tariff, and which employs standards for using the methodology that fall within the range of general industry practice.

(3) A customer who fails to comply with a material term or condition of a settlement or payment arrangement.

(a.1) Cash deposit prohibition.--Notwithstanding subsection (a), no public utility may require a customer or applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

(b) Third-party guarantor.--Nothing in this section shall be construed to preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty shall be in writing and shall state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility.

(c) Deposit hold period.--

(1) A public utility may hold a deposit until a timely payment history is established.

(2) A timely payment history is established when a customer has paid in full and on time for twelve consecutive months.

(3) At the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer.

(4) If service is terminated before the end of the deposit holding period as established in paragraph (1), the public utility shall deduct the outstanding balance from the deposit and return any positive difference to the customer within 60 days of the termination.

(5) If a customer becomes delinquent before the end of the deposit holding period as established in paragraph (1), the public utility may deduct the outstanding balance from the deposit.

(6) The public utility shall accrue interest on the deposit until it is returned or credited.

(i) Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(ii) The interest rate in effect when deposit is required to be paid shall remain in effect until the later of:

(A) the date the deposit is refunded or credited; or

(B) December 31.

(iii) On January 1 of each year, the new interest rate for that year will apply to the deposit.

(d) Adult occupants.--Prior to providing utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity.

(e) Failure to pay full amount of cash deposit.--A public utility shall not be required to provide service if the applicant or customer fails to pay

the full amount of the cash deposit within the time period under subsection (a).

(f) City natural gas distribution operation; additional deposit rules for city natural gas distribution operations.--Except for applicants who are subject to a deposit under subsection (a), a city natural gas distribution operation may require a deposit from the applicant as follows:

(1) If an applicant has household income above 300% of the Federal poverty level, one-sixth of the applicant's estimated annual bill paid in full at the time the city natural gas distribution operation determines a deposit is required; or

(2) If an applicant has household income no greater than 300% of the Federal poverty level, one-twelfth of the applicant's estimated annual bill paid in full at the time the city natural gas distribution operation determines a deposit is required. Applicants who enroll into the Customer Assistance Program made available by the city natural gas distribution operation are not subject to this paragraph.

(g) Estimated annual bill.--When used in this section, an estimated annual bill shall be calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months or, if unavailable, a similar dwelling in close proximity.

(h) Time for paying deposits upon reconnection.--Applicants and customers required to pay a deposit upon reconnection under subsection (a) (1) shall have up to 90 days to pay the deposit in accordance with commission regulations.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended subsecs. (a) intro. par., (1) (v), (2) and (3), (c) (1) and (6), (e) and (f) and added subsec. (a.1).

§ 1405. Payment arrangements.

(a) General rule.--The commission is authorized to investigate complaints regarding payment disputes between a public utility, applicants and customers. The commission is authorized to establish payment arrangements between a public utility, customers and applicants within the limits established by this chapter.

(b) Length of payment arrangements.--The length of time for a customer to resolve an unpaid balance on an account that is subject to a payment arrangement that is investigated by the commission and is entered into by a public utility and a customer shall not extend beyond:

(1) Five years for customers with a gross monthly household income level not exceeding 150% of the Federal poverty level.

(2) Three years for customers with a gross monthly household income level exceeding 150% and not more than 250% of the Federal poverty level.

(3) One year for customers with a gross monthly household income level exceeding 250% of the Federal poverty level and not more than 300% of the Federal poverty level.

(4) Six months for customers with a gross monthly household income level exceeding 300% of the Federal poverty level.

(c) Minimum payment toward arrears - Payment arrangements established by the commission shall include a minimum monthly payment of \$25 toward arrears.

(d) Customer assistance programs.--Customer assistance program rates shall be timely paid and shall not be the subject of payment arrangements negotiated or approved by the commission.

(de) Number of payment arrangements.--Absent a change in income, the commission shall not establish or order a public utility to establish a

second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a commission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.

(ef) Extension of payment arrangements.--If the customer defaults on a payment arrangement established under subsections (a) and (b) as a result of a significant change in circumstance, the commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

(fg) Failure to comply with payment arrangement.--Failure of a customer to comply with the terms of a payment arrangement shall be grounds for a public utility to terminate the customer's service. Pending the outcome of a complaint filed with the commission, a customer shall be obligated to pay that portion of the bill which is not in dispute and subsequent bills which are not in dispute.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended the section heading and subsecs. (a), (b) intro. par. and (2), (c), (d), (e) and (f).

§ 1406. Termination of utility service.

(a) Authorized termination.--A public utility may notify a customer and terminate service provided to a customer after notice as provided in subsection (b) for any of the following actions by the customer:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to comply with the material terms of a payment arrangement.
- (3) Failure to complete payment of a deposit, provide a guarantee of payment or establish credit.

