**Section 280.138 Reconnection of Former Residential Utility Customers for the Heating Season**

a) *Any former residential customer whose gas or electric service was used to provide or control the primary source of space heating in the dwelling and whose service is disconnected for non-payment of a bill or a deposit from December 1 of the prior winter's heating season through April 1 of the current heating season shall be eligible for reconnection and a deferred payment arrangement under the provisions of this Section, subject to the following limitations:*

b) *A utility shall not be required to* *reconnect service to* *and* *enter into* *a deferred payment arrangement with a former customer under the provisions of this Section:*

1) *except between November* *1* *and April 1 of the current heating season* *for former customers who do not have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989* (Ill. Rev. Stat. 1991, ch. 111⅔, par. 1406), *and except between October 1 and April 1 of the current heating season for all former customers who do have applications pending for the program described in Section 6 of the Energy Assistance Act of 1989 and who provide proof of application to the utility.*

2) *in two consecutive years;*

3) *unless that former customer has paid at least 33⅓ percent of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year; or*

4) *in any instance where the utility can show there has been tampering with the utility's wires, pipes, meters (including locking devices), or other service equipment and further shows that the former customer enjoyed the benefit of utility service obtained in the aforesaid manner.*

c) *The terms and conditions of any deferred payment arrangements established by the utility and a former customer shall take into consideration the following factors, based upon information available from current utility records or provided by the former customer:*

1) *the amount past due; and*

2) *the former customer's ability to pay; and*

3) *the former customer's payment history; and*

4) *the reasons for the accumulation of the past due amounts; and*

5) *any other relevant factors relating to the former customer's circumstances.*

d) *After the former customer's eligibility has been established in accordance with the first paragraph of this Section, and, upon the establishment of a deferred payment agreement, the former customer shall pay ⅓ of the amount past due (including reconnecting charge, if any) and ⅓of any deposit required by the utility.*

e) Reconnection

1) *Upon the payment of ⅓of the amount past due and 1/3 of any deposit required by the utility, the former customer's service shall be reconnected as soon as possible. The company and the former customer shall agree to a payment schedule for the remaining balances which will reasonably allow the former customer to make the payments on the remainder of the deposit and the past due balance while paying current bills during the winter heating season.*

2) Notwithstanding the foregoing, *a former customer who demonstrates* to the utility, or to the Commission through a formal or informal complaint under Sections 280.160 or 280.170, *a financial inability to meet the requirement of ⅓ of the amount past due and ⅓ of any deposit requested by the utility, shall be reconnected upon paying a reasonable amount and upon entering into a deferred payment agreement* (Section 8-207 of the Public Utilities Act ("Act") (Ill. Rev. Stat. 1991, ch. 111⅔, par. 8-207).

A) In determining financial inability under this subsection, the following factors, among others, shall be considered:

i) the combined income and financial resources of all persons residing in the former customer's household,

ii) the combined living expense of the former customer's household,

iii) *the former customer's payment history, and*

iv) *the reasons for the accumulation of the past due amounts.*

B) For purposes of this subsection, a "reasonable amount" shall be deemed to be 20 percent of the amount past due and 20 percent of any deposit required by the utility.

3) *However, the utility is not obliged to make payment arrangements extending beyond the following November. The utility shall allow the former customer a minimum of four months in which to retire the past due balance and three months in which to pay the remainder of the deposit. The former customer shall also be informed that payment on the amounts past due and the deposit, if any, plus the current bills must be paid by the due date or the customer may face termination of service pursuant to Sections 280.130, 280.135 and 280.138 of this Part.*

f) *Any payment agreement made shall be in writing, with a copy provided to the former customer.* The renegotiation and reinstatement provisions contained in Section 280.110 and the Budget Payment Plan provision of Section 280.120 shall also apply to payment agreements made pursuant to this Section.

g) *Not later than* *September* *15 of each year, every gas and electric utility shall conduct a survey of all former residential customers whose gas and/or electric service was used to provide or control the primary source of space heating in the dwelling and whose gas and/or electric service was terminated for nonpayment of a bill or deposit from December 1 of the previous year to* *September* *15 of that year and where service at that premises has not been restored. Not later than* *October 1* *of each year the utility shall notify each of these former customers that the gas and/or electric service will be restored by the company for the coming heating season if the former customer contacts the utility and makes arrangements to pay the past due balance and any deposit to the utility under the conditions set forth in this Section. A utility shall notify the former customer or an adult member of the household by personal visit, telephone contact or mailing of a letter by First Class mail to the last known address of that former customer. The utility shall keep records which would indicate the date, form and the results of such contact.*

h) Not later than February 20 and May 20 of each year, *each gas and electric utility which has former customers affected by this Section shall file a report with the Commission providing* statistical data concerning numbers of disconnections and reconnections involving utility service and deposits, and data concerning the dollar amounts involved in such transactions. *The Commission shall notify each gas and electric utility prior to August 1 of each year concerning the information which is to be included in the report for the following heating season* (Section 8-207 of the Act).

i) *In no event shall any actions taken by a utility in compliance with this Section be deemed to abrogate or in any way interfere with the utility's rights to pursue the normal collection processes otherwise available to it.*

(Source: Amended at 17 Ill. Reg. 805, effective January 15, 1993)