**Section 280.135 Winter Disconnection of Residential Heating Services, December 1 through March 31**

a) *Notwithstanding any other provision of this* Part, *no electric or gas public utility shall disconnect service to any residential customer or master-metered apartment building for nonpayment of a bill or deposit where gas or electricity is used as the primary source of space heating equipment at the premises during the period of time from December 1 through and including March 31 of the immediately succeeding calendar year, unless:*

1) *The utility*:

A) *Has offered the customer a* winter *deferred payment arrangement* (winter DPA) *allowing for payment of past due amounts over a period of not less than four months not to extend beyond the following November and the option to enter into a budget payment plan for the payment of future bills. The maximum down payment requirements shall not exceed 10 percent of the amount past due and owing at the time of entering into the agreement; and*

B) *provides the customer with the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to customers of public utilities in paying their utility bills; the utility must obtain the approval of an agency before placing the name of that agency on any list used to provide the information to customers;*

2) *The customer has refused or failed to enter into a* winter DPA *as described in* subsection (a)(1)(A); and

3) *All disconnection notice requirements as provided by law* and this Part *have been met* by the utility.

b) *Prior to termination of service for any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year, all electric and gas public utilities shall, in addition to all other notices:*

1) *Notify the customer or an adult* (a person over the age of 18) *residing at the customer's premises either by telephone, a personal visit to the customer's premises or by first class mail, informing the customer that:*

A) *The customer's account is in arrears and the customer's service is subject to disconnection for nonpayment of a bill;*

B) *The customer can avoid disconnection of service by entering into a deferred payment agreement to pay past due amounts over a period not to extend beyond the following November and the customer has the option to enter into a budget payment plan for the payment of future bills; and*

C) *The customer may apply for any available assistance to aid in the payment of utility bills from any governmental or private agencies from the list of the agencies provided to the customer by the utility.*

2) A *public utility shall be required to make only one contact* required in subsection (b)(1) *with the customer during any period from December 1 through and including March 31 of the immediately succeeding calendar year.*

3) *Each public utility shall maintain records which shall include, but not necessarily be limited to, the manner by which the customer was notified and the time, date and manner by which any prior unsuccessful efforts to contact the customer were made. These records shall also describe the terms of the DPA offered to the customer and those entered into by the utility and the customer. These records shall indicate the total amount past due, the down payment, the amount remaining to be paid and the number of months allowed to pay the outstanding balance. No public utility shall be required to retain records pertaining to unsuccessful efforts to contact or DPAs rejected by the customer after the customer has entered into a DPA with the utility.*

c) *No public utility shall disconnect service for nonpayment of a bill until the lapse of six business days after making the notification required in* subsection (b)(1) *so as to allow the customer an opportunity to:*

1) *Enter into a DPA and the option to enter into a budget payment plan for the payment of future bills; and*

2) *Contact a governmental or private agency that may provide assistance to customers for the payment of public utility bills.*

d) *Any residential customer who enters into a DPA pursuant to this Section and subsequently, during that period of time set forth in* subsection (a), *becomes subject to disconnection, shall be given notice as required by law and* this Part *prior to disconnection of service.*

e) *During that time period set forth in* subsection (a), *a utility shall not require a down payment for a deposit from a residential customer*, pursuant to Section 280.40, *in excess of 20% of the total deposit requested. An additional four months shall be allowed to pay the remainder of the deposit. This provision shall not apply to master-metered apartment buildings or other non-residential customers.*

f) *During that period of time set forth* in subsection (a), the provisions of Section 280.120 that allow a utility to refuse to offer a DPA to a residential customer who has defaulted on an agreement within the past 12 months are suspended. *However, no utility shall be required to enter into more than one DPA under* this Part *with any residential customer or master-metered apartment building during the period from December 1 through and including March 31 of the immediately succeeding calendar year.*

g) *In order to enable customers to take advantage of energy assistance programs, customers who can demonstrate that their applications for a local, State or federal energy assistance program have been approved may request that the amount they will be entitled to receive as a regular energy assistance payment be deducted and set aside from the amount past due on which they make DPAs. Payment on the set-aside amount will be credited when the energy assistance voucher or check is received, according to the utility's common business practice.*

h) *In no event shall any utility send a disconnection notice to any customer who has entered into a current DPA and has not defaulted on that DPA, unless the disconnection notice pertains to a deposit request.*

i) *Each utility will include with each disconnection notice sent during the period from December 1 through and including March 31 of the immediately succeeding calendar year to a residential customer an insert explaining the provisions* of this Section *and providing a telephone number of the utility company the customer may call to receive further information.*

j) Filing with the Commission:

1) *Each utility shall file with the Commission prior to December 1 of each year a plan detailing the implementation of this Section. This plan shall contain, but not be limited to:*

A) *A description of the methods to be used to notify residential customers as defined in this Part, including the forms of written and oral notices* *which shall be required to include all the information contained in* subsection (b);

B) *A listing of the names, addresses and telephone numbers of governmental and private agencies which may provide assistance to residential customers in paying their utility bills;*

C) *The program of employee education and information which shall be used by the company in the implementation of this Section; and*

D) *A description of methods to be utilized to inform residential customers of those governmental and private agencies and current and planned methods of cooperation with those agencies to identify the customers who qualify for assistance in paying their utility bills.*

2) *A utility that has a plan on file with the Commission need not resubmit a new plan each year. However, any alteration of the plan on file must be submitted prior to December 1 of any year.*

3) *All plans are subject to review and approval by the Commission, which may direct a utility to alter its plan to comply with this* Part. [220 ILCS 5/8-206]