

IMPORTANT INFORMATION REGARDING THE PUBLIC SERVICE COMMISSION (PSC) ORDER ON ALTERNATE PAYMENT PLANS FOR RESIDENTIAL UTILITY CUSTOMERS

- The Office of People's Counsel (OPC) previously issued alerts regarding the availability of gas and electric company alternate payment plans mandated by the PSC in Order No. 82628 (PSC Case No. 9175). The terms of the plans under Order 82628 apply to all customers who qualify (see below), regardless of income level. For low income customers, the alternate payment plan provisions of COMAR 20.31.01.08 remain in effect whether or not the customer qualifies for a plan under Order 82628.
- The PSC recently issued Order 83027, which clarifies the scope and application of the payment plans required under the Order 82628. The **new** Order clarifies the following:
 - **The payment plan requirements in Order 82628 remain in effect, but apply only to customers with arrearages accumulated prior to April 24, 2009.** Any customer with such an arrearage, and who has not been provided notice of the opportunity for payment plan relief, should request payment plan under the Order. If, however, the utility can *demonstrate that it notified the customer* in writing of the availability of the payment plan, and that *the customer failed to contact the utility requesting a plan within two weeks after receiving the notice*, the utility is *not* required to offer a plan under the terms of Order 82628.
 - For customers who have entered into a payment plan under Order 82628, the terms regarding a “reset” of the plan remain in effect. Therefore, if a customer falls behind on payments under the plan, they are allowed one opportunity to catch up on the payments (make all past due payments before the next billing cycle) before being subject to accelerated payments and termination.
 - The prohibition on Friday terminations applies only to customers who qualify for, and have requested a payment plan under Order 82628, but have not been able to come to an agreement with the company on the terms of the plan. The prohibition does not apply to customers who do not qualify for an Order 82628 plan (arrearage accumulated after April 24, 2009) and have not requested a plan.
 - The deposit restrictions for Order 82628 payment plans remain in effect. For customers who have not been previously terminated, not defaulted on a previous payment plan, and made at least one payment in the past 90 days, the utility may not require a deposit as part of the plan. For

customers who have been terminated, have defaulted on a previous plan or have not made a payment in the past 90 days, a deposit of *up to 25%* of the past due amount is permitted.

ADDITIONAL RELEVANT FACTS

- The PSC's general alternate payment plan regulations are still in effect. Please see the attached **Fact Sheets** on **Alternate Payment Plans** and **Complaints**.
- The PSC Order on alternate payment plans does not alter the 55 day hold rule that applies to OHEP customers with past due bills. OHEP local agencies should continue to notify utilities regarding customer applications for energy assistance, as OHEP benefits will address customers' past due bills in whole or in part. This may eliminate the need for an alternate payment plan or reduce the monthly APP amount.
- EUSP customers cannot be required to "dis-enroll" from EUSP in order to request and receive an alternate payment plan as required by the new PSC Order.
- Although not required under Order 82628, the PSC has encouraged utilities to offer payment plans to all customers with arrearages, even if they do not meet the specific requirements above, or qualify under income guidelines and COMAR 20.31.01.08.
- If customers are experiencing any of these difficulties or any difficulties obtaining alternate payment plans that adequately consider their particular circumstances they should immediately contact the PSC to file complaints and preserve their rights regarding disputes:

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