

"The Cold Weather Rule" - Utility Disconnections



What is the Cold Weather Rule? The Cold Weather Rule prohibits a utility company from disconnecting gas or electric utility service that is necessary to operate home heating equipment (such as a furnace) due to nonpayment of a utility bill during times of extreme cold.

When does the Cold Weather Rule go into effect? The Cold Weather Rules goes into effect every year from November 1 through March 31.

Which utilities must follow the Cold Weather Rule? Missouri's Cold Weather Rule applies to gas and electric companies which are regulated by the Missouri Public Service Commission (PSC). It does not apply to utility systems operated by cities, cooperatives, or propane delivery companies.

How "cold" does it have to be? On any day when the National Weather Service forecasts the temperature will drop below 32 degrees during the following 24 hours, utility providers are prohibited from disconnecting service. In addition, a utility cannot disconnect service on days where it will not be available to reconnect service the next day following disconnection and the temperature the next day is expected

to drop below 32 degrees.

What kind of notice must a utility provider give before shutting off utilities during the Cold Weather Rule period?

A utility provider must:

1. Notify customers of possible financial help to pay delinquent bills;
2. Send written notice by mail at least 10 days before the proposed shut-off;
3. Attempt to contact the customer by either a second written notice by mail, a door hanger, or at least two phone calls 96 hours before shut-off;
4. Attempt to contact the customer on the day of the shut-off; and
5. For elderly or disabled customers who have registered with the utility provider, call and send a copy of the 10-day notice to the customer's alternate contact and make personal contact with either the elderly or disabled customer or a family member aged 15 or more on the day of the shut-off.

What if I am elderly or disabled? If you are elderly or disabled, you can register with the utility provider to gain access to additional payment options. Normally, utility services for registered elderly and disabled customers who meet certain income guidelines and who make a minimum payment cannot be shut-off.

Are there any special rules for payment agreements during the Cold Weather Rule period?

Service cannot be shut-off during the period if:

1. You contact the utility provider and advise of your inability to pay in full;
2. You make an "initial payment" (no more than 12% of a 12 month payment agreement or no more than 80% of the balance if the customer has defaulted on a Cold Weather Rule payment plan);
3. You keep up with your payments under a "payment agreement" (payment agreement will run for at least 12 months or more covering past, current and future bills);
4. If requested, you provide the utility provider with proof of your low income;
5. None of the amount owed is due to unauthorized utility use; and
6. For low income elderly or disabled customers who have registered with the utility provider, your monthly payment during the Cold Weather Rule period can be reduced temporarily to 50% of the current bill, if it is less than your payment agreement amount (but you will still have to pay the other 50% after the period ends). Please note that if you default on a "payment agreement," in some cases you can reinstate the payment agreement before service is shut off by paying the

missed payment agreement amounts, as well as paying amounts not included in the payment agreement that have become past due.

If my service is shut off, can a utility provider charge a deposit to reconnect during the Cold Weather Rule period?

Utility providers cannot charge a deposit at reconnection during the Cold Weather Rule period if:

1. You request reconnection and advise the utility provider that you can't pay the bill in full;
2. You make an "initial payment" (same as above except for gas customers - 50% of the balance or \$500, whichever is less - unless the customer has repeatedly defaulted);
3. You keep up with your payments under a "payment agreement";
4. If requested, you provide the utility provider with proof of your low income; and
5. None of the amount owed is due to unauthorized utility use.

What can I do if I am facing an illegal shut-off? If a utility attempts to disconnect your service on a day the rule is in effect, remind the utility that disconnection is prohibited and immediately call the Missouri Public Service Commission ([1-800-392-4211](tel:1-800-392-4211)) or the Missouri Attorney General ([1-800-392-8222](tel:1-800-392-8222)).

How can I find financial assistance to pay my utility bill? Call the United Way by dialing 211 or [1-800-427-4626](tel:1-800-427-4626) to locate agencies that may be able to assist you.

Prepared by Legal Services of Eastern Missouri, Inc. (LSEM). LSEM provides this educational information as a public service. It is not legal advice. Sometimes the laws change. Always consult a lawyer, if you can, before taking legal action. The mission of LSEM is to provide high-quality civil legal assistance and equal access to justice for low-income people in Eastern Missouri. Last updated: November 2013.

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