
12.00 DISCONTINUANCE OR REFUSAL OF GAS SERVICE DURING COLD WEATHER

12.01 SCOPE

This Section applies only to Residential Customers of CenterPoint Energy

12.02 DEFINITIONS THE following definitions apply in this section:

1. **Cold Weather Period** – means the period from October 15 thru April 15 of the following year
2. **Customer** – means a residential customer of the utility
3. **Disconnection** – means the involuntary loss of utility heating service as a result of a physical act by a utility to discontinue service. Disconnection includes installation of a service or load limiter or any device that limits or interrupts utility service in any way.
4. **Household Income** – means the combined income, as defined in Minn. Stat. 290A.03, subd. 3, of all residents of the customer's household, computed on an annual basis. Household income does not include any amount received for energy assistance.
5. **Reasonably timely payment** – means payment posted within five working days of agreed-upon due dates
6. **Reconnection** – means the restoration of utility heating service after it has been disconnected.

12.02 DEFINITIONS (CONTINUED)

- 7. Summary of Rights and Responsibilities** – means a notice approved by the Minnesota Public Utilities Commission that contains, at a minimum, the following
- a. An explanation of the provisions of Section 12.05 and Minn. Stat. 216B.096, subd. 5;
 - b. An explanation of no-cost and low-cost methods to reduce the consumption of energy
 - c. A third-party notice
 - d. Ways to avoid disconnection
 - e. Information regarding payment agreements
 - f. An explanation of the customer's right to appeal a determination of income by the Company and the right to appeal if the Company and the customer cannot arrive at a mutually acceptable payment agreement; and
 - g. A list of names and telephone numbers for county and local energy assistance and weatherization providers in each county served by the Company
- 8. Third Party notice** – means a Minnesota Public Utilities Commission-approved notice containing, at a minimum, the following information
- a. A statement that the Company will send a copy of any future notice of proposed disconnection of Company service to a third party designated by the residential customer
 - b. Instruction on how to request this service, and
 - c. A statement that the residential customer should contact the person the customer intends to designate as the third party contact before providing the Company with the party's name.

12.02 DEFINITIONS (CONTINUED)

9. **Company** – means the Minnesota Operations of CenterPoint Energy.
10. **Utility Heating Service** – means natural gas used as a primary heating source for the customer's primary residence.
11. **Working Days** – means Mondays through Fridays excluding legal holidays. The day of receipt of a personally served notice and the day of mailing of a notice shall not be counted in calculating working days.

12.03 COMPANY OBLIGATIONS BEFORE COLD WEATHER PERIOD

Each year, between September 1 and October 15, the Company must provide all customers, personally or by first class mail or electronically for those requesting electronic billing, a summary of rights and responsibilities. The summary must also be provided to all new residential customers when service is initiated.

12.04 NOTICE BEFORE DISCONNECTION DURING COLD WEATHER PERIOD

Before disconnecting utility heating service during the cold weather period, the Company must provide, personally or by first class mail, a Minnesota Public Utilities Commission-approved notice to a customer, in easy to understand language, that contains, at minimum, the date of the scheduled disconnection, the amount due, and a summary of rights and responsibilities.

12.05 COLD WEATHER RULE

During the cold weather period, the Company may not disconnect and must reconnect utility heating service of a customer whose household income is at or below 50 percent of the state median income if the customer enters into and makes reasonably timely payments under a mutually acceptable payment agreement with the Company that is based on the financial resources and circumstances of the household; provided that, the Company may not require a customer to pay more than ten percent of the household income toward current and past utility bills for utility heating service.

The Company may accept more than ten percent of the household income as the payment arrangement amount if agreed to by the customer.

The customer or a designated third party may request a modification of the terms of a payment agreement previously entered into if the customer's financial circumstances have changed or the customer is unable to make reasonably timely payments.

The payment agreement terminates at the expiration of the cold weather period unless a longer period is mutually agreed to by the customer and the Company

The Company shall use reasonable efforts to restore service within 24 hours of an accepted payment agreement, taking into consideration customer availability, employee availability, and construction-related activity.

12.06 VERIFICATION OF INCOME

In verifying a customer's household income, the Company may;

1. Accept the signed statement of a customer that the customer is income eligible
2. Obtain income verification from a local energy assistance provider or a government agency
3. Consider one or more of the following:
 - a. The most recent income tax return filed by members of the customer's household;
 - b. For each employed member of the customer's household, paycheck stubs for the last two months or a written statement from the employer reporting wages earned during the preceding two months;
 - c. Documentation that the customer receives a pension for the Department of Human Services, the Social Security Administration, the Veteran's Administration, or other pension provider;
 - d. A letter showing the customer's dismissal from a job or other documentation of unemployment; or
 - e. Other documentation that supports the customer's declaration of income eligibility.

A customer who receives energy assistance benefits under any federal, state, or county government programs in which eligibility is defined as household income at or below 50 percent of state median income is deemed to be automatically eligible for protection under this section and no other verification of income may be required.

