



NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971

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www.nhla.org

By U.S. Mail and e-mail

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Re: Unlawful Denial of Service Policies for Customers in Arrears

TTY: 1-800-735-2964

Dear New Hampshire Electric Utility Consumer Service Managers,

New Hampshire Legal Assistance ("NHLA") is writing to address an unlawful new Denial of Service policy being implemented by Eversource and possibly other electric

distribution utilities within New Hampshire. Eversource announced, during a September 22, 2016 Customer Advocacy Meeting in the presence of the undersigned writers of this letter, a policy of denying connection of service to any customer who has a previously unpaid bill with Eversource within the last 3 years - unless such customers pay 50% of their arrearage prior to reconnecting, and establish a 4-month payment plan to repay the remaining 50% outstanding. Janice Johnson of Eversource later clarified that if a municipal local welfare department is assisting a family with their Denial of Service issue, Eversource will ask them to pay 10% of the total due, and then a customer would need to make their first plan payment within two weeks. See e-mail from Janice Johnson dated 9/26/2016 7:18 AM.

It is NHLA's position that this newly implemented Denial of Service policy is unlawful. This new policy does not comply with the requirements of the Public Utility Commission's denial of service rules under PUC 1203.15(d), which reads:

(d) A utility **shall not** deny new residential utility service to any applicant with whom either:

- (1) A **reasonable** payment arrangement can be made under Puc 1203.07; or
- (2) The utility has a current payment arrangement under Puc 1203.07.

Puc 1203.15(d)(emphasis added). Specifically, the new Eversource Denial of Service policy violates Puc 1203.15 by not applying the factors of Puc 1203.07(c) when determining whether a reasonable payment arrangement can be made. Requiring each customer with an existing arrearage to pay a flat percentage of the arrearage up front, and then requiring the rest to be paid off within 4 months, disregards consideration of all the factors that Eversource and the customer must consider when deciding upon the reasonableness of a payment arrangement. These factors are:

- (1) Size of the arrearage;
- (2) Estimated size of the customer's future monthly bills;
- (3) Customer's payment history;
- (4) Amount of time that the arrearage has been outstanding;
- (5) Reasons why the arrearage is outstanding and whether those reasons will or will not continue during the course of payment; and
- (6) Customer's ability to pay.

Puc 1203.07(c). The implementation of this new Denial of Service policy by Eversource and possibly other New Hampshire electric utilities would deny New Hampshire families the protections of Puc 1203.15, by preventing those ratepayers from forming payment arrangements with their utility companies that are reasonable based on their particular circumstances and ability to pay.

This unlawful Denial of Service policy is also contrary to Reconnection of Service rules

This Eversource Denial of Service policy is also inconsistent with the PUC rule on Reconnection of Service. Puc 1203.13. The circumstance of a customer with an arrearage seeking connection of utility services at a new location is akin to that of a customer with an arrearage seeking reconnection at the same location where a disconnection has occurred (presumably due to the accumulation of an unpaid arrearage). When such a customer has not relocated, the customer is entitled to a reconnection if one of the following has occurred:

- (1) All arrearages have been paid;
- (2) The customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with Puc 1203.07; or
- (3) The customer has provided evidence of an agreement with a municipal welfare official, pursuant to RSA 165, or with another social service agency, in accordance with Puc 1203.14, to pay the current bill and the customer has agreed to enter into a payment arrangement for the unpaid arrearage in accordance with Puc 1203.07.”

See Puc 1203.13. Puc 1203.15 should be read consistently with the other rules under Chapter Puc 1200, including Puc 1203.07, 1203.13, and 1203.14. It is illogical that a customer with an existing arrearage who moves to a new location, but who may not have been disconnected at that prior location, must comply with more stringent payment arrangements set by Eversource which are not supported by the PUC rules.

This unlawful Denial of Service policy will impede social service agencies from assisting low income families seeking to relocate

While Puc 1203.15 does not directly address the circumstance of a municipal welfare official or another social service agency agreeing to assist a customer with an existing arrearage seeking a new connection of service, such municipal and social service agencies should not be unduly burdened in their efforts to provide such assistance.

Customers relocate for a myriad of reasons and face a variety of challenges in securing a new home. Municipal welfare and other social service agencies in New Hampshire have limited budgets to help those families without the financial means to cover all the costs of relocation. Eversource’s current policy on Denial of Service will likely impede the ability of these social service organizations to assist those New Hampshire families most in need of assistance in securing a new home and getting the lights turned on when they arrive.

New Hampshire Legal Assistance asks that Eversource and any other electric utility currently implementing similar Denial of Service policies contrary to Puc 1203.15 and 1203.07 to cease such collection practices immediately.

Eversource could consider a Denial of Service policy more in line with the Reconnection of Service rule Puc 1203.13, specifically permitting connection of service for a customer at a new location when a municipal welfare official or other social service agency guarantees payment for the first month of service and the customer agrees to enter into a reasonable payment arrangement in accordance with all the factors laid out in Puc 1203.07(c).

A customer's ability to pay and the size of the arrearage should not be ignored when deciding upon the terms of a payment arrangement. A blanket policy, of a set percentage upfront payment towards the arrearage + a payment arrangement to be completed within 4 months, fails to address all the mandatory factors that must be considered in deciding the reasonableness of a plan. *See e.g.* PUC 1203.07(c). Furthermore, both the customer and the utility company lose when the only payment plan offered is unaffordable resulting in further default and unpaid bills.

PUC - Consumer Affairs Division must waive overly burdensome payment requirements

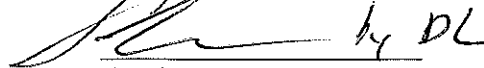
We also ask the Public Utilities Commission - Consumer Affairs Division to please continue to consider a customer's individual circumstances when mediating collection payment arrangement disputes between the utility and customer. *See* PUC 1203.07(m-n). The Consumer Affairs Division must waive the requirements of either or both the customer paying a reasonable portion of the arrearage, PUC 1203.07(a)(1); and the customer paying the current bill and all future bills by the due date printed on the bill, PUC 1203.07(a)(3), if those two requirements are "overly burdensome given the customer's financial circumstances, the amount due, and the customer's payment history with the utility." PUC 1203.07(n).

Please respond with proposed changes to this unlawful Denial of Service policy

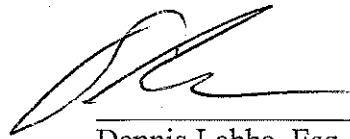
New Hampshire Legal Assistance hopes that Eversource, and any other electric distribution company that may be implementing a similar policy, will change their Denial of Service practices in light of this letter. Please do let us know by December 31, 2016 whether changes to Denial of Service policies will be implemented so that families may obtain reasonable payment plans on arrearages in order to get the lights turned on in a new home.

We do hope that we can work out this dispute informally and amicably. But if need be, New Hampshire Legal Assistance will look to intervene more formally on behalf of families denied service where there is no opportunity for such families to enter into reasonable payment plans in accordance with the PUC's rules on customer relations.

Sincerely,

Handwritten signature of Stephen Tower, followed by the initials "DL" in the upper right corner.

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Handwritten signature of Dennis Labbe.

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Encl: As noted above

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