



Public Utility Law Project of New York, Inc.

Dear Colleagues, Fellow Advocates and Neighbors:

On March 13, 2020, Governor Cuomo directed the NYS Public Service Commission to order all NYS energy and water utilities operating under the State's authority, to halt any terminations during the COVID-19 pandemic, and the Commission took that action without delay. (see, https://www.saratogian.com/news/local-news/utilities-to-suspend-disconnections-for-households-facing-hardships/article_3ade5c87-d9f9-55d9-b5e1-d0c714927f35.html)

As a result, in the energy utility industry, National Grid (Upstate and Downstate), NYSEG/RG&E, Central Hudson, National Fuel Gas, Orange & Rockland, and Con Edison, for example, should not be terminating residential or commercial tenants for matters arising from inability to pay.

Similarly, in the water utility industry, the Suez Companies (Suez Water NY – Rockland County, Suez Water of Westchester, Suez Water of Forest Park and Suez Water of Owego-Nichols) and New York American Water should not be terminating residential or commercial tenants for matters arising from inability to pay.

The Public Service Commission has also required retail energy service companies (“ESCOs”) to cease door-to-door solicitation during the emergency.

Note: The Commission-imposed moratoria do not extend to municipally-owned or public authority water supply or energy systems.

During the public health emergency PULP strongly recommends the following steps:

1) Alert any clients you are working with who have utility arrears that this moratorium is in place. If a utility's line worker comes to the house while the customer is at home for the purpose of shutting them off, encourage the customer to call you so that you can relay to the worker that there is a moratorium in place and no shutoffs should be occurring.

2) If the Company still shuts the person off (while they are home) and/or the person comes home to a shutoff, they should *file an emergency complaint with the Commission by calling: 1-800-342-3355**

*While there could be an issue of whose name is on the account (i.e. the landlord and not the tenant) this is an important step in notifying the Commission that shutoffs are still happening and that the Companies should not be doing them.

Then, please notify PULP by calling our **hotline: 877.669.2572** and we would be happy to speak with the Commission about the termination and request an immediate turn-on

order.

Following the public health emergency:

Additionally, once the health emergency is lifted, we want to make sure there is a system in place to help people get back on their feet rather than get hit with a shutoff. We are currently working with the Public Service Commission and the Office of Temporary and Disability Assistance on how to handle the arrears. For instance, the Home Energy Assistance Program (HEAP) is supposed to close on April 24th. However, with everything going on, maybe we can push back the close date and potentially, get more HEAP money from the federal government to help people with arrears.

If you have service from a municipal energy or water utility, PULP is contacting those municipalities and seeking their voluntary compliance with the statewide moratorium on utility shutoffs during the period of pandemic emergency. If your municipality has shutoff ratepayers, contact us to discuss the issue.

Additionally, broadband and telephone service providers have voluntarily agreed to an FCC request not to shut off customers for at least 60-days (see, <https://docs.fcc.gov/public/attachments/DOC-363075A1.pdf> and see <https://www.nytimes.com/2020/03/14/business/internet-providers-coronavirus.html>).

Please exercise caution during these trying times. New Yorkers are compassionate, thoughtful and tough. We thrive on adversity and are at our best in a crisis. Keep your spirits up and follow the reasonable public health and other emergency advice coming from the Governor, State Department of Health and other concerned government agencies.