12.07 PROHIBITIONS AND REQUIREMENTS

This Section applies during the Cold Weather Period.

The Company may not charge a deposit or delinquency charge to a customer who has entered into a payment agreement or a customer who has appealed to the Minnesota Public Utilities Commission under Section 12.08 and Minn. Stat. 216B.096, subd. 8.

The Company may not disconnect service during the following periods:

1. During the pendency of any appeal under Section 12.08 and Minn. Stat. 216B.096, subd. 8;
2. Earlier than ten working days after the Company has deposited in first class mail, or seven working days after the Company has personally served, the notice required under Section 12.04 and Minn. Stat. 216B.096, subd. 4. to a customer in an occupied dwelling;
3. Earlier than ten working days after the Company has deposited in first class mail the notice required under Section 12.04 and Minn. Stat. 216B.096, subd. 4. to the recorded billing address of the customer, if the Company has reasonably determined from an on-site inspection that the dwelling is unoccupied;
4. On a Friday, unless the Company makes personal contact with, and offers a payment agreement consistent with this section to the customer;

12.07 PROHIBITIONS AND REQUIREMENTS (CONTINUED)

5. On a Saturday, Sunday, holiday, or the day before a holiday;
6. When the Company offices are closed;
7. When no Company personnel are available to resolve disputes, enter into payment agreements, accept payments, and reconnect service; or
8. When the Minnesota Public Utilities Commission offices are closed.

The Company may not discontinue service until it investigates whether the dwelling is actually occupied. At a minimum, the investigation must include one visit by the Company to the dwelling during normal working hours. If no contact is made and there is reason to believe that the dwelling is occupied, the Company must attempt a second contact during non-business hours. If personal contact is made, the Company representative must provide notice required under Section 12.04 and Minn. Stat. 216B.096, subd. 4 and, if the Company representative is not authorized to enter into a payment agreement, the telephone number the customer can call to establish a payment agreement

The Company must reconnect utility service if, following disconnection, the dwelling is found to be occupied and the customer agrees to enter into a payment agreement or appeals to the Minnesota Public Utilities Commission because the customer and the Company are unable to agree on a payment agreement.

12.08 DISPUTE; CUSTOMER APPEAL

The Company must provide the customer and any designated third party with a Minnesota Public Utilities Commission-approved written notice of the right to appeal:

1. A Company determination that the customer's household income is more than 50 percent of the state median household income; or
2. When the Company and the customer are unable to agree on the establishment or modification of a payment agreement.

A customer's appeal must be filed with the Minnesota Public Utilities Commission no later than seven working days after the customer's receipt of a personally served appeal notice or within ten working days after the Company has deposited a first class mail appeal notice.

Notwithstanding any other law, following an appeals decision adverse to the customer, the Company may not disconnect utility heating service for seven working days after the Company has personally served a disconnection notice, or for ten working days after the Company has deposited a first class mail notice. The notice must contain, in easy to understand language, the date on or after which disconnection will occur, the reason for disconnection, and ways to avoid disconnection.

12.09 CUSTOMERS ABOVE 50 PERCENT OF STATE MEDIAN INCOME

During the cold weather period, a customer whose household income is above 50 percent of state median income:

1. Has the right to a payment agreement that takes into consideration the customer's financial circumstances and any other extenuating circumstances of the household; and
2. May not be disconnected and must be reconnected if the customer makes timely payments under a payment agreement accepted by the Company.

The second sentence in Section 12.07 does not apply to customers whose household income is above 50 percent of state median income.

12.10 REPORTING

Annually on November 1, the Company must electronically file with the Minnesota Public Utilities Commission a report, in a format specified by the Minnesota Public Utilities Commission, specifying the number of the Company's heating service customers whose service is disconnected or remains disconnected for nonpayment as of October 1 and October 15. If customers remain disconnected on October 15, the Company must file a report each week between November 1 and the end of the cold weather period specifying:

1. The number of the Company's heating service customers that are or remain disconnected from service for nonpayment; and
2. The number of the Company's heating service customers that are reconnected to service each week. The Company may discontinue weekly reporting if the number of the Company's heating service customers that are or remain disconnected reaches zero before the end of the cold weather period.

The data reported under this Section and Minn. Stat.216B.096 are presumed to be accurate upon submission and must be made available through the Minnesota Public Utilities Commission's electronic filing system.

12.11 NOTICE TO CITIES OF UTILITY DISCONNECTION

Notwithstanding Minn. Stat. §13.685 or any other law or administrative rule to the contrary, upon written request from a city, on October 15 and November 1 of each year, or the next business day if that date falls on a Saturday or Sunday, a report must be made available to the city of the address of properties currently disconnected and the date of the disconnection. Upon written request from a city, between October 15 and April 15, daily reports must be made available of the address and date of any newly disconnected properties.

For the purpose of this section, "disconnection" means a cessation of services initiated by the Company that affects the primary heat source of a residence and service is not reconnected within 24 hours.