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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3368

February 25, 2008

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

1.1 A bill for an act
1.2 relating to utilities; setting filing deadline for certain reports; regulating
1.3 customer payment arrangements during cold weather period; regulating payment
1.4 agreements for certain utility services; prohibiting disconnections of services if
1.5 certain medical conditions exist; amending Minnesota Statutes 2006, section
1.6 216B.098, subdivisions 3, 5, by adding a subdivision; Minnesota Statutes 2007
1.7 Supplement, sections 216B.091; 216B.096, subdivisions 5, 10.

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

1.9 Section 1. Minnesota Statutes 2007 Supplement, section 216B.091, is amended to read:

1.10 **216B.091 MONTHLY REPORTS.**

1.11 (a) Each public utility must report the following data on residential customers to the
1.12 commission monthly, in a format determined by the commission:

1.13 (1) number of customers;

1.14 (2) number and total amount of accounts past due;

1.15 (3) average customer past due amount;

1.16 (4) total revenue received from the low-income home energy assistance program and
1.17 other sources contributing to the bills of low-income persons;

1.18 (5) average monthly bill;

1.19 (6) total sales revenue;

1.20 (7) total write-offs due to uncollectible bills;

1.21 (8) number of disconnection notices mailed;

1.22 (9) number of accounts disconnected for nonpayment;

1.23 (10) number of accounts reconnected to service; and

1.24 (11) number of accounts that remain disconnected, grouped by the duration of
1.25 disconnection, as follows:

- 2.1 (i) 1-30 days;
- 2.2 (ii) 31-60 days; and
- 2.3 (iii) more than 60 days.
- 2.4 (b) Monthly reports for October through April must also include the following data:
- 2.5 (1) number of cold weather protection requests;
- 2.6 (2) number of payment arrangement requests received and granted;
- 2.7 (3) number of right to appeal notices mailed to customers;
- 2.8 (4) number of reconnect request appeals withdrawn;
- 2.9 (5) number of occupied heat-affected accounts disconnected for 24 hours or more
- 2.10 for electric and natural gas service separately;
- 2.11 (6) number of occupied non-heat-affected accounts disconnected for 24 hours or
- 2.12 more for electric and gas service separately;
- 2.13 (7) number of customers granted cold weather rule protection;
- 2.14 (8) number of customers disconnected who did not request cold weather rule
- 2.15 protection; and
- 2.16 (9) number of customers disconnected who requested cold weather rule protection.
- 2.17 (c) The data reported under paragraphs (a) and (b) is presumed to be accurate upon
- 2.18 submission and must be made available through the commission's electronic filing system.
- 2.19 A monthly report must be filed with the commission no later than 45 days after the last
- 2.20 day of the month for which data is reported.

2.21 Sec. 2. Minnesota Statutes 2007 Supplement, section 216B.096, subdivision 5, is

2.22 amended to read:

2.23 Subd. 5. **Cold weather rule.** (a) During the cold weather period, a utility may not

2.24 disconnect and must reconnect utility heating service of a customer whose household

2.25 income is at or below 50 percent of the state median income if the customer enters into

2.26 and makes reasonably timely payments under a mutually acceptable payment agreement

2.27 with the utility that is based on the financial resources and circumstances of the household;

2.28 provided that, a utility may not require a customer to pay more than ten percent of the

2.29 household income toward current and past utility bills for utility heating service.

2.30 (b) A utility may accept more than ten percent of the household income as the

2.31 payment arrangement amount if agreed to by the customer.

2.32 (c) The customer or a designated third party may request a modification of the terms

2.33 of a payment agreement previously entered into if the customer's financial circumstances

2.34 have changed or the customer is unable to make reasonably timely payments.

3.1 (d) The payment agreement terminates at the expiration of the cold weather period
3.2 unless a longer period is mutually agreed to by the customer and the utility.

3.3 (e) Each utility shall use reasonable efforts to restore service within 24 hours of
3.4 an accepted payment agreement.

3.5 **EFFECTIVE DATE.** This section is effective September 1, 2008.

3.6 Sec. 3. Minnesota Statutes 2007 Supplement, section 216B.096, subdivision 10,
3.7 is amended to read:

3.8 Subd. 10. **Customers above 50 percent of state median income.** During the
3.9 cold weather period, a customer whose household income is above 50 percent of state
3.10 median income:

3.11 (1) has the right to a payment agreement that takes into consideration the customer's
3.12 financial circumstances and any other extenuating circumstances of the household; and

3.13 (2) may not be disconnected and must be reconnected if the customer makes timely
3.14 payments under a payment agreement accepted by a utility.

3.15 Subdivision 7, paragraph (b), does not apply to customers whose household income is
3.16 above 50 percent of state median income.

3.17 **EFFECTIVE DATE.** This section is effective September 1, 2008.

3.18 Sec. 4. Minnesota Statutes 2006, section 216B.098, subdivision 3, is amended to read:

3.19 Subd. 3. **Payment agreements.** A utility shall offer a payment agreement for
3.20 the payment of arrears. Payment agreements must consider a customer's financial
3.21 circumstances and any extenuating circumstances of the household. No additional service
3.22 deposit may be charged as a consideration to continue service to a customer who has
3.23 entered and is reasonably on time under an accepted payment agreement.

3.24 Sec. 5. Minnesota Statutes 2006, section 216B.098, subdivision 5, is amended to read:

3.25 Subd. 5. ~~Medically necessary~~ **Life support equipment.** A utility shall reconnect
3.26 or continue service to a customer's residence where a medical ~~emergency exists or where~~
3.27 doctor certifies that a customer or resident of the customer's household needs and uses
3.28 electrical medical equipment requiring electricity necessary required to sustain life ~~is~~
3.29 ~~in use, provided that the utility receives from a medical doctor written certification, or~~
3.30 ~~initial certification by telephone and written certification within five business days, that~~
3.31 ~~failure to reconnect or continue service will impair or threaten the health or safety of a~~

4.1 ~~resident of the customer's household. The customer must enter into a payment agreement~~
4.2 remains liable for all utility charges.

4.3 Sec. 6. Minnesota Statutes 2006, section 216B.098, is amended by adding a
4.4 subdivision to read:

4.5 Subd. 5a. **Medical emergencies.** (a) A utility shall reconnect or continue service
4.6 to a customer's residence where a medical condition exists such that failure to reconnect
4.7 or continue service will impair or threaten the health of the customer or a resident of
4.8 the customer's household; provided that, the utility receives written certification from
4.9 a medical doctor that the medical condition requires the restoration or continuance of
4.10 service. Service must be restored or maintained under this subdivision whether or not
4.11 service is required to operate life-sustaining or medically necessary equipment.

4.12 (b) The certification is valid for 14 days, within which time the customer must enter
4.13 into a monthly payment agreement. If the customer is more than 60 days past due, the
4.14 utility may require a down payment. Both the payment agreement and any down payment
4.15 must be reasonable, based upon the financial resources and circumstances of the household.

4.16 (c) A customer may be disconnected if the customer fails to make two consecutive
4.17 scheduled payments, provided other requirements for disconnection are satisfied.