~~(4) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.~~

(b) Notice of termination of service.--

(1) Prior to terminating service under subsection (a), a public utility:

(i) Shall provide written notice of the termination to the customer at least ten days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days.

(A) In the case of electronic notification only, the customer must affirmatively consent to be contacted using a specific electronic messaging format for purpose of termination.

(ii) Shall attempt to contact the customer or occupant to provide notice of the proposed termination at least three days prior to the scheduled termination, in cases where contact between the utility and customer or occupant has not already been made, using one or more of the following methods:

(A) in person;

(B) by telephone. Phone contact shall be deemed complete upon ~~two~~ attempted calls ~~on two separate days~~ to the residence between the hours of 8 a.m. and 9 p.m. if the calls were made at various times each day; or

(C) by e-mail, text message or other electronic messaging format consistent with the commission's privacy guidelines and approved by commission order.

(D) In the case of electronic notification only, the customer must affirmatively consent to be contacted using a specific electronic messaging format for purpose of termination.

(iii) During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, the public utility shall, within 48 hours of the scheduled date of termination, post a notice of the proposed termination at the service location.

(iv) After complying with paragraphs (ii) and (iii), the public utility shall attempt to make personal contact with the customer or responsible adult at the time service is terminated. Termination of service shall not be delayed for failure to make personal contact.

(2) Personal contact as required by paragraphs (b) (1) (ii) (A) and (b) (1) (iii) will not be required for service locations with a previously documented threat by the customer or occupant against a utility employee or contractor.

(3) The public utility shall not be required by the commission to take any additional actions prior to termination.

(c) Grounds for immediate termination.--

(1) A public utility may immediately terminate service for any of the following actions by the customer:

(i) Unauthorized use of the service delivered on or about the affected dwelling.

(ii) Fraud or material misrepresentation of the customer's identity for the purpose of obtaining service.

(iii) Tampering with meters or other public utility's equipment.

(iv) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the public utility's delivery system.

(v) Tendering payment for reconnection of service that is subsequently dishonored, revoked, canceled or otherwise not authorized under subsection (h) and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer, made in accordance with the notice provisions of subsection (b) (1) (ii), of the dishonored payment.

(vi) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(2) Upon termination, the public utility shall make a good faith attempt to provide a post termination notice to the customer or a responsible person at the affected premises, and, in the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

(d) Timing of termination.--Notwithstanding the provisions of section 1503 (relating to discontinuance of service), a public utility may terminate service for the reasons set forth in subsection (a) from Monday through ~~Thursday-Friday~~ as long as the public utility can accept payment to restore service on the following day and can restore service consistent with section 1407 (relating to reconnection of service).

(e) Winter termination.--

(1) Unless otherwise authorized by the commission, after November 30 and before April 1, an electric distribution utility or natural gas distribution utility shall not terminate service to customers with household incomes at or below 250% of the Federal poverty level except for customers whose actions conform to subsection (c) (1). The commission shall not prohibit an electric distribution utility or natural gas distribution utility from terminating service in accordance with this section to

customers with household incomes exceeding 250% of the Federal poverty level.

(2) In addition to the winter termination authority set forth in paragraph (1), a city natural gas distribution operation may terminate service to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of his charges for each of the prior two months unless the customer has done one of the following:

(i) Has proven in accordance with commission rules that his household contains one or more persons who are 65 years of age or over.

(ii) Has proven in accordance with commission rules that his household contains one or more persons 12 years of age or younger.

(iii) Has obtained a medical certification in accordance with commission rules.

(iv) Has paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last two months.

(3) At the time that the notice of termination required by subsection (b)(1)(i) is provided to the customer, the city natural gas distribution operation shall provide notice to the commission. The commission shall not stay the termination of service unless the commission finds that the customer meets the criteria in paragraph (2)(i), (ii), (iii) or (iv).

(f) Medical certification.--A public utility shall not terminate service to a premises when a customer has submitted a medical certificate to the public utility. The customer shall obtain a medical certificate verifying the condition and shall promptly forward it to the public utility. The medical certification procedure shall be implemented in accordance with commission regulations.

(g) Qualification for LIHEAP.--A notice of termination to a customer of a public utility shall be sufficient proof of a crisis for a customer with the requisite income level to receive a LIHEAP Crisis Grant from the Department of Public Welfare or its designee as soon as practicable after the date of the notice. Termination of service is not necessary to demonstrate sufficient proof of crisis.

