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SENATE BILL 630

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO UTILITIES; PROHIBITING A MUNICIPALLY OWNED OR  
OPERATED UTILITY AND A RURAL ELECTRIC COOPERATIVE FROM  
DISCONNECTING UTILITIES DURING THE WINTER MONTHS FOR A LOW-  
INCOME CUSTOMER.

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

Section 1. Section 27-6-17 NMSA 1978 (being Laws 1991,  
Chapter 81, Section 1, as amended) is amended to read:

"27-6-17. UTILITY SERVICE--PROCEDURES TO FOLLOW PRIOR TO  
SERVICE BEING DISCONTINUED.--

A. Unless requested by the customer, no gas or  
electric utility, including a municipally owned or operated  
utility and a rural electric cooperative, shall discontinue  
service to any residential customer for nonpayment during the

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1 period from November 15 through March 15 unless the following  
2 procedures are followed:

3 (1) at least fifteen days prior to the date  
4 scheduled for utility service to be discontinued, unless the  
5 New Mexico public [~~utility~~] regulation commission provides for  
6 a shorter period for utilities it regulates, the utility shall  
7 mail or hand-deliver to the customer a notice printed in both  
8 English and Spanish and in simple language, which notice  
9 clearly explains that:

10 (a) utility service shall stop on a  
11 specific date;

12 (b) the customer may be eligible for  
13 financial assistance to pay for the utility service; and

14 (c) for assistance, the customer should  
15 contact the utility or the department;

16 (2) any utility subject to this section shall  
17 attempt to advise customers who contact the utility seeking  
18 financial assistance of the program administered under the Low  
19 Income Utility Assistance Act and of assistance programs the  
20 utility may administer on its own or in conjunction with  
21 others;

22 (3) the utilities subject to this section and  
23 the department shall provide application forms for utility  
24 service payment assistance at billing and agency offices; and

25 (4) before the service is actually

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1 discontinued, the utility shall attempt to make contact in  
2 person or by telephone to remind the customer of the pending  
3 date of discontinuance of service and that financial assistance  
4 for utility payments may be available.

5 B. Unless requested by the customer, no gas or  
6 electric utility, including a municipally owned or operated  
7 utility and a rural electric cooperative, shall discontinue  
8 service to any residential customer for nonpayment during the  
9 period from November 15 through March 15 until at least fifteen  
10 days after the date scheduled for discontinuance of service if  
11 the department has certified to the utility that a customer is  
12 eligible for utility payment assistance under the Low Income  
13 Utility Assistance Act and that payment for the utility service  
14 provided to the customer will be made within the fifteen-day  
15 period.

16 C. The department and, where appropriate, the New  
17 Mexico public [~~utility~~] regulation commission shall coordinate  
18 and adopt, as they deem appropriate, either separate or joint  
19 rules and regulations necessary to implement the provisions of  
20 this section; provided that nothing in this section authorizes  
21 the department to revise tariffs or rate filings subject to the  
22 jurisdiction of the New Mexico public [~~utility~~] regulation  
23 commission.

24 D. For purposes of this section, "utility" means a  
25 publicly, privately, municipally or cooperatively owned or

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1 operated utility for the rendition of electric power or gas."

2 Section 2. Section 27-6-18.1 NMSA 1978 (being Laws 2007,  
3 Chapter 231, Section 1) is amended to read:

4 "27-6-18.1. PROHIBITION ON DISCONTINUANCE OR  
5 DISCONNECTION OF UTILITY SERVICE DURING THE WINTER HEATING  
6 SEASON--MINIMUM PAYMENTS--PAYMENT PLANS--EXCEPTIONS.--

7 A. Except as provided in Subsection C of this  
8 section, unless requested by the customer, no utility,  
9 including a municipally owned or operated utility and a rural  
10 electric cooperative, shall discontinue or disconnect service  
11 to a residential customer during the heating season for  
12 nonpayment of the customer's utility bill if the customer meets  
13 the qualifications to receive assistance pursuant to the low  
14 income home energy assistance program from the administering  
15 authority during the program's current heating season.

16 B. The utility shall make payment plan options  
17 available to the customer pursuant to rules adopted by the  
18 public regulation commission.

19 C. If the customer does not pay the past due  
20 charges from the customer's utility bill before the beginning  
21 of the next heating season, the customer shall not be eligible  
22 for protection from discontinued or disconnected utility  
23 service pursuant to this section during that next heating  
24 season until the past due charges are paid in full.

25 D. A customer who has defaulted on the customer's

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1 chosen payment plan and whose utility service has been  
2 discontinued or disconnected during the nonheating season can  
3 be reconnected and maintain the protection afforded by this  
4 section by paying reconnection charges, if any, and by paying  
5 the amount due pursuant to the payment plan by the date on  
6 which service is reconnected.

7 E. If a customer notifies the utility that the  
8 customer needs payment assistance and if the customer requests,  
9 the utility, including a municipally owned or operated utility  
10 and a rural electric cooperative, shall promptly report the  
11 customer's request for assistance to the administering  
12 authority. The administering authority shall take prompt  
13 action to evaluate the customer's eligibility for the low  
14 income home energy assistance program.

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

- 17 (1) the low income home energy assistance  
18 program's:
- 19 (a) application forms;
  - 20 (b) requirements for qualifying for the  
21 program;
  - 22 (c) procedures for making an  
23 application; and
  - 24 (d) location to which an application may  
25 be submitted; and

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

5 (a) payment options; and

6 (b) circumstances under which  
7 disconnection or discontinuance of service may occur.

8 G. As used in this section:

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

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

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

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

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

24 (6) "utility" means a publicly, privately,  
25 municipally or cooperatively owned or operated utility for the

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