MLRI/MCLE Basic Benefits Advocacy Training
Utilities – Advocacy for Low-Income Households in Massachusetts

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Overview of today’s training

- Establishing utility service, basic rules
- Step 1: Utility Service Protections
- Step 2: Reducing Bills
- Step 3: Paying Bills
- Other utility issues
- Q & A
Materials

- These slides
Intro and types of utilities covered today

- Electricity & gas (and some telecom, water)
- Investor-owned utilities (IOUs), municipal utilities (munis), competitive energy supply companies
- Department of Public Utilities (DPU) Consumer Division
  - (877) 866-5066
  - DPUCustomer.Complaints@mass.gov
BASIC RULES: OBTAINING UTILITY SERVICE

- Obtaining service
  - No deposit (except munis)
  - ID issues
- Bills from prior address and *Cromwell* waiver
  - Utility has right to refuse service at new address if there are unpaid bills from prior address
  - Payment must be offered on prior arrears
  - *Cromwell* waiver: sign to have prior utility debt added to new account (D.P.U. 18123 (1974))
- Customer of record
  - Bills in a child’s, partner’s or roommate’s name?
  - Deserted or deceased spouse?
Rules for termination of electric and gas utility service

- Termination rules:
  - Only Monday-Thursday, 8am-4pm
  - No termination on weekends, state or federal holidays, or day before holidays
  - No termination if dispute pending
  - Notices before termination:
    1) Initial bill
    2) second notice (day 27+)
    3) final notice (day 45+)
  - Final notice must give 72 hours notice; good for 14 days
- 220 CMR 25.02
BASIC RULES/GETTING SERVICE

Reading bills:
- See example on next slides
- Look for rate letter/number, e.g., “Rate R-2”
- When in doubt, call utility company
**Electric Use History**

<table>
<thead>
<tr>
<th>Month</th>
<th>kWh</th>
<th>Size</th>
<th>kWh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jun 11</td>
<td>1112</td>
<td>10.63</td>
<td>3945</td>
</tr>
<tr>
<td>Jul 11</td>
<td>1112</td>
<td>10.63</td>
<td>3945</td>
</tr>
<tr>
<td>Aug 11</td>
<td>7115</td>
<td>6.03</td>
<td>2415</td>
</tr>
<tr>
<td>Sep 11</td>
<td>514</td>
<td>0.43</td>
<td>1840</td>
</tr>
<tr>
<td>Oct 11</td>
<td>1220</td>
<td>1.05</td>
<td>3952</td>
</tr>
<tr>
<td>Nov 11</td>
<td>1220</td>
<td>1.05</td>
<td>3952</td>
</tr>
<tr>
<td>Dec 11</td>
<td>2142</td>
<td>1.83</td>
<td>7248</td>
</tr>
</tbody>
</table>

**Customer Charge**

Customer Charge: 4.00

**Dist Chg Base**

Dist Chg Base: 0.3257 x 800 kWh = 193.84

**Dist Chg Fixed**

Dist Chg Fixed: 0.3257 x 800 kWh = 200.64

**Transmission Charge**

Transmission Charge: 0.0069 x 800 kWh = 0.06

**Energy Efficiency Charge**

Energy Efficiency Charge: 0.0001 x 800 kWh = 0.008

**Renewable Energy Usage Charge**

Renewable Energy Usage Charge: 0.0025 x 800 kWh = 0.0625

**Low Income Discount**

Low Income Discount: -25.3% x 5,165.57 = 1,313.28

**Total Delivery Services**

$37.25

**Supply Services**

Supply Services: National Grid

**Basic Service Fee**

Basic Service Fee: 0.06718 x 1294 kWh = 86.63

**Total Supply Services**

$96.83

**Explanation of General Billing Terms**

- **KWH**: Kilowatt-hour, a basic unit of electricity used. It is the amount of energy used when the need or demand for electricity is high or low.
- **Electricity on the Company System**: The amount of energy used for electricity generated by the company.
- **Electricity on the Distribution System**: The amount of energy used for electricity distributed by the company.
- **Peak Load**: The highest amount of electricity used at any one time during a billing period.
- **Average Load**: The average amount of electricity used during a billing period.
- **Energy Efficiency Charge**: A charge for the use of energy-efficient appliances.
- **Renewable Energy Usage Charge**: A charge for the use of renewable energy.

**Delivery Service Charges**

- **Customer Charge**: A charge for services provided to customers, such as meter reading and billing.
- **Dist Chg Fixed**: A fixed charge for the distribution of electricity.
- **Transmission Charge**: A charge for the transmission of electricity.
- **Energy Efficiency Charge**: A charge for the use of energy-efficient appliances.
- **Renewable Energy Usage Charge**: A charge for the use of renewable energy.

**Right to_disconnect**

- **AND**: A charge for the use of electricity for residential purposes.
- **AMP**: A charge for the use of electricity for commercial purposes.

**Amberlight Management Program**

- **AMP**: A program that encourages customers to use energy-efficient appliances.
- **AMP**: A program that encourages customers to use energy-efficient appliances.

**Mandatory Electric Service**

- **Mandatory Electric Service**: A service that is required by law.
- **Mandatory Electric Service**: A service that is required by law.

**Questions**

- **Questions**: Answers to common questions regarding the bill or National Grid's services.

**Contact Information**

- **Customer Service**: 1-800-322-3222
- **Billing Information**: 1-888-494-2828
- **Website**: www.nationalgrid.com
DID YOU FORGET TO PAY YOUR BILL?

It is possible that service could be terminated for non-payment. Prior to any termination, you would receive a separate notice in the mail. If you have any questions, please call us at 1-888-211-1313 or if you have already paid, please disregard this notice.

ACCOUNT BALANCE

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Balance</td>
<td>2,196.02</td>
</tr>
<tr>
<td>Payment Received on MAY 30 (Credit Card)</td>
<td>-154.40</td>
</tr>
<tr>
<td>Balance Forward</td>
<td>2,041.62</td>
</tr>
<tr>
<td>Current Charges</td>
<td>+124.18</td>
</tr>
<tr>
<td><strong>Amount Due</strong></td>
<td><strong>$ 2,185.80</strong></td>
</tr>
</tbody>
</table>

We are awaiting receipt of your HEAP guarantee. Once received your previous balance may be reduced by $446.00.

GO PAPERLESS: You'll help yourself and the environment by signing up to manage your bills online at www.nationalgridus.com/gopaperless.

DETAIL OF CURRENT CHARGES

Delivery Services

<table>
<thead>
<tr>
<th>Service Period</th>
<th>Net of days</th>
<th>Current Reading</th>
<th>Previous Reading</th>
<th>Total Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2 - Jun 4</td>
<td>33</td>
<td>80056 Actual</td>
<td>78762 Actual</td>
<td>1234 kWh</td>
</tr>
</tbody>
</table>

METER NUMBER: NEXT SCHEDULED READ DATE: JUL 2

RATE: Residential Low income R-2

ELECTRIC USAGE HISTORY [KWH]

- 2000 kWh
- 2100 kWh
- 2200 kWh
- 2300 kWh
- 2400 kWh
- 2500 kWh
- 2600 kWh
- 2700 kWh

JASON 2 WEEK

Daily Average kWh

- Day 1: 26 kWh
- Day 2: 27 kWh

NATIONAL GRID
PO BOX 11737
NEWARK NJ 07101-4737

002036

ENTER AMOUNT ENCLOSED:

$ 2,185.80

WRITE ACCOUNT NUMBER ON CHECK AND MAKE PAYABLE TO NATIONAL GRID
Case scenario 1

- Sheila Robinson comes into your office on December 10 and tells you that her family’s gas service was terminated around a month ago because she owes over $2,000 in back bills. She says that she has been unable to keep up with her bills and seems very depressed.

- She has a gas furnace and gas stove, so her family does not have heat, hot water, or the ability to cook. She owes about $800 on her electric bill and fears she will get a shut-off notice for that soon too, which would leave her family without light and refrigeration.

- Ms. Robinson’s family includes herself, her nine-year old daughter, her seven-year old son, her sister, and her sister’s newborn infant. The family’s income consists of TAFDC and her sister’s SSI check.
STEP #1
• PROTECTIONS

STEP #2
• REDUCING BILLS

STEP #3
• PAYING BILLS
STEP #1 PROTECTIONS

▪ Financial hardship forms:
  ▪ Proof of financial hardship is required for most protections from utility shut-off
  ▪ Example on next slide
  ▪ Utility companies have them available
  ▪ Technically, expire within 3 months
Appendix C
Sample Financial Hardship Form

This Eversource form is provided as an example only. Advocates and customers should contact the utility company or municipal utility directly for the most updated version of the financial hardship form and other forms.

Eastern Massachusetts Form

Eversource
Financial Hardship Form

If you are claiming a "Financial Hardship" (under Massachusetts General Laws, Chapter 164, Section 124F), please fill out this form and return it to: Eversource, 247 Station Drive NW200, Westwood, MA 02090-9280 or fax it to 781-441-3686.

Name: __________________________________________
Address: _________________________________________

Telephone #: _________________________________
Account Numbers: Gas ___________________ Electric ___________________
Number of People Living in Household: _____________
Total Income for all household members before Taxes (should include all sources such as Wages, Social Security, TAFDC, Child Support, etc.)
Per Month: _____________ or Per Year: _____________

Financial Statement
I certify that the above information is complete and true to the best of my knowledge.

Signature ___________________________ Date ________________

ACCOUNT_NUMBER
(018 RN Form)
STEP #1 PROTECTIONS

- Winter Moratorium
  - Applies from Nov. 15 and March 15
  - Winter moratorium on terminating heat-related service, Nov. 15 to March 15, usually extended to April 1
  - Must demonstrate financial hardship
  - Service restored if terminated during moratorium
  - 220 CMR 25.03
STEP #1: PROTECTIONS

- Serious illness
  - Is someone seriously ill? Ask for ANY physical or mental illness
  - Any letter from doctor/P.A./N.P./Board of Health is enough to protect service or get service restored
  - Company may challenge letter it questions, with DPU
  - Letters good 90 days (can be renewed) or 180 days (chronic)
  - Financial hardship required
  - Service can be restored, should seek the protection ASAP and within 90 days of utility disconnection
  - 220 CMR 25.03
STEP #1 PROTECTIONS

- Infant under 12 months
  - Is there a child under 12 months in the home?
  - Protection time-limited
  - Must demonstrate financial hardship
  - Prevents termination and restores service
  - 220 CMR 25.03
STEP #1 PROTECTIONS

- Elder protections
  - Are all adults in the home 65 or over? (Minor = under the age of 18)
  - Notify the company
  - If no proof of financial hardship: no terminations allowed, unless utility gets approval from DPU
  - If there is proof of financial hardship: no termination at all if low-income
  - 220 CMR 25.03 & 220 CMR 25.05
STEP #1 PROTECTIONS

- Elder Protections, continued
  - Utility companies must provide 3rd party notice, on request
  - Caution re Liens: Utility companies may take liens on homeowners (seek additional support to learn if homestead exemption or other protections apply)
# Summary of Protections

## Eligibility for Key Protections Against Termination

<table>
<thead>
<tr>
<th>Protection</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elderly</strong></td>
<td>• All adult household members must be 65 or older.</td>
</tr>
<tr>
<td></td>
<td>• Household must notify company.</td>
</tr>
<tr>
<td></td>
<td>• No proof of financial hardship required; company must get individual permission of DPU to terminate.</td>
</tr>
<tr>
<td></td>
<td>• <strong>IF</strong> there is a financial hardship, termination absolutely prohibited.</td>
</tr>
<tr>
<td><strong>Serious Illness</strong></td>
<td>• Must show that someone (customer or family member) is seriously ill, by submitting letter from doctor/nurse practitioner or physician’s assistant.</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
<tr>
<td></td>
<td>• Serious illness letter must be renewed every 90 days (or every 180 days for a “chronic” illness).</td>
</tr>
<tr>
<td><strong>Winter Moratorium</strong></td>
<td>• Applies to gas (if used to heat) or electricity (if used to operate furnace, boiler, thermostats, or heating controls).</td>
</tr>
<tr>
<td></td>
<td>• Runs from November 15th – March 15th (often extended).</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
<tr>
<td><strong>Infant</strong></td>
<td>• An infant under the age of 12 months must be living in the household.</td>
</tr>
<tr>
<td></td>
<td>• Must submit birth certificate, baptismal certificate, or other reasonable proof of age.</td>
</tr>
<tr>
<td></td>
<td>• Must demonstrate financial hardship.</td>
</tr>
</tbody>
</table>
STEP #2: REDUCING BILLS

- Discount rates (regulated electric & gas):
  - Can save 25% to 36% on bills
  - Eligibility: Receipt of benefits, e.g., LIHEAP/fuel assistance, public/subsidized housing, SNAP, TAFDC, SSI, veterans’ benefits (note: customer of record)

