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HOUSE BILL 538

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO ENERGY ASSISTANCE; PROVIDING FOR HOME HEATING RELIEF; REVISING THE MORATORIUM ON DISCONNECTION OF UTILITY SERVICE FOR HEATING DURING CERTAIN WINTER MONTHS; PROVIDING PAYMENT OPTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 27-6-18.1 NMSA 1978 is enacted to read:

"27-6-18.1. [NEW MATERIAL] PROHIBITION ON DISCONTINUANCE OR DISCONNECTION OF UTILITY SERVICE DURING THE WINTER HEATING SEASON--MINIMUM PAYMENTS--PAYMENT PLANS--EXCEPTIONS.--

A. Except as provided in Subsections C, D and F of this section, unless requested by the customer, no utility shall discontinue or disconnect service to a residential customer during the heating season for nonpayment of the

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1 customer's utility bill, if:

2 (1) the customer has been qualified to receive  
3 assistance pursuant to the low-income home energy assistance  
4 program by the administering authority during the program's  
5 current season;

6 (2) the customer pays a minimum of twenty-five  
7 percent of the customer's current charges for each month during  
8 the heating season; provided that the payments are in addition  
9 to the assistance provided by the low-income home energy  
10 assistance program that has been applied to the customer's  
11 utility bill; and

12 (3) the customer enters into one of the  
13 following payment options to pass the remaining balance of  
14 utility payments owed by the customer for the prior heating  
15 season, selected by the customer:

16 (a) a monthly payment plan with the  
17 utility during the nonheating season in which the customer  
18 agrees to pay past due charges in monthly installments in  
19 addition to the current monthly charges due and agrees to  
20 maintain the monthly payment plan; or

21 (b) a budget payment plan with the  
22 utility approved by the public regulation commission in which  
23 the customer agrees to pay an equal amount each month  
24 throughout the year.

25 B. In regard to the option set forth in

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1 Subparagraph (a) of Paragraph (3) of Subsection A of this  
2 section, a monthly payment plan shall require that the  
3 customer:

4 (1) pay the past due charges from the  
5 customer's utility bills in full before the beginning of the  
6 next heating season; and

7 (2) pay for continued utility service during  
8 the nonheating season.

9 C. In regard to the payment option set forth in  
10 Subparagraph (a) of Paragraph (3) of Subsection A of this  
11 section, if the customer does not pay the past due charges from  
12 the customer's utility bill from the prior heating season  
13 before the beginning of the next heating season, the customer  
14 shall not be eligible for protection from discontinued or  
15 disconnected utility service pursuant to this section during  
16 that next heating season until the past due charges are paid in  
17 full.

18 D. A utility may discontinue or disconnect service  
19 during the heating season if the customer fails to honor the  
20 payment option selected by the customer from the two options  
21 set forth in Paragraph (3) of Subsection A of this section.

22 E. A customer who has defaulted on the customer's  
23 chosen payment plan and whose utility service has been  
24 discontinued or disconnected can be reconnected and maintain  
25 the protection afforded by this section by paying reconnection

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1 charges, if any, and by paying the amount due pursuant to the  
2 payment plan by the date on which service is reconnected.

3 F. The prohibition on the discontinuance or  
4 disconnection of service pursuant to Subsection A of this  
5 section shall not apply in a heating season for which the state  
6 does not provide money to the human services department for the  
7 low-income home energy assistance program in an amount at least  
8 equal to funds received from the federal low-income home energy  
9 assistance program in the prior fiscal year.

10 G. If a customer notifies the utility that the  
11 customer needs payment assistance, the utility shall promptly  
12 report the customer's request for assistance to the  
13 administering authority. The administering authority shall  
14 take prompt action to evaluate the customer's eligibility for  
15 the low-income home energy assistance program.

16 H. Utilities subject to this section shall make the  
17 following information available to the public regarding:

18 (1) the low-income home energy assistance  
19 program's:

20 (a) application forms;

21 (b) requirements for qualifying for the  
22 program;

23 (c) procedures for making an  
24 application; and

25 (d) location to which an application may

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1 be submitted; and

2 (2) the protection against discontinued and  
3 disconnected service set forth in this section for people  
4 seeking assistance paying utility bills during a heating  
5 season, including:

- 6 (a) eligibility requirements;
  - 7 (b) repayment options; and
  - 8 (c) circumstances under which
- 9 disconnection or discontinuance of service may occur.

10 I. As used in this section:

11 (1) "administering authority" means the human  
12 services department or a tribal entity that administers its own  
13 low-income home energy assistance program;

14 (2) "current season" means the period  
15 beginning in September and continuing through August of the  
16 subsequent year;

17 (3) "heating season" means the period  
18 beginning November 15 and continuing through March 15 of the  
19 subsequent year;

20 (4) "nonheating season" means the period  
21 beginning on March 16 and continuing through November 14 of the  
22 same year; and

23 (5) "tribal entity" means the governing body  
24 or an agency of a federally recognized Indian nation, tribe or  
25 pueblo located in whole or in part in New Mexico."

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1           Section 2. REPEAL.--Section 27-6-18 NMSA 1978 (being Laws  
2 2005 (1st S.S.), Chapter 2, Section 2) is repealed.

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