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John B. Rhodes, Chair

Contact:

James Denn | James.Denn@dps.ny.gov | (518) 474-7080

<http://www.dps.ny.gov>

<http://twitter.com/NYSDPS>

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**PSC Strengthens Protections for Con Edison Customers
— Regulator Requires Utility to Modify Meter-Seizure Process to be Fair to Customers —**

ALBANY — The New York State Public Service Commission (Commission) today announced it would require Consolidated Edison Company of New York, Inc. to make significant changes to one of the ways it tries to collect money from delinquent customers. Specifically, Con Edison will be required to implement consumer-friendly modifications prior to it seizing a customer’s electric or gas meter for unpaid bills, as well as the way it negotiates deferred payment agreements.

“The major improvements to Con Edison’s meter-seizure process, as well as an improved deferred payment process, will ensure that the company remains squarely in compliance with our customer-protection rules, and will provide more transparent communications with customers,” said **Commission Chair John B. Rhodes**. “To prevent backsliding, Con Edison is required to provide quarterly updates to Commission staff to ensure the new procedures are being properly executed.”

While a utility is legally entitled to seize a customer’s meter as a last step if the customer is scheduled for termination and the company cannot otherwise obtain access to lock the meter, a process known as replevin, Con Edison’s past practice insufficiently informed customers of their full legal rights and protections. The utility’s actions in this regard were detailed in a petition submitted by the Public Utility Law Project of New York, Inc. (PULP). In addition, the New York Legal Assistance Group also called upon the Commission to review Con Edison’s practices.

In its decision, the Commission found no evidence of unlawful wrongdoing by the company in its replevin actions nor did the Commission identify facts warranting the provision of retrospective remedies. The Commission concluded, however, that additional measures are needed to improve transparency and accountability in the company’s replevin actions.

The Commission directed the company to propose a process for executing deferred payment agreements (DPAs) electronically to make it easier and less complicated for customers to negotiate DPAs. Further, Con Edison was directed to make the company’s meter-seizures much more straightforward with respect to voluntary informal conferences. And finally, until further notice, Con Edison was told to file quarterly reports on customer accