

CHAPTER 7820
PUBLIC UTILITIES COMMISSION
UTILITY CUSTOMER SERVICE

7820 1600	DEFINITIONS	7820 2000	DETERMINING INABILITY TO PAY OR PLAN ELIGIBILITY
7820 1800	COLD WEATHER DISCONNECTION RESTRICTION	7820 2100	PAYMENT SCHEDULE
7820 1900	NOTICES OF DISCONNECTION, CUSTOMER RIGHTS AND DECLARATIONS, AND ASSISTANCE, APPEAL	7820 2300	RECONNECTION AT BEGINNING OF COLD WEATHER MONTHS
		7820 2800	ESCROW PAYMENTS FOR DISPUTES

7820.1600 DEFINITIONS.

[For text of subps 1 to 2, see MR]

Subp 2a [Repealed, 26 SR 668]

Subp 2b [Renumbered Subp 2f]

Subp 2c [Renumbered Subp 2g]

Subp 2d [Renumbered Subp 2h]

Subp. 2e. **Federal energy assistance.** “Federal energy assistance” means the federal low-income home energy assistance block grant as provided by Public Law Number 97-35, title XXVI, Low Income Home Energy Assistance Act of 1981, as amended, codified in United States Code, title 42, sections 8621 through 8629

Subp 2f **Household income.** “Household income” means the income, as defined in Minnesota Statutes, section 290A 03, subdivision 3, of a residential customer and all persons residing with the residential customer Household income does not include any amount received for energy assistance

Subp 2g **Local energy assistance provider.** “Local energy assistance provider” means a subgrantee for the purposes of implementing the federal low-income home energy assistance block grant as provided by Public Law Number 97-35, title XXVI, Low Income Home Energy Assistance Act of 1981, as amended, codified in United States Code, title 42, sections 8621 through 8629

Subp. 2h. **Monthly income.** “Monthly income” means the actual monthly income or average monthly income computed on an annual calendar year, whichever is less, for all persons residing in the household, as defined in Minnesota Statutes, section 290A 03, subdivision 3, of a residential customer Monthly income does not include any amount received for energy assistance

[For text of subp 3, see MR]

Subp 3a. [Repealed, 26 SR 668]

[For text of subp 4, see MR]

Subp 4a. **Reasonably timely payment.** “Reasonably timely payment” means payment within seven calendar days of agreed-to payment dates

[For text of subps 4b to 7, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.1800 COLD WEATHER DISCONNECTION RESTRICTION.

Subpart 1 **Prohibited disconnection.** No utility shall disconnect the service of any residential unit during “cold weather months,” notwithstanding any other customer service rule, except part 7820 1100, if the disconnection would affect in any way the primary heat source of the residential unit and if the residential customer has acted as described in item A, B, or C

A The residential customer, or any designated third party, has declared inability to pay and is receiving any type of energy assistance, including federal assistance, or is income eligible, as provided in part 7820 1900, or, if appealed, the

commission has determined the residential customer is unable to pay To declare inability, the residential customer must meet the following requirements

(1) the residential customer expresses willingness to enter into a mutually acceptable payment schedule for the current cold weather months, pursuant to part 7820 2100, and the residential customer was fully paid up or was making reasonably timely payments under a payment schedule as of the billing cycle immediately preceding the start of the current cold weather months, or

(2) the residential customer makes reasonably timely payments to the utility under a payment plan that considers the financial resources of the household.

B The residential customer, or any designated third party, requests the ten percent plan and is income eligible, as provided in part 7820 1900, or, if appealed, the commission has determined the residential customer is eligible for the ten percent plan To request the ten percent plan, the residential customer must pay the utility at least the lesser of the following amounts

(1) ten percent of the residential customer's monthly mcome, or

(2) the full amount of the current month's utility bill not including arrearages

Payment must be received within seven calendar days of the due date or regularly scheduled payment date or payment must be received by the date agreed upon by the utility and the residential customer

C The residential customer has entered into a payment schedule and is making reasonably timely payments under the schedule

[For text of subp 2, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.1900 NOTICES OF DISCONNECTION, CUSTOMER RIGHTS AND DECLARATIONS, AND ASSISTANCE; APPEAL.