(h) Dishonorable tender of payment after receiving termination notice.--

(1) After a public utility has provided a written termination notice under subsection (b)(1)(i) and attempted telephone contact as provided in subsection (b)(1)(ii), termination of service may proceed without additional notice if:

(i) a customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor);

(ii) a customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled; or

(iii) a customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer, made in accordance with the notice provisions of subsection (b)(1)(ii), of the dishonored payment.

(2) The public utility shall not be required by the commission to take any additional actions prior to the termination.
(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended subsecs. (a) (2), (b) (1) (ii), (d), (f), (g) and (h) and added subsec. (c) (1) (v).

References in Text. The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

Cross References. Section 1406 is referred to in section 1407 of this title.

§ 1407. Reconnection of service.

(a) Fee.--A public utility may require a reconnection fee based upon the public utility's cost as approved by the commission prior to reconnection of service following lawful termination of the service.

(b) Timing.--When service to a dwelling has been terminated and provided the applicant has met all applicable conditions, the public utility shall reconnect service as follows:

(1) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification.

(2) Within 24 hours for terminations occurring after November 30 and before April 1.

(3) Within three days for erroneous terminations requiring street or sidewalk digging.

(4) Within three days from April 1 to November 30 for proper terminations.

(5) Within seven days for proper terminations requiring street or sidewalk digging.

(c) Payment to restore service.--

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment arrangements. If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event, the customer shall be permitted a period of not more than three months to pay the outstanding balance required for reconnection. For purposes of this subparagraph, a life event is:

(A) A job loss that extended beyond nine months.

(B) A serious illness that extended beyond nine months.

(C) Death of the primary wage earner.

(ii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level.

(iii) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated pursuant to this subsection only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation except that this requirement shall not apply if the

financial benefits to such customer or applicant are greater if served outside of that assistance program.

(3) Payment tendered by a customer to reconnect service that is subsequently dishonored, revoked, canceled or is otherwise not authorized under section 1406(h)(1) (relating to termination of utility service) and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer, made in accordance with the notice provisions of section 1406(b)(1)(ii), of the dishonored payment is grounds for immediate termination under section 1406(c). A public utility may require a customer or applicant to cure a dishonored payment, as provided for in section 1406(h), as a condition of entering into a payment agreement with the customer or applicant for a remaining account balance.

(d) Payment of outstanding balance at premises.--A public utility may also require the payment of any outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there.

(e) Approval.--A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the commission.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended subsec. (c)(2)(i) and added subsec. (c)(3).

Cross References. Section 1407 is referred to in section 1406 of this title.

§ 1408. Surcharges for uncollectible expenses prohibited.

The commission shall not grant or order for any public utility a cash receipts reconciliation clause or another automatic surcharge mechanism for uncollectible expenses. Any orders by the commission entered after the effective date of this chapter for a cash receipts reconciliation clause or other automatic surcharge for uncollectible expenses shall be null and void. This section shall not affect any clause associated with universal service and energy conservation.

§ 1409. Late payment charge waiver.

A public utility shall waive late payment charges on any customer accounts if the charges were improperly assessed. The commission may order a waiver of any late payment charges levied by a public utility as a result of a delinquent account for customers with a gross monthly household income not exceeding 150% of the Federal poverty level.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

§ 1410. Complaints filed with commission.

The following apply:

(1) The commission shall accept formal and informal complaints only from customers or applicants who affirm that they have first contacted the public utility for the purpose of resolving the problem about which the customer wishes to file a complaint. If the customer has not contacted the public utility, the commission shall direct the customer to the public utility.

(2) Pending the outcome of a formal or informal complaint filed with the commission, the customer shall be obligated to pay that portion of the

bill which is not in dispute and subsequent bills which are not in dispute.

(3) For a formal complaint filing to be valid, the customer or applicant must provide a statement attesting to the truth as to the facts alleged in the complaint. All testimony in formal complaint proceedings must be under oath.

(4) In cases where a customer or applicant has an overdue balance equal to or greater than \$2,500 or who have not made a payment in the last six months:

(i) The commission shall render a decision on informal complaints within 30 days of receipt of the utility answer to the complaint.

(ii) The commission shall render a decision on formal complaints within 120 days from the date of the filing of the formal complaint.

(iii) The commission shall report quarterly on the commission's website the monthly average length of open informal and formal complaints.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

Cross References. Section 1410 is referred to in section 1410.1 of this title.

§ 1410.1. Public utility duties.

When a customer or applicant contacts a public utility to make a payment agreement as required by section 1410 (relating to complaints filed with commission), the public utility shall:

(1) Provide information about the public utility's universal service programs, including a customer assistance program.

(2) Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

(3) Have an affirmative responsibility to attempt to collect payment on an overdue account. The utility shall report to the commission annually residential customer accounts which have accumulated \$10,000 or more in arrearages and shall demonstrate what efforts are being taken to collect the arrearages. Failure to make reasonable attempts to collect payments on overdue accounts with arrearages in excess of \$10,000 may result in civil fines or other appropriate sanctions by the commission.

