

Public Utilities

What are public utilities?

A "public utility" is a public utility district (PUD) or a governmental agency (such as a city or county) which provides water, electricity or gas. In this pamphlet, we call these the "provider." If you're unsure whether your services are public or private, call the company to find out, or call the Washington Utilities and Transportation Commission (UTC) toll free: 1-800-562-6150.

This publication doesn't apply if:

The utility is provided by a private company or source, such as a community well of a homeowners' association, a cooperative such as Inland Power and Light or a privately owned utility company, such as Puget Power, Pacific Power and Light, Washington Water Power, Cascade Natural Gas, Northwest Natural Gas or Washington Natural Gas.

Privately owned utilities are regulated by the Utilities and Transportation Commission (UTC). You may have additional rights if you're served by a private utility. Call the UTC for pamphlets on private utilities.

When may the provider refuse to put service in my name?

The provider may not refuse to give you utility service or put service in your name. However, you may have to do certain things before service in your name can begin. Examples: you may be required to:

- pay or enter into a repayment plan for your past due bills (even if they're from a different address),
- pay a connect or reconnect fee,

- pay a security deposit (you may ask to have this waived with proof of a good payment record), and
- supply basic information and/or sign documents that you'll pay for services.

May the provider shut off my service even if I have kids?

Yes. There's no statewide protection against utility shut off for people with kids. Some counties or cities may have protections against shut off which aren't covered by this pamphlet. Call your provider to ask about this. Also, many providers will work with customers who have emergency circumstances and have shown a history of good payment and a willingness to pay their back bills.

May the provider shut off my service for nonpayment even in winter?

For low-income customers, a provider of residential heat may not shut your service off for nonpayment between November 15th and March 15th if you do all of the following:

- Within 5 business days of getting the overdue notice, tell the provider that you can't pay the bill. (Even if you don't do this within 5 days and your service is already shut off, you can still get your service reconnected by following the remaining steps. But you'll have to pay any reconnection charges.)
- Find out who runs the federal energy assistance program in your area (usually the local Community Action Program. Call the provider to find out). Provide the program with a statement of your household income for the past 12

months. The program will make sure you're low income, and will figure out the maximum amount you'll have to pay on your bill. (You should also ask the program about any of the other services required, such as weatherization or utility assistance.)

- Prove you've applied for any other help available in your community for home heating, and give a statement that any help you get from these organizations will be used to pay current and future utility bills.
- Prove you've applied for low-income weatherization help, if available for your house or apartment.
- Agree to a payment plan that will get you current by the following October 15th. You may pay as much as you want during the repayment period, but the provider can't make you pay more than 7% of your monthly income (plus one-twelfth of any amounts billed and owing after you turned in your application).
- Agree to pay the money owed even if you move.

◆ A P.U.D. or city must include this information in your past due notice, and it's required to help you get through all the steps above. The law for this section is found in The Revised Code of Washington (RCW 54.16.285 (for P.U.D.'s) and RCW 35.21.300 (for cities). You can find the law at your local law library, or online: <http://apps.leg.wa.gov/RCW/default.aspx?cite=54.16.285> (for P.U.D.'s) and <http://apps.leg.wa.gov/RCW/default.aspx?cite=35.21.300> (for cities).

May the provider shut off my service because my landlord didn't pay his/her bill?

Yes, **but you must get prior notice of the shut-off and a chance to appeal.** Different providers have different notice periods, and different methods for appealing actions.

If you didn't get written notice of the shut-off, read the next section of this pamphlet after reading this one.

If the utility is already in your name, or if you and the landlord agreed that you would pay the utility, you're already responsible for payment. You should contact the provider to arrange a repayment plan.

If your landlord is currently responsible for the bill, the provider should give you written notice of a threatened shut off and an opportunity to go down and put the utility in your own name. Then you'll be responsible for paying future bills for that address. The provider can't make you pay the past bills of the landlord or a prior tenant. You may have to pay a security deposit and/or a reconnect fee.

While you're negotiating with the provider, talk with your landlord, too. Washington State's Residential Landlord-Tenant law prohibits a landlord from shutting off a tenant's utility service even if the tenant is behind in rent. The law also provides penalties for the landlord who intentionally shuts off service, including money damages for the tenant, and attorney's fees and court costs. (See RCW 59.18.300, available at your local law library, or online at <http://apps.leg.wa.gov/RCW/default.aspx?cite=59.18.300>.)

If you need to collect money from your landlord for intentionally shutting off your utility (that includes intentionally failing to pay the bill), see our publications on Small Claims Court and Tenants' Rights. Deducting the money from your rent before you win a judgment against the landlord in court may result in your eviction. Talk to a lawyer before deducting anything from the rent.