Subpart 1 **Notice before disconnection of service.** Before disconnecting the service affecting the primary heat source of a residential unit for failure to make payment for the service, the utility shall serve, personally or by first class mail, the following upon the residential customer and any designated third party

A a commission-approved notice of proposed disconnection,

B a commission-approved notice of residential customer rights and possible assistance, which must include

(1) for each county served by the utility, a list of the names and phone numbers of local energy assistance providers, weatherization providers, conservation providers, and other entities that assist residential customers in reducing energy bills,

(2) an explanation of no-cost and low-cost methods to reduce the consumption of energy, including, for example, instructions to lower thermostat and hot water heater settings, turn off lights and close off rooms not in use, reduce hot water usage, block drafts around doors, cover windows with plastic sheets, replace furnace filters, caulk, apply weather strip, install hot water heater wraps, and similar methods The explanation must also include, if applicable, a description of utility conservation services that could assist the residential customer in implementing these measures, and

(3) a written explanation of how utility payments will be prorated under the ten percent plan when the residential customer is served by multiple utilities, and

C. a commission-approved, addressed, postage-prepaid form on which a residential customer, or any designated third party, may declare inability to pay or request the ten percent plan The residential customer shall indicate on the form whether the customer receives any type of energy assistance, including federal assistance, or any type of public assistance that uses household income eligibility of less than 50 percent of the state median income The residential customer shall provide on the form:

[For text of subitems (1) to (3), see MR.]

[For text of subp 1a, see MR]

Subp 1b **Income verification and appeal.** If the residential customer does not receive any type of energy assistance, including federal energy assistance, or any type of public assistance that uses household income eligibility of less than 50 percent of the state median income, and the utility does not have information sufficient to determine income eligibility without income verification, the utility shall notify the local energy assistance provider. The local energy assistance provider shall verify to the utility whether the residential customer's household income is less than 50 percent of the state median income within 21 calendar days after the local energy assistance provider receives notification of the need to verify from the utility. The local energy assistance provider shall document its verification and, upon request, provide a copy to the commission. If the local energy assistance provider fails to verify income within 21 days, the utility may determine income eligibility based upon the information available to it.

If the local energy assistance provider or utility determines that the residential customer's household income is equal to or greater than 50 percent of the state median income, the utility shall provide the residential customer and any designated third party with a commission-approved written notice of the right to appeal the local energy assistance provider or utility determination. An appeal must be made within seven working days after the residential customer's receipt of personally served notice, or within ten working days after the utility has deposited first class mail notice in the United States mail. In determining an appeal, the procedures set forth in part 7820 2000 apply. The determination must be based upon 50 percent of the state median income.

The utility shall not disconnect service while an appeal is pending, or until any appeal involving income verification has been determined by the commission. If no appeal is made by the residential customer or designated third party, the utility may disconnect service pursuant to the procedures and requirements of parts 7820 1000 to 7820 1400, 7820 2400, and 7820 2500.

[For text of subps 2 and 3, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.2000 DETERMINING INABILITY TO PAY OR PLAN ELIGIBILITY.

Subpart 1. **Determination of appeal.** The commission shall determine all appeals of declarations of inability to pay or eligibility for the ten percent plan on an informal basis within 30 calendar days after receipt of the utility's written appeal. The commission shall determine the residential customer's inability to pay or eligibility for the ten percent plan based upon the following: a finding that the residential customer is in compliance with part 7820 1800, and a finding that the residential customer's household income is less than 50 percent of the state median income.

