



HEAT SHUT-OFFS

If you do not pay your utility bills, your service can be shut-off. This can happen even in the middle of winter. But, between October 15 and April 15 you get extra protection from being shut-off. This fact sheet applies to gas and electric service if they are needed for heat. The rules cover private utility companies. There are similar rules for co-ops and municipal utilities. These rules do not apply to fuel oil, coal, and wood dealers.

PLAN AHEAD AND BUDGET

To avoid a shut-off, know how much your bills will be. Before moving, find out from the landlord, the prior owner, or the utility company how much heat and electric bills have been at the new place. Then budget your money to pay them. Your bills will be much higher in the winter. The utility company has to offer you a budget plan. In a budget plan, you pay the same amount every month of the year.

GET HELP

You may be able to get energy assistance to help pay your bills. They help with regular heat bills and can give emergency help to stop a shut off. Call First Call for Help statewide at 211 (or (651) 291-0211 from a cell phone) to find the energy assistance agency near you. You may also be able to get emergency help with utilities from MFIP, if you have children or MSA if you are on SSI. Contact your county welfare office about these programs. If your bills are high because the landlord won't fix things, get the landlord to make repairs. See our fact sheet, [H-11 Getting a Landlord to Make Repairs](#).



IF YOUR BILL IS WRONG

If you think the utility made a mistake on your bill, tell them right away. The utility must:

- Check the facts right away
- Tell you how they checked and what they found and
- Try to find a way to work with you to fix the problem

They cannot shut you off until they investigate and tell you what they found out in writing. If you still disagree, call your legal aid office, the Public Utility Commission at 1-(800) 657-3782, or the Minnesota Attorney General at (651) 296-3353 or 1-(800) 657-3787.

COLD WEATHER SHUT-OFFS OF YOUR HEAT

If you cannot pay your whole gas or electric bill between October 15th and the next April 15th, a utility company cannot shut off your service if you make **and keep** a payment plan. When you talk to the utility company to make a plan, make notes of who you talked to and what they said. Write them a letter saying what the plan is. Keep a copy.

Starting August 2008, if you have already been shut-off or are going to be shut-off in the cold weather season, the utility company must make a reasonable effort to restore your service within 24 hours of accepting your payment plan.

YOU DO NOT HAVE TO BE PAID UP BY OCTOBER 15TH TO GET COLD WEATHER SHUT-OFF PROTECTION.

If the utility is run by a city or a cooperative, then the cold weather rule law only works for you if shutting off electricity or gas will affect your heat. If you have any other utility company (like Xcel Energy or Centerpoint Energy), the law applies even if your service doesn't affect your heat.

With any utility, you have 2 choices:

1. Payment Plan

You can make a plan with the gas and electric company for the entire cold weather period to pay a set amount each month. This amount can be less than the full bill. The amount must make sense with what your income is. You won't be shut off if you make all the payments. Call the utility if you cannot make the payments you agreed to and try to make a new plan.

2. 10% Plan

You won't be shut off in any month that you pay 10% of your income or the whole utility bill, whichever is less. Energy Assistance doesn't count as income. If you have gas from one company and electricity from another, the 10% gets divided between the two.



SERVICE LIMITERS

Utility Companies have tools called "service limiters" that limit the amount of gas or electricity you get. During the cold weather period, a utility cannot put one on your meter. They **MUST** follow the rules:

- they have to give you notice
- they have to offer you 1 of the 2 ways above to make payments

If they do not follow the rules, they have violated the law. Call your legal aid office or the Public Utilities Commission (PUC) at 1-(800) 657-3782.

APPEALS

If the utility won't make a fair payment plan, you can appeal to the PUC. Do it fast – the timelines are short. Call your legal aid office for help.

To appeal:

- Ask the utility company for an appeal form. If they won't give you one, call the PUC and get one (see below). Fill out the form and send it to the PUC. You must get the form to the PUC within 7 days of the date you got the shut-off notice.
- The PUC will set up a payment plan within 30 days. You cannot be shut-off during the appeal.

IF YOUR INCOME CHANGES AFTER YOU HAVE A PLAN

If something happens and you do not have the money to make the payments on your plan, contact the utility **right away** to change the plan. If the utility won't agree to a change, appeal to the PUC right away to avoid a shut-off.

You can reach the PUC at: Minnesota PUC
121 7th Place East, Suite 350
St. Paul, MN 55101
1-(800) 657-3782

To find other Legal Aid Society materials, including any fact sheets mentioned in this document, go to www.lawhelpmn.org/LASMfactsheets.

Minneapolis Legal Aid – CLE
MN Legal Services Coalition
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Write us for updates, a fact sheet list, or alternate formats.
Fact Sheets aren't a complete answer to a legal problem.
See a lawyer for advice.