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State of Minnesota  
**HOUSE OF REPRESENTATIVES**  
EIGHTY-FIFTH  
SESSION **HOUSE FILE No. 1770**

March 7, 2007

Authored by Sailer, Clark and Hilty

The bill was read for the first time and referred to the Energy Finance and Policy Division

March 20, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to utilities; modifying conditions for disconnecting and reconnecting  
1.3 utility service; amending Minnesota Statutes 2006, section 216B.097,  
1.4 subdivisions 1, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 216B.097, subdivision 1, is amended to  
1.7 read:

1.8 Subdivision 1. **Application; notice to residential customer.** (a) A municipal utility  
1.9 or a cooperative electric association must not disconnect and must reconnect the utility  
1.10 service of a residential customer during the period between October 15 and April 15 if  
1.11 the disconnection affects the primary heat source for the residential unit ~~when~~ and all of  
1.12 the following conditions are met:

1.13 ~~(1) the customer has declared inability to pay on forms provided by the utility. For~~  
1.14 ~~the purposes of this clause, a customer that is receiving energy assistance is deemed~~  
1.15 ~~to have demonstrated an inability to pay;~~

1.16 ~~(2) The household income of the customer is less than~~ at or below 50 percent of the  
1.17 state median household income; A municipal utility or cooperative electric association  
1.18 utility may (i) verify income on forms it provides or (ii) obtain

1.19 ~~(3) verification of income may be conducted by~~ from the local energy assistance  
1.20 provider ~~or the utility, unless the.~~ A customer is deemed automatically eligible for to meet  
1.21 the income requirements of this clause ~~protection against disconnection as a recipient of~~  
1.22 if the customer receives any form of public assistance, including energy assistance, that  
1.23 uses an income eligibility in an amount threshold set at or below ~~the income eligibility in~~  
1.24 ~~clause (2)~~ 50 percent of the state median household income;

2.1 ~~(4)~~ (2) A customer whose account is current for the billing period immediately prior  
2.2 to October 15 or who, at any time, enters into and makes reasonably timely payments  
2.3 under a payment schedule agreement that considers the financial resources of the  
2.4 household ~~and is reasonably current with payments under the schedule~~; and

2.5 ~~(5) the~~ (3) A customer receives referrals to energy assistance programs,  
2.6 weatherization, conservation, or other programs likely to reduce the customer's energy  
2.7 bills.

2.8 (b) A municipal utility or a cooperative electric association must, between August  
2.9 15 and October 15 of each year, notify all residential customers of the provisions of this  
2.10 section.

2.11 Sec. 2. Minnesota Statutes 2006, section 216B.097, subdivision 3, is amended to read:

2.12 Subd. 3. **Restrictions if disconnection necessary.** (a) If a residential customer must  
2.13 be involuntarily disconnected between October 15 and April 15 for failure to comply with  
2.14 ~~the provisions of~~ subdivision 1, the disconnection must not occur:

2.15 (1) on a Friday or on the day before a holiday, unless the customer declines to enter  
2.16 into a payment agreement offered that day in person or via personal contact by telephone  
2.17 by a municipal utility or cooperative electric association;

2.18 (2) on a weekend, holiday, or the day before a holiday;

2.19 (3) when utility offices are closed; or

2.20 (4) after the close of business on a day when disconnection is permitted, unless  
2.21 a field representative of a municipal utility or cooperative electric association who is  
2.22 authorized to enter into a payment agreement, accept payment, and continue service,  
2.23 offers a payment agreement to the customer.

2.24 Further, the disconnection must not occur until at least 20 days after the notice required  
2.25 in subdivision 2 has been mailed to the customer or 15 days after the notice has been  
2.26 personally delivered to the customer.

2.27 (b) If a customer does not respond to a disconnection notice, the customer must  
2.28 not be disconnected until the utility investigates whether the residential unit is actually  
2.29 occupied. If the unit is found to be occupied, the utility must immediately inform the  
2.30 occupant of the provisions of this section. If the unit is unoccupied, the utility must give  
2.31 seven days' written notice of the proposed disconnection to the local energy assistance  
2.32 provider before making a disconnection.

2.33 (c) If, prior to disconnection, a customer appeals a notice of involuntary  
2.34 disconnection, as provided by the utility's established appeal procedure, the utility must  
2.35 not disconnect until the appeal is resolved.