

State-By-State Extreme Temperature Protections							
NLEIC June 5, 2007							
Nashville, Tennessee							
Prepared by Olivia Wein and Marshall Chalmers, National Consumer Law Center							
Based on NCLC's Guide To The Rights of Utility Consumers, Appendix A.1							
* (excludes illness and age-related protections, unless they are a condition of the extreme temperature protections)							
State	Cite	gas/electric	Covered Group	Date Based	Temperature Based Threshold	Summary of Rule/Seasonal Policy	Additional information
Alabama	AL PSC Gen Rule 12(B)(5)	gas & electric	residential electric or natural gas customer	no	No termination for the calendar day in which the temperature is 32° F or below.	No terminations on a day when the National Weather Service forecasts that temperature will be 32° F or below.	
Alaska	none						
Arizona	R.14-2-211(electric); R.14-3-	electric			No termination when the temperature is forecasted not exceed 32° F for the next day's forecast.		
Arkansas	Code Ark Rules 6.15, 6.18	gas & electric	Hot weather protection for elderly and disabled. In addition to temperature based rule, cold weather rule for low-income n.gas customers who make regular min. payments during the winter.	Nov 1 - March 31(n.gas cold weather rule)	No termination for the calendar day in which the temperature is 32° F or below or 95° F or higher (for elderly and disabled).	No terminations on a day when the National Weather Service forecasts that temperature will be 32° F or below at any time during the following 24-hour period.	7 months to pay balance, from April to October, interest on deferred payments only accrues once repayment begins.
California	none						Some utilities include shut off protections in their tariffs
Colorado	none						
Connecticut	16-3-100.2(B)	gas & electric	gas & electric heat customers w/ financial hardship who cannot pay entire account	Nov 1- Apr 15		Gas company can refuse to restore service from Nov. 1st to April 15th if service was term. Between April 16th and Oct. 31, and during the past year from Nov. 1st to Apr. 15th the customer received hardship benefit, and has not paid either 20% of outstanding balance, \$100, or payment established by agreement.	
Delaware	PSC Reg. 53.6.1				No termination for the calendar day in which the temperature is 32° F or below or exceeds 105° F on the morning of the date when service is scheduled for termination.	Measures temperature to within 50 miles of dwelling to be disconnected.	
D.C.	DCMR Title 15-310.3				No termination when the temperature is forecast to be 32° F or below during the next 24 hours		
Florida	none						

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Georgia	515-3-2-.04		Date-based moratoria for customers of marketers who agree to pay their arrears in equal installments and agree to pay on time for current service.	Nov 15 - Mar 15	No marketer may terminate when the temperature for a 72-hour period beginning at 8:00 am on the date of the proposed disconnection is below 32° F.		
Hawaii	none						
Idaho	31.21.01-306(1)	gas & electric	Any residential customers who declares s/he is unable to pay in full and whose household contains children, elderly and infirm persons. Customers must also be offered a Winter Payment Plan.	Dec - February for household with elderly, infirm, or children. Nov - March for Winter Payment Plan		Winter Payment Plan - Protection begins when Plan is initiated. Payments are one/half of Level Pay Plan for that customer. A customer who has an outstanding balance must make a plan to pay it on or after April 1st if on the Winter Payment Plan, or March 1st if not.	Only qualify for Winter Payment Plan if consumer has paid off prior year's Payment Plan, and owes no more than \$75 or last months balance to the utility on Nov. 1st. Consumer that moves to new address from December to February serviced by same utility will be connected no matter the balance owed.
Illinois	280.130(i) and 280.135(a)	gas & electric		Between Dec 1 - Mar 31, utility cannot disconnect unless the utility has offered a deferred payment plan and informed customer of specific agencies and funds available for payment assistance	No termination when the temperature is forecast to be 32° F or below during the next 24 hours		
Indiana	170 IAC 4-1-16.6 and IC 8-1-2-121	electric	Date-based moratoria for customers who has applied, or is receiving or is eligible for heating assistance.	Dec 1 - Mar 15			
Iowa	199-19.1(476)		Date-based moratoria for customers who have been certified as eligible for LIHEAP or WAP by the CAA	Nov. 1 - Apl. 1	No disconnection for gas heat customers when National Weather forecast for the following 24 hours that the temperature will be 20° F or below		

