**Section 280.180 Reconnection of Former Residential 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.* Under this Section, a former residential customer shall also include a former customer who has moved to a new location after the service at the customer's former premises was disconnected. However, it shall be the responsibility of the former customer to notify the utility of his or her need for service at the new premises, and a utility shall not be obliged to search for former customers who have moved for the purpose of subsection (g).

b) Limitations: *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* [305 ILCS 20/6], *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 and who provide proof of application with the utility.*

2) *In two consecutive years;*

3) *Unless that former customer has paid at least 33*⅓ *percent of the amount billed for utility service rendered by that utility subsequent to December 1 of the prior year.* A former customer who did not pay the required amount prior to disconnection may establish eligibility by paying the required amount when seeking reconnection under this Section. In addition to calculating the 33⅓ percent the former customer must pay to establish eligibility, the utility shall calculate the amount the customer must pay to enter into a payment agreement. For purpose of simplification, the utility shall inform the customer of the total amount needed for reconnection, including amounts required under subsections (b)(3), (b)(4), (d) and (e). The utility shall accept multiple sources of payment, including but not limited to energy assistance program payments, for purposes of satisfying this requirement*.*

4) Until the customer pays the charges associated with the tampering, *in any instance where the utility can show that 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 in the aforesaid manner.*

c) DPA: *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;*

2) *The former customer's ability to pay;*

3) *The former customer's payment history;*

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* subsections (a) and (b), *and, upon the establishment of a deferred payment agreement, the former customer shall pay* ⅓ *of the amount past due (including reconnection charge, if any) and* ⅓ *of any deposit required by the utility.*

e) Reconnection:

1) *Upon payment of the* ⅓ *of the amount past due and* ⅓ *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 requirements of subsection (e)(1), a former customer who demonstrates to the utility, or to the Commission through formal or informal complaint under Sections 280.220 or 280.230, a financial inability to meet the requirement of the 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

A) In determining financial inability under this subsection (e)(2), 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 past due amounts.

B) A low income customer as defined by this Part shall automatically qualify for financial inability under this subsection (e)(2).

C) For purposes of this subsection (e)(2), a "reasonable amount" shall 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 a minimum of 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 be subject to disconnection of service.*

f) *Any payment agreement made shall be in writing, with a copy provided to the former customer. The renegotiation and reinstatement provisions* contained in Sections 280.120 and 280.125 and the budget payment plan provisions of Section 280.80 shall also apply to payment agreements made pursuant to this Section.

g) Survey and Notice to Affected Customers:

1) *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 services was terminated for non-payment 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.*

2) *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.*

3) *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 results of the contact.*

4) Any former customer who meets the eligibility requirements under subsections (a) and (b) shall be eligible for reconnection under this Section, regardless of whether the utility identified the former customer in the survey requirements of this subsection (g) and regardless of whether that former customer received notification under this subsection (g).

h) Not later than November 20 and May 20 of each year, each gas and electric utility that 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 these 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.

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.* [220 ILCS 5/8-207]