

When Facing a Utility Disconnection



The Office of the
Minnesota Attorney General
helping people afford their lives and live with dignity and respect

Minnesota has some of the coldest weather in the country. This can lead to expensive gas and electric bills, with which people sometimes have a hard time keeping up. This flyer is intended to provide tips on what to do if you find yourself in this situation and to explain your rights under Minnesota law.

Call Your Utility

You should contact your utility and explain your financial or personal situation if you fall behind on your utility bills. If there are extenuating circumstances that have caused you to fall behind, your utility may be willing to work with you on a payment plan.

Minnesota Laws

If not, Minnesota law contains several protections for consumers:

Consumers with Medical Problems

Minnesota law requires a utility to reconnect or continue service to a customer's residence where a medical emergency exists or where medical equipment requires electricity to sustain life.

If the loss of utility service could lead to a medical emergency in your home, you should advise the utility of your medical condition. Ask the utility if it has special paperwork for you to fill out to exercise your rights under this law. You should be prepared to provide the utility with a note from a medical professional explaining your medical condition and how it would be affected or how an emergency could arise with the loss of service.

Budget Billing Plans

Minnesota law requires utilities (other than those serving 3,000 or fewer customers) to offer their customers a budget billing plan. Budget billing plans are most often used when a customer is behind on their bills, but can also be used if a customer would like a bill that remains constant year round. In either case, a utility will calculate

your average monthly usage by reviewing the previous 12 months of service. For customers who have fallen behind, the past due balance is divided over an agreed upon time and is added to the monthly average. Typical budget plans last nine months or less but can be negotiated.

A budget plan may also be an option for consumers who do not want their bills to fluctuate from month to month. Some customers who have seasonal employment choose this option to flatten out their payments while they are without work. Keep in mind that if you use a budget billing plan, you will likely pay more in warmer months but less in colder months than you would without it.

Payment Arrangements

Minnesota law also requires that utilities offer payment arrangements for past due balances. This is slightly different from a budget billing plan, because your average usage is not calculated. Under a payment arrangement, you will continue to pay for your monthly usage but will have to include an additional amount to go toward the past due balance. If you can agree to a payment arrangement with your utility provider, it must continue or reconnect your service as soon as possible. Many people find this option more favorable during warmer months when bills are typically smaller and it is easier to reduce usage.

Cold Weather Rule

Special protections exist for Minnesotans facing disconnection between October 15 and April 15 under Minnesota's Cold Weather Rule. It is important to note that this protection does not prohibit utilities from disconnecting service, but that it requires several steps to be taken before disconnection.

First, if your household income is below 50 percent of the state median, a utility must not disconnect you and must reconnect the utility service if your primary heat source is affected. You may need to provide verification of your household income, but your utility provider should give you a reasonable timeframe to provide this documentation.

With this protection, you must still enter into a payment arrangement with your utility, but the utility must consider the financial resources of your household when establishing an arrangement. If your household income is above 50 percent of the state median, you still have a right to a payment agreement that takes into consideration your financial resources and any other extenuating circumstances.

Second, utilities must provide the following information to customers facing disconnection during the period of the Cold Weather Rule.

1. a notice of proposed disconnection;
2. a statement explaining your rights and responsibilities;
3. a list of local energy assistance providers;
4. forms on which to declare an inability to pay; and
5. a statement explaining available payment plans and other opportunities to secure continued utility service.

Third, during the Cold Weather Rule, a utility typically cannot disconnect service on a Friday, on a weekend, holiday, or the day before a holiday, when utility offices are closed, or after the close of business on a day when disconnection is permitted.

Energy Assistance

Your utility should be able to advise you of energy assistance programs for which you may qualify. In addition, the Minnesota Department of Commerce partners with 30 service providers to administer the Low Income Home Energy Assistance Program (LIHEAP). LIHEAP is a federally funded program through the U.S. Department of Health and Human Services. You may qualify for assistance if your household is at or below 50 percent of the state median income. You can reach the Department of Commerce to inquire about assistance as follows:

Minnesota Department of Commerce

Division of Energy Resources
85 7th Place East, Suite 280
St. Paul, MN 55101
(800) 657-3710

If You're Having Trouble with a Utility

The Minnesota Public Utilities Commission is the state agency with the authority to order investor owned utilities to comply with state law. If you're having trouble with a utility, you may wish to contact the Commission as follows:

Minnesota Public Utilities Commission

121 7th Place East, Suite 350
St. Paul, MN 55101-2147
(651) 296-0406 or (800) 657-3782
mn.gov/puc

Cooperative utilities, or co-ops, are owned by their members. Members elect a Board of Directors to set the co-op's policies. Co-ops may elect to be regulated by the Minnesota Public Utilities Commission, but only one co-op in Minnesota has done so. Members who encounter issues with a co-op can file an appeal with its Board.

Municipal utilities are regulated by the city council and the mayor or city-appointed commission. Complaints against a municipal utility should first be addressed with the city clerk or city manager. Citizens may also file an appeal with the city council or city-appointed commission.

If you're having trouble with a utility, you may contact the Minnesota Attorney General's Office as follows:

Office of Minnesota Attorney General Keith Ellison

445 Minnesota Street, Suite 1400
St. Paul, MN 55101
(651) 296-3353 (Twin Cities Calling Area)
(800) 657-3787 (Outside the Twin Cities)
(800) 627-3529 (Minnesota Relay)
www.ag.state.mn.us