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Kansas	Cold Weather Rule - Kansas Corporation Commission - www.kcc.state.ks.us		During the Date-based moratoria, customers must inform utility of inability to pay enter into a payment agreement, pay 1/12 of the arrearage, 1/12 of the current bill, disconnection and reconnection fees and deposit (if applicable), enter into an 11 month arrearage plan or other negotiated payment plan for the arrearage; and apply for federal, state and local assistance funds.	Nov 1- Mar 1 (when temperatures are extreme)	No disconnections b/n Nov 1 through Mar 1 when the NWS forecasts temperatures will be 35° F or below or will be in the mid-30s or colder within the following 48 hour period.		Apparently you can get disconnected during the cold weather rule period if the temperature is forecast to rise above 35 degrees, and you cannot get reconnected without paying.
Kentucky	807 KAR 5:006.15	gas & electric	Customers who are certified by the KY Cabinet for Human Resources (or its designees) that they are eligible for energy assistance or have a household income at or below 130% of poverty and who present their certificate to the utility. Customers must show a good faith effort by paying current bills in accordance with their ability to do so. Customers shall also agree on a payment plan to become current by October 15 at latest.	Nov 1 - Mar 31 (30-day prohibition on disconnections in certain situations)			Reconnection is predicated on payment of 1/3 of outstanding bill or \$200 whichever is less.
Louisiana	none						
Maine	ME ADC 65-407 Ch. 81.15 and 17	gas & electric	Eligibility established by not being able to pay, qualifying for HEAP, income does not exceed 150% of OMB Poverty Line, or if customer receives Supplemental Security Income.	Nov 1 - April 15	Commission can determine due to weather or health emergencies that disconnections will be prohibited for 10 days at a time, subject to renewal for further 10 day periods.	Utilities are encouraged to enter into regular or special payment arrangements with customers who have arrears greater than \$50.00. Customers are expected to pay a reasonable portion of their bills when due during the winter months.	
Maryland	20.31.03.03	gas & electric		For the period Nov 1 - Mar 15, utilities cannot terminate service unless the utilities first certifies to the PSC by affidavit filed at least 24 hours before the termination, that the termination will not constitute a threat to the life or health of the occupants.	No disconnections when the temperatures are 32° F or below	Utilities may not terminate service when the forecasted temperature at 6:00 am is not expected to exceed 32° F for the next 24 hours.	

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Massachusetts	220 CMR 25.03		Customers whose service provides heat or operates the heating system.	Nov 15 - Mar 15		If customer received fuel assistance the prior winter, the utility will provide this service from Nov. 15th to Jan. 1 to give customer time to apply for program for current season.	No right of reconnection if service was terminated prior to November 1st.
Michigan	460.2174		In a 2006 emergency rule, certain elderly and low income customers were covered provided that they pay a monthly equivalent of 6% of their estimated bill. Customers who entered into settlement agreements who make their designated payments are also protected from disconnections. The re extended the due date for bills from 17 to 22 days and placed limits on deposits.	Nov 1 - Mar 31		460.2174 - Winter Protection Plan - Utility shall not shut off service during space heater season if the customer is an eligible senior citizen, or agrees to pay 7% of the annual projected bill per month, and applies for federal energy assistance. Space Heating Season is from December 1st to March 31st	
Minnesota	Rules, 7820.1800		Customers who have declared an inability to pay (customer willing to enter into a payment plan and made or makes timely payments) and are receiving any type of energy assistance or are income eligible	Oct 15- Apr 15			If service is disconnected as of October 15th and consumer expresses willingness to enter into repayment plan and requests reconnection, it shall be done.
Mississippi	Regs. Governing Public Utility Service Rule 8.E		Customers who are unable to pay the full amount of their bill and agree to pay the amount due before Nov 1 and enter into a payment plan for future bills.	Dec 1 - Mar 31			
Missouri	4 CSR 240-13.055 (5) and (6)		Customers who are unable to pay but enter into a payment agreement, and pays initial reasonable amount up front.	Nov - Mar 31( for low income elderly or disabled customers who have entered into a payment plan (challenged 2/06)	No disconnections on any day the 6am - 9 am NWS forecasts temperatures will drop below 32° F for the following 24 hours	No discontinuance of service from Nov. 1st to March 31st if customer states inability to pay, enters into payment agreement, and complies with utilities requests for income information.	Reconnection between Nov. 1st and March 31st for any customer who enters repayment plan and requests reconnection.
Montana	ARM 38.5.1410		Customers have established they are unable to pay or to pay only in installments, has a member of the household 62 or older, or with a disability. During the winter moratorium, utilities need the specific prior approval of the PSC to terminate service.	Nov 1 - Apl 1	No disconnections on any day when the temperature at 8:00 am is at or below freezing or if WS forecasts a snowstorm or freezing temperatures for the succeeding 24 hour period.		