- Eligibility determination:
  - Apply directly, or
  - LIHEAP/ fuel assistance or
  - Auto enrollment if TAFDC or SNAP

- G.L. c. 164, § 1F(4); 220 CMR 14.03(2A)
- Retroactive discounts: contact NCLC for help
STEP #2: REDUCING BILLS

- Payment plans
  - All companies must offer payment plans (prior to termination), 220 CMR 25.02(6)
    - At least 4 months, Ch. 140 of Acts of 2005, Section 17(b)
    - Utilities may be flexible (also, see AMP)
  - Post-termination payment plans: less defined
    - If LIHEAP recipient, utility must re-start utility service with 25% payment
  - *Cromwell* waivers
  - Make sure payment plan is reasonable and affordable
STEP #2: REDUCING BILLS

- Arrearage management programs (AMPs)
  - Ch. 140 of Acts of 2005, Section 17(a)
  - All utility companies must offer to all low-income customers in arrears
  - Customer makes equal payments/like a budget plan
  - Arrearage credits applied monthly

- Terms of AMPs?
  - Each utility is slightly different (e.g., Eversource cap of $12,000, Berkshire Gas cap of $3,000)
  - Different options to re-enroll after dropping out of AMP, may have to make up some missed payments
STEP #2: REDUCING BILLS

- Budget plans
  - All companies must offer budget plans
  - Can be helpful in avoiding huge bills
  - May still lead to “catch up” bills
  - 220 CMR 25.02(6)
Break
STEP #3: PAYING BILLS

- LIHEAP/Fuel assistance
  - Online application at https://toapply.org/MassLIHEAP
  - Cold Relief brochure at https://www.mass.gov/doc/fy-2024-cold-relief-brochure-0/download
  - Additional information at https://www.mass.gov/info-details/learn-about-home-energy-assistance-liheap

- RAFT (Residential Assistance for Families in Transition)
  - Rental Assistance central application, https://www.mass.gov/info-details/how-to-apply-for-raft
  - Can be used for utility arrears in some instances (current disconnection notice may be required)

- Energy Efficiency
  - Contact local LIHEAP/Fuel Assistance program or Mass Save

- Weatherization Assistance Program (WAP)

- HEARTWAP program

- Utility programs and local non-profit resources
Case scenario 1 - Discussion

- Sheila Robinson comes into your office on December 10 and tells you that her family’s gas service was terminated around a month ago because she owes over $2,000 in back bills. She says that she has been unable to keep up with her bills and seems depressed.

- She has a gas furnace and gas stove, so her family does not have heat, hot water, or the ability to cook. She owes about $800 on her electric bill and fears she will get a shut-off notice for that soon too, which would leave her family without light and refrigeration.

- Ms. Robinson’s family includes herself, her nine-year old daughter, her seven-year old son, her sister, and her sister’s newborn infant. The family’s income consists of TAFDC and her sister’s SSI check.

1. What questions should you ask Ms. Robinson?
2. Are there protections or assistance available for this family?
Case scenario 2 - Discussion

During November, Lee calls the legal aid intake line with an urgent request for help – his electricity is about to be disconnected. Lee returned home from an errand and found a utility notice on the door of the apartment, saying that the electricity would be shut off for non-payment within 72 hours. Lee lives with and cares for his elderly father, who had been responsible for the bills for years. He thought that he and his father were behind on their electric bills but heard that the power could not be turned off during the cold weather.

1. What questions should you ask Lee?
2. Are there protections or assistance available to Lee and his father?
Putting Theory Into Practice

- Resolving disputes:
  - Call the utility company first
  - Gather bills and information
  - Contact DPU Consumer Division if not satisfied
  - Informal process, customers and non-attorney advocates may file complaints
Non-Utility ("competitive") energy supply issues
Different ways to buy electric and gas supply

<table>
<thead>
<tr>
<th>Either one of these -</th>
<th>Or this, in some areas -</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Utility company (distribution utility, IOU)</td>
<td>• Municipal Utilities in some cities and towns (e.g., Braintree, Chicopee, Middleborough, North Attleborough, Peabody, etc.)</td>
</tr>
<tr>
<td>• Community Choice Aggregation (CCA, municipal aggregation)</td>
<td></td>
</tr>
<tr>
<td>• Non-utility energy supply company (competitive supply company)</td>
<td></td>
</tr>
</tbody>
</table>
Competitive Energy Supply — Buyer Beware

