

## Your Home Heating Rights

From: Legal Services for the Elderly

With fuel costs skyrocketing, and the winter months quickly approaching, our thoughts turn to the daunting prospects of home heating. There are many questions as Mainers try to pay for oil and utilities, and as we try to make sure that our services get delivered.

But what if you run low on money this winter? What if you or a loved one gets sick and can't pay the utility bills? What if your oil carrier is threatening not to deliver to your home? The Maine Attorney General's Office has issued Home Heating Rules, and published the Consumer Law Guide, which is an excellent resource that describes how Maine law will help protect you during the winter heating season, which runs from October 15<sup>th</sup> to April 30<sup>th</sup>.

[http://maine.gov/ag/consumer/consumer\\_law\\_guide.shtml](http://maine.gov/ag/consumer/consumer_law_guide.shtml)

### Home Heating Oil

One of the most important things to know is that an oil dealer cannot refuse to deliver to your home – even if you owe that dealer money – as long as 1) you request at least 20 gallons, 2) you have cash, or a government guaranteed payment (such as HEAP) to pay for the oil, and 3) the dealer regularly services your area. The oil dealer does **not** have to make an emergency delivery (unless you are an “established customer”) but must deliver to you on the next scheduled trip to your area.

You can become an “established customer” of any oil dealer by making your next two (2) oil purchases from that dealer. If you are an established customer then the dealer must treat you as he/she treats other established customers. For instance, if the dealer provides immediate emergency service, or unscheduled deliveries to other established customers, then they must do the same for you.

An oil dealer has the right to charge you extra for unscheduled or emergency deliveries. However, the dealer must tell you 1) about how much the extra charge will be, 2) the reason for the extra charge, and 3) when the dealer will make the next regularly scheduled visit to your area. If the dealer has already planned to be in your area anyway, he/she cannot charge you extra for an unscheduled delivery.

The oil dealer may also charge you a delivery surcharge of up to \$20 if you do not order at least 50% of your tank's storage capacity or 100 gallons, whichever is less. A standard tank is 275 gallons.

If you request an unscheduled delivery of less than the minimum amount, the oil dealer can impose extra charges as discussed above. But no other extra charges are permitted.

It is important to note that you are guaranteed the price quoted by the oil dealer **unless** the dealer specifically tells you that the quoted price is subject to change, and that the price you will pay is the dealer's price on the day of delivery.

There are also laws which govern the “heating price contracts” or prepaid price plans that are offered by oil dealers. Read your contract carefully before signing. Each prepaid contract must include 1) the total money paid by the customer, 2) the maximum number of gallons that the dealer will deliver, and 3) an assurance that the contract is secured for your protection in one of three ways – either through the dealer having a guaranteed contract with suppliers, a surety bond, or letters of credit. If your contract does not state that the dealer has obtained one of these three required protections, then you should call the Attorney General's Consumer Protection Division at 800-436-2131. The prepaid contract must also include a reimbursement provision

stating that any money that is not used will be refunded within 30 days, unless you have agreed to a different procedure.

### **LP Gas (Propane)**

When your primary source of heat is Propane/LP Gas, you also have rights to receive a delivery in the winter heating months, even if you owe the dealer money. If you have the cash to prepay, or have made payment arrangements through the HEAP (Home Energy Assistance Program), then the dealer must deliver.

The dealer will be able to charge you extra for an unscheduled delivery to your home. However, the dealer cannot require an unreasonably high minimum delivery amount. Again, you should pay the price that the dealer has quoted you for LP Gas “today” **unless** the dealer has specifically told you that the price is subject to change, and will reflect the dealer’s price on the day of delivery.

### **Firewood and Coal**

There are additional rights for Maine consumers who heat with firewood. Mainers burn almost one million cords of wood each year, and there are many consumers who feel they are getting “burned” by their firewood suppliers.

Maine law provides the definition of a “stacked cord” and a “loose thrown cord” and prohibits the use of confusing terms such as “rack,” “pile,” and “truckload.” The law also requires that a firewood dealer gives you a receipt for any purchase over \$20, and you should insist on this. A receipt must include 1) the buyer’s and seller’s names and addresses, 2) date delivered, 3) quantity of wood delivered, 4) price, 5) description of the wood, and 6) a statement of the quality such as dry or seasoned. Note that coal dealers are also required to give you a receipt which includes these items for deliveries of coal in any unpackaged form.

If you believe that your wood dealer has not given you the correct amount of wood, or has misrepresented that the wood is “seasoned” (meaning less than 25% moisture content), you can call the Maine Department of Agriculture Bureau of Weights and Measures at (207)287-3841. Be sure to have your receipt. The Bureau will help you get your money back if you have been shorted.

### **Electricity and Natural Gas**

Utilities that provide electricity or natural gas are regulated by the Maine Public Utilities Commission (PUC), whose job is to protect consumers and make sure that the utility companies provide adequate services at fair prices.

Electric and natural gas companies must offer low-income customers the option to spread out payments over the winter months. If you can’t pay your utility bill in full, you should ask for a payment plan. This plan will consider your past payment history and your current ability to repay. You can set up a weekly or monthly installment plan for repayment. However, if you break the payment plan the utility company can send you a 3-day disconnection notice with payment of the overdue amount required in full.

Usually, the company will give a 14-day disconnection notice if you fail to pay your bill. Note that disconnection cannot happen on a Friday, a weekend, a legal holiday, the day before a holiday, or any day the office is closed. No customer can be disconnected **if** they enter into a long-term payment plan and **if** they make payment as required by that plan.

If you or a member of your household have a medical emergency or are seriously ill, you still have the right to receive utility service, even if you have an overdue bill. Ask your doctor to call the utility (or call yourself if you can’t get a doctor right away); the utility may require a letter from your doctor. The utility company will not disconnect you for up to 30 days, with renewal up to 90 days. However, you will be required to pay the bill at a future date.

When you are a tenant, and your landlord assumes responsibility for one or more of the utilities and fails to pay, you have rights regarding disconnection. The utility company cannot disconnect until you are notified and given an opportunity to assume responsibility for future service. Tenants cannot be forced to pay utility charges which are the landlord's responsibility, and the utility cannot require a tenant to pay the landlord's overdue bill.

When you have issues with your utility company, you must contact that utility directly and give them a chance to resolve the problem. The utility is required by law to work with you and to try in good faith to settle your dispute. If the utility response does not satisfy you, call the Maine Public Utilities Commission Consumer Assistance Division at 800-452-4699. If you have made a complaint to the PUC, a utility cannot disconnect your service while that complaint is being investigated. You are responsible for paying any portion of your bill that is not in dispute.

### **Assistance**

If you need help paying your home heating bills this winter, please call the nearest Community Action Agency to see whether you qualify for assistance, or call the Maine State Housing Authority at 800-452-4668.

If you have legal concerns and would like to consult with an attorney, please call the Legal Services for the Elderly Helpline at 800-750-5353. Legal Services for the Elderly provides free and confidential legal advice to Maine residents age 60 and over.