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Nebraska	291-9-011-05			Nov 1 - Mar 31	During these winter months, Customers have an additional 30 days to pay their bills. PSC has the authority to order a temporary ban on disconnections during periods of severe weather or when there is danger to the life and health of customers or to property.		
Nevada	NAC 704.375				No termination for a forecasted period of extreme temperatures where at some point during the day the temperature is forecasted to be 15° F or below or 105° F or higher.		
New Hampshire	PUC 1204.01 through.06		During the winter, utilities must seek PUC approval before disconnecting service to customers known to be 65 years or older.			During the winter, before a utility can send a disconnection notice, arrears shall exceed \$125 for gas non-heating customers, \$225 for electric non-heating customers and \$450 for electric, gas and steam heat customers.	Reconnection available for winter period for consumers showing financial hardship or medical emergency.
New Jersey	NJAC 14:3-7.12(A)	gas & electric	Customers receiving income-tested federal or state benefits or are unable to pay their bills because of circumstances such as unemployment, illness or other circumstances causing financial hardship. Customers must pay up to 25% of the outstanding balance, enroll in a budget payment plan and make good faith payments during the protection period when possible and enroll in WAP.	Nov 15 - Mar 15			

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New Mexico	17.5.410.31(F)		Customer must be eligible for LIHEAP or the state's Low Income Utility Assistance	During the period, Nov 15 - Mar 15, utilities must provide service for at least 15 days or more after the date of disconnection if the HS dept has certified that the customer is eligible for LIHEAP or the state's Low Income Utility Assistance.			
New York	11-5 (c )(2)		Customers likely to suffer serious impairment to health or safety as a result of termination due to age, infirmity, mental incapacitation, use of life support systems, serious illness, physical disability or any other factual circumstances that indicate severe or hazardous health situations.	During the period between Nov 1 - Apl 15, utilities must contact customers by phone or in person at least 72 hours before the scheduled disconnection to ascertain if the resident is likely to suffer a serious impairment to health or safety as a resupt of termination. Utility cannot disconnection if customer is likely to suffer a serious impairment to health or safety.			
North Carolina	04 NCAC 11 R12 10 and 11		A member of the household is either certified as disabled or 65 years or older; the customer cannot pay for service in full or the household is certified by the local social service office which administers the Energy Crisis Assistance program or other similar programs as being eligible to receive assistance under such programs.	Nov 1 - Mar 31			
North Dakota	none						

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Ohio	4901:1-18-04(A) and (B)(2) and 4901:1-18-05(B)	electric & gas	Customer who is in default and can pay 1/3 of the balance due each month of the winter heating season.	Nov 1 - April 15		Company shall not disconnect service unless it has made contact ten days in advance, and has informed consumer of right to set up payment plan under Rule 4901:1-18-04(A)(2) or (B)	
Oklahoma	OAR 165:35-21-10(c ) and 165:35-21-31(c )	electric	Customers using electricity for heat and/or cooling.		No termination if the daytime temperature is forecasted to be 32° F or below during the day or 20° F or below at night or the heat index is forecast to be or 101° F or higher on the day of disconnection.		Right of reconnection when service is disconnected immediately preceding a period of severe weather as described in OAC 165:35-21-10( c)
Oregon	OAR 860-021-0405 (7)(b)(B)					Small rule, states that the utility cannot remotely disconnect a customer after only attempting to contact customer by telephone during the winter heating season, from Nov 1st to April 30.	
Pennsylvania	PA Code 56.100		General Eligibility	Dec 1 - Mar 31		Utility may not shut off service without contacting consumer and attempting to establish a reasonable agreement. (No detail on what that entails)	Utility must contact consumer within 90 days of December 1st and attempt to work out an agreement and restoration of service.
Rhode Island	PUC Section III:3(C)(1) and PUC Section IX	gas & electric	protected status and customers with arrearages of less than \$500 (if service is primary heat source) or \$200 (if service is not the primary heat source).	Nov 1 - Apl 15	Summer Moratorium - National Weather Service issues heat advisory or excessive heat warning - no termination of service is allowed.		
South Carolina	103-452		Customers with a medical certificate stating that termination would be especially dangerous to resident's health.	Dec 1 - Mar 31			
South Dakota	Rule 20:10:20:10		General Eligibility	Nov 1 - Mar 31		Medical necessity certificate expires on 31st day from the date it was signed by a physician. Certificate can be renewed up to 3 times for a period of 30 days each period. During Winter period, utility must allow 30 days longer than normal period for consumer to pay before disconnecting service.	
Tennessee	none						