In making its determination, the commission shall consider one or more of the following:

A documentation of income verification by the local energy assistance provider or the utility, if applicable,

B documentation that the residential customer is a recipient of any type of energy assistance, including federal energy assistance, or any type of public assistance that uses household income eligibility in an amount less than 50 percent of the state median income,

[For text of items C to H, see MR]

[For text of subp 2, see MR]

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.2010 [Repealed, 26 SR 668]

7820.2100 PAYMENT SCHEDULE.

[For text of subpart 1, see MR]

Subp. 2 **Inability to pay.** The residential customer or third party should notify the utility immediately of any circumstances making it impossible for the residential customer to comply with the payment schedule and should propose specific modifications to the payment schedule. Upon receipt of a request for modification of a payment schedule, the utility shall consider changes in the residential customer's consumption pattern, utility rate increases effective since the date of the original schedule, and changes in the residential customer's financial circumstances. A residential customer who has declared inability to pay under part 7820 1800, subpart 1, item A, subitem (1), and who is income eligible, or if appealed, has been determined to be unable to pay, must not be disconnected during cold weather months for failure to make payments under a payment schedule that applies to that period of time.

Subp. 3 **Appeals.** The utility shall provide the residential customer and any designated third party with a commission-approved written notice of the right to appeal to the commission when the utility and residential customer are unable to agree on the establishment, reasonableness, or modification of a payment schedule, or on the reasonable timeliness of the payments under a payment schedule. Any appeal must be made within seven working days after the residential customer's receipt of personally served notice, or within ten working days after the utility has deposited first class mail notice in the United States mail. In determining an appeal, the procedures set forth in part 7820 2000 apply. The determination must be based upon 50 percent of the state median income.

The utility shall not disconnect service while a payment schedule is pending appeal, or until any appeal involving payment schedules has been determined by the commission. If no appeal is made by the residential customer or designated third party and the residential customer has been determined to have the ability to pay the utility bill pursuant to part 7820 2000, the utility may disconnect service pursuant to the procedures and requirements of parts 7820 1000 to 7820 1400, 7820 2400, and 7820 2500.

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.2300 RECONNECTION AT BEGINNING OF COLD WEATHER MONTHS.

Subpart 1 **Reinstatement of service.** The utility shall reinstate service that in any way affects the primary heat source of a residential unit if the service remains disconnected as of October 15 and if the residential customer applies for reinstatement and enters either a reconnection plan or a payment schedule. A residential customer may enter a reconnection plan only if the customer's monthly household income is less than 50 percent of the state median income.

Subp. 2 **Reconnection plan.** Under a reconnection plan, the residential customer must pay the current utility bills and arrearages in monthly installments during the cold weather months. Each monthly installment must not exceed ten percent of a residential customer's monthly income. The reconnection plan applies only to the cold weather months.

[For text of subp 3, see MR]

Subp. 4 **Payment schedule.** A residential customer disconnected as of October 15 has the same rights as provided in part 7820 2100, governing payment schedules.

Statutory Authority: *MS s 14 386, 14 388*

History: *26 SR 668*

7820.2800 ESCROW PAYMENTS FOR DISPUTES.

To submit a payment in escrow, the customer shall make payment of the amount due as shown on the bill through an escrow payment form, clearly marked and provided by the utility.

MINNESOTA RULES 2002

7820.2800 UTILITY CUSTOMER SERVICE

58

The escrow payment form must provide space for the customer to explain why the utility's resolution of the dispute is unsatisfactory to the customer. The form must be in three copies, one of which will be retained by the customer. A copy of the escrow payment form must be forwarded by the customer to the Public Utilities Commission. Any escrow payment to the utility may be applied by the utility as any normal payment received by the utility. After escrow payment has been made, the customer and the utility may still resolve the dispute to their mutual satisfaction.

By submitting the escrow payment form to the commission, the customer is deemed to have filed an informal complaint against the utility, pursuant to the commission's rules of practice, parts 7829.0100 to 7829.3200. Upon settlement of the dispute, any sum to which the customer is found to be entitled must be refunded to the customer and must be supplemented by an eight percent per annum interest charge from the date of payment to the date of return by the utility.

Statutory Authority: *MS s 216B 08, 216B 09*

History: *26 SR 1438*