(4) Report to the commission on an annual basis the number of medical certificates and renewals submitted and accepted in the service territory.
(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 added section 1410.1.

§ 1410.2. High balance accounts and abuse of process.

Where a customer has an outstanding balance exceeding three thousand five hundred dollars and has broken two or more payment arrangements with the public utility and broken one commission-issued payment arrangement, the provisions of this chapter, and the commission's regulations implementing this chapter, shall no longer apply and the public utility may require the customer to pay the full balance due as a condition of continuing or restoring service.

§ 1411. Automatic meter readings.

All readings by an automatic meter reader device shall be deemed actual readings for the purposes of this title. ~~Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new~~

~~service request is received. A public utility may charge a fee, as provided in a commission approved tariff.~~

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

§ 1412. Reporting of delinquent customers.

A city natural gas distribution operation shall report to the Pennsylvania Intergovernmental Cooperation Authority established pursuant to the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, an assisted city or corporate entity of an assisted city, as those terms are defined in the Pennsylvania Intergovernmental Cooperation Authority Act, that has not paid in full for charges for service by the due dates stated on the bill or otherwise agreed upon.

§ 1413. Reporting of recipients of public assistance.

The Department of Public Welfare shall annually provide a city natural gas distribution operation with the listing of recipients of public assistance in a city of the first class. A city natural gas distribution operation shall not use the listing for anything but qualification and continued eligibility for a customer assistance program or LIHEAP.

References in Text. The Department of Public Welfare, referred to in this section, was redesignated as the Department of Human Services by Act 132 of 2014.

§ 1414. Liens by city natural gas distribution operations.

(a) General rule.--A city natural gas distribution operation furnishing gas service to a property is entitled to impose or assess a municipal claim against the property and file as liens of record claims for unpaid natural gas distribution service and other related costs, including natural gas supply, in the court of common pleas of the county in which the property is situated or, if the claim for the unpaid natural gas distribution service does not exceed the maximum amount over which the Municipal Court of Philadelphia has jurisdiction, in the Municipal Court of Philadelphia, pursuant to sections 3 and 9 of the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, and Chapter 22 (relating to natural gas competition). A city natural gas distribution operation may disclose to the property owner the amount of any unpaid natural gas distribution service and other related costs, including natural gas supply, where a municipal claim may be imposed or assessed against that property and maybe filed as a lien of record under the Municipal Claim and Tax Lien Law.

(b) Residential field visit charge.--A city natural gas distribution operation is authorized to charge a minimum fee of \$10 for each instance in which its representative is required to visit the residence of a customer in the process of attempting to complete required service termination steps.

(c) Refusal of service.--The commission shall permit a city natural gas distribution operation to refuse to provide service to an applicant if the applicant has a pending lien or civil judgment by the city natural gas distribution operation outstanding against the applicant or against property owned in whole or in part by the applicant unless the applicant enters into a payment arrangement for the payment of the amount associated with the lien or judgment that remains outstanding at the time of the application.

§ 1415. Reporting to General Assembly and Governor.

No later than five years following the effective date of this chapter and every five years thereafter, the commission shall submit a report to the Governor, the Chief Clerk of the House of Representatives and the Secretary of the Senate reviewing the implementation of the provisions of this chapter. The report shall include, but not be limited to:

- (1) The degree to which the chapter's requirements have been successfully implemented.
- (2) The effect upon the cash working capital or cash flow, uncollectible levels and collections of the affected public utilities.
- (3) The level of access to utility services by residential customers, including low-income customers.
- (4) The effect upon the level of consumer complaints and mediations filed with and adjudicated by the commission.

Public utilities affected by this chapter shall provide data required by the commission to complete this report. In its recommendations, the commission may also propose any legislative or other changes which it deems appropriate to the Governor and the General Assembly.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 amended the intro. par.

§ 1416. Notice.

Within 30 days of the effective date of this chapter, public utilities affected by this chapter shall provide notice to the customers explaining the changes to be implemented.

§ 1417. Nonapplicability.

This chapter shall not apply to victims under a protection from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

§ 1418. Construction.

Nothing in this chapter shall affect any rights or procedure under the act of November 26, 1978 (P.L.1255, No.299), known as the Utility Service Tenants Rights Act, or the provisions of Subchapter B of Chapter 15 (relating to discontinuance of service to leased premises).

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

§ 1419. Expiration.

This chapter shall expire December 31, 2024.

(Oct. 22, 2014, P.L.2545, No.155, eff. 60 days)

2014 Amendment. Act 155 added section 1419.