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Texas	TAC 16.2.25.483(i)	electric			No termination when a the previous night's temperature did not exceed 32° F and the temperature is predicted to remain at or below for the next 24 hours. No termination when NWS issues a heat advisory for any county in the electric utility's service territory.		
Utah	Admin. R. 746-200-7(E) - HEAT Program (also see <a href="http://community.utah.gov/housing_and_community_development/SEAL/ump.html">http://community.utah.gov/housing_and_community_development/SEAL/ump.html</a> ) and 746-200-7(G)(2)		Household has gross income of less than 125% poverty, or household has suffered a medical emergency, loss of employment, circumstances resulting in substantial loss of income; household has applied to public and private energy assistance programs, and customer is willing to make a good faith effort to pay bills and any additional information required by the department.	Nov 15 - Mar 15 (State HEAT Program has power to extend the duration of the moratorium in response to severe weather)		The moratorium restricts the utility from shutoff during the winter. To qualify for the Moratorium the customer must have a termination notice or refusal to reconnect, have applied for HEAT, have applied for utility assistance through the American Red Cross, make good faith effort to pay bill during moratorium, and qualify under two of the following: 1) gross income qualifies for month prior to request, 2) suffered medical or other emergency in month prior, 3) loss of employment within the prior month, 4) 50% drop in income within the prior month.	
Vermont	Vt. Code R. 30 000 004 3.304	gas & electric	Customers 62 years or older seeking the disconnection protection when temperatures are forecast to fall below 32° F must provide utility with advance written notice of qualification for this protection.	Nov 1 - Mar 31	Disconnections prohibited if temperatures will drop below 10° F during a 48 hour period beginning on the morning of the anticipated disconnection. No disconnections if a resident is 62 years or older and the temperatures are forecasted to fall below 32° F during a 48 hour period beginning on the morning of the anticipated disconnection.		
Virginia	none						
Washington	WAC 480-90-143; 480-100-143	gas & electric	Space heating customers who notify the utility of an inability to pay the full bill and any deposit; self certify income; applies for home energy assistance and low-income weatherization and agrees to a payment plan and pay all amounts owed by the following Oct 15th.	Nov 15 - Mar 15			

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West Virginia	w. va C.S.R. s 150-3-4.8.1; s 150-4-4.8.1		Customer notifies utility of inability to pay and that termination is dangerous to the health and safety of a member of the household.	Dec 1- Feb 28		Written notice at least 10 days prior to disconnection and personal contact at least 24-hours prior to disconnection required before any disconnection for non-payment.	
Wisconsin	WI Adm Code s PSC 113.0303; 113.0304; 134.0624 and 134.0623	gas & electric	Households with incomes at 250% of poverty or less whose health and safety would be endangered because of age or disabilities; burden is on utilities to verify household situation.	Nov 1 - Apl 15		Between Nov 1 - Apl 30, prior to and at the time of disconnection, a utility rep must meet personally w/ responsible adult member of the household to discover any special circumstances which deserve special attention. On the day after a disconnection, utility must make an in-person visit to ensure to danger to health and life. Utilities required to have a reconnection plan which includes contact w/ disconnected customers prior to Oct 25 to inform customers of payment plan options. Personal contact required if household still disconnected after Oct 25 and if any danger to health detected, shall immediately reconnect.	
Wyoming	WY Rules and Regs PSC UA Ch.2 s 242 (c); (h)(ii) and (i)	gas, electric and water	For extreme weather protection: customers who can document (except for elderly and disabled) they are unable to pay their bill and have exhausted or is actively seeking govt assistance; or is able to pay only in installments.	Dec 24 - Jan 2 (no disconnections for nonpayment); Nov 1 - Apl 30 (extreme weather)		Personal notice before disconnection required Nov.1 - Apl. 30.	