- Mass. deregulated its electricity supply market in 1997 and market for gas soon after that
- Purpose of deregulation was to spur innovation and competition but not what has resulted
- The individual market for competitive energy supply is almost always a bad deal. Large & numerous losers. Small & rare winners.
  - Municipal aggregation is different—where municipalities buy in bulk from a supplier; is often in fact cheaper for consumers
  - City of Boston municipal aggregation info: https://www.boston.gov/departments/environment/community-choice-electricity
- Mass. AGO report found that individual residential customers who received their electricity from competitive suppliers paid $525 million more on their bills over the last 6 years: https://www.mass.gov/competitive-electric-supply
Competitive Energy Supply - Buyer Beware

- Check bill for **competitive supply company** (ESCO, alternative supply company)
- May sell electricity or gas
- Door to door marketing and telemarketing, often misrepresenting the identity of the company, prices, contract terms
- Almost always more expensive
- Not the same as Community Choice Aggregation (check with city or town)
- Contact utility company and supply company to switch
- Complaints accepted by Attorney General and DPU
Look at a bill to figure out if someone has a competitive supplier.
Problems with the Competitive Utility Market Besides Just Cost

- Targeting of vulnerable populations—elders, LEP individuals, low-income communities
- Also some reverse redlining, targeting communities of color
- Use of deceptive tactics in door-to-door marketing and telemarketing
  - Misrepresentations that marketer is from or associated with the utility
  - Misrepresentations that will save money
- Slamming – Switching costumers without knowledge or consent
- Also, look out for risky/misleading solar deals; risky energy efficiency financing for low-income households
Action steps

- File complaints with DPU and AGO
- Removal from eligible consumer list
- Advocate for legislation or regulation to stop or put limits the market
- Litigation or arbitration against suppliers
- Bankruptcy
Where to file complaints about competitive suppliers:

- Department of Public Utilities (DPU) Consumer Division
  - (877) 866-5066
  - DPUConsumer.Complaints@mass.gov

- Attorney General Consumer Complaint Line
  - 617-727-8400 (M-F, 8am-4pm)
  - https://www.mass.gov/how-to/file-a-consumer-complain (for link to complaint form)
Protecting a utility account

- Eversource
  - To block your account from being switched without authorization, contact Eversource at 866-746-1110 or 800-592-2000
  - Register with the Federal Trade Commission's Do Not Call list
Removing yourself from the eligible customer list

- National Grid
  - To opt out, fill out an on-line form at https://www9.nationalgridus.com/masselectric/business/forms/5_opt_out.asp
  - Or call National Grid Customer Service
  - Register with the Federal Trade Commission's Do Not Call list
Other Utility Issues: Water and Telecommunications
Tenant only pays water bill if all are met:

- Landlord has installed submeters that measure actual water used in the apartment;
- Landlord has installed low-flow fixtures;
- Tenancy started on or after March 16, 2005
- Previous tenant was not forced out;
- There is a written rental agreement that spells out water bill arrangements; and
- Landlord has filed proper certification.

M.G.L. c. 186, section 22
Lifeline Program

- Free or low-cost phone or internet service to low-income households through a monthly service discount of up to $9.25
- Eligible households receive one discount for:
  - Home or wireless phone service; or
  - Home internet or a wireless phone data plan
- Eligibility:
  - Household income at or below 135% FPL
  - Program-based eligibility (MassHealth, SNAP, SSI, Federal Public Housing Assistance, Certain Tribal Assistance Programs, and Veteran's Pension or Survivor's Pension benefit)
- More eligibility and application information at https://www.lifelinesupport.org/do-i-qualify/
Affordable Connectivity Program

- Up to $30/month toward internet service for eligible households (up to $75/month for households on qualifying Tribal lands)
- One-time discount of up to $100 to purchase a laptop, desktop computer, or tablet from participating providers if household contributes more than $10 and less than $50 toward purchase
- Must be at or below 200% FPL or meet other criteria such as receiving Pell Grant (see fcc.gov/ACP)
- Apply at AffordableConnectivity.gov, or by calling 877-384-2575
Regulated land line phone protections

- Mass. Department of Telecommunications and Cable administers phone shut off protections
  - Applies to regulated land lines only
  - Serious illness rules; personal emergency; elder protection rules
  - Payment plans available

- Rules at DPU docket 18448 (1977)
Questions?
Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has worked for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. www.nclc.org