What if I didn't get any notice that my service was going to be shut off?

There are several federal cases requiring providers to notify customers before shutting off their service,¹ so that the customer has an opportunity to tell his/her side of the story. If you're a tenant whose lease states that the landlord is responsible for your utility bill, read the section above, as well as this one.

If your utility was shut off without notice to you, call the provider immediately to speak with the person in charge. The provider should turn your service back on right away and keep it on until the proper notice and opportunity to respond has been given. In some cases, this may only buy you the time it will take for the provider to give you the proper notice. If it refuses to restore service, ask to speak to the lawyer who handles their affairs (often the city attorney). There's no specific law on how much notice must be given. Time periods as short as 24 hours have been found acceptable by courts.

May I pay an average amount per month throughout the year so I don't have such high winter heating bills or summer water bills?

Yes. Any provider of utility service to heat your residence, or cities providing water, must offer low-income customers the option of "budget billing," or "equal payment." It must do this regardless of the time of year you request it, regardless of how long you've lived at your current residence, and regardless of whether you rent or own your residence. Washington Administrative Code 480-90-138.

Am I responsible for bills that a prior tenant or the landlord didn't pay?

No. Unless you had some individual obligation on the old bill, you're not responsible for bills that someone else didn't pay. If the utility was terminated, however, you may have to pay a reconnect fee.

You probably are responsible for all or part of past bills in someone else's name if you did have an individual obligation, such as you lived at the address during the time billed, or if you agreed with the landlord or prior tenant to pay the bill for that time period.

What if I disagree with my bill?

If your bill's too high because of a water leak or other emergency situation that wasn't your fault, many providers will work with you to make a payment plan and/or to cancel part of the charge. Call the provider and explain what happened. It isn't obligated to work with you, so the more polite you are, the better your chances.

Any time you disagree with the amount of your bill, call your provider right away. State the reason you disagree and, if the problem can't be fixed, request an administrative hearing. Many providers have deadlines for requesting hearings after receiving the bill. Find out what the deadlines are in your situation.

You should request a hearing even if you're trying to work it out informally with the provider. If the informal process doesn't work, you won't have missed the deadline. Request the appeal in writing. Save a copy of the dated request for yourself.

Bring any papers or people who can support your claim to the hearing. Also, bring extra copies of the papers with you for the PUD and for the hearing officer (judge). The hearing officer will explain any appeal rights you have if you disagree with his/her decision.

¹ BellSouth Telecomm v. Kerrigan, 55 F.Supp. 2d 1314, 1320 (N.D. Fla. 1999).

What if I am charged for someone else's bill without my consent?

You're not liable for anyone else's bill but your own, unless you agree to be. However, property owners are liable for utilities provided to the land they own, even if the tenant was supposed to pay. You don't always have to sign a paper to be liable for someone else's bill. Consistently paying someone else's bill, having your name on their account, or promising you would pay may all be seen as agreeing to be responsible for their account.

If you've been responsible for someone's account in the past, but no longer want to be, send a dated, written statement to the provider stating that you'll no longer be responsible. Include the name(s) and account number(s). Keep a copy of the letter for yourself. If charges for those accounts show up on your bill anyway, see the section above regarding billing disagreements.

Where can I get help paying my utility bills?

PUDs and other providers may provide a substantial discount on electrical service to senior citizens and low-income families. Contact your provider to find out if it offers a discount. Most PUDs have funds to help low-income households with utility bills they can't pay, especially during the winter months. Different PUDs have different requirements for eligibility.

Also try your local Community Action Program (CAP) and DSHS office. DSHS has programs for families with children called Additional Requirements for Emergent Needs (or AREN) and Additional Requirements (or AR). These can help with utilities that are about to be shut off. This program is only available one time per year. For more information regarding these programs, see our publications [Additional Requirements for Emergent Needs](#) and [Additional Requirements](#), available at www.washingtonlawhelp.org.

Where can I get more information?

PUDs and other providers are required to provide you with written information about their services, about their policies and procedures about your rights as a utility consumer. This information includes explanations about the providers' credit and deposit requirements, rates and charges, metering and billing, payment arrangements, complaint procedures, among others. The provider must send you this information if you request it. For more information, contact your provider. (You can find the full list of information you're entitled to at Washington Administrative Code (WAC) 480-90-103. Get it at your local law library, or online at <http://apps.leg.wa.gov/WAC/default.aspx?cite=480-90-103>.)

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