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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. PROHIBITION ON DISCONTINUANCE OR DISCONNECTION OF UTILITY SERVICE DURING THE WINTER HEATING SEASON--MINIMUM PAYMENTS--PAYMENT PLANS--EXCEPTIONS.--

A. Except as provided in Subsection C 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 customer's utility bill if the customer meets the qualifications to receive assistance pursuant to the low-income home energy assistance program from the administering authority during the program's current heating season.

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

C. If the customer does not pay the past due charges from the customer's utility bill before the beginning

1 of the next heating season, the customer shall not be
2 eligible for protection from discontinued or disconnected
3 utility service pursuant to this section during that next
4 heating season until the past due charges are paid in full.

5 D. A customer who has defaulted on the customer's
6 chosen payment plan and whose utility service has been
7 discontinued or disconnected during the nonheating season can
8 be reconnected and maintain the protection afforded by this
9 section by paying reconnection charges, if any, and by paying
10 the amount due pursuant to the payment plan by the date on
11 which service is reconnected.

12 E. If a customer notifies the utility that the
13 customer needs payment assistance and if the customer
14 requests, the utility shall promptly report the customer's
15 request for assistance to the administering authority. The
16 administering authority shall take prompt action to evaluate
17 the customer's eligibility for the low-income home energy
18 assistance program.

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

21 (1) the low-income home energy assistance
22 program's:

23 (a) application forms;

24 (b) requirements for qualifying for the
25 program;

1 (c) procedures for making an
2 application; and

3 (d) location to which an application
4 may be submitted; and

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

9 (a) payment options; and

10 (b) circumstances under which
11 disconnection or discontinuance of service may occur.

12 G. As used in this section:

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

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

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

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

25 (5) "tribal entity" means the governing body

1 or an agency of a federally recognized Indian nation, tribe
2 or pueblo located in whole or in part in New Mexico."

3 Section 2. REPEAL.--Section 27-6-18 NMSA 1978 (being
4 Laws 2005 (1st S.S.), Chapter 2, Section 2) is repealed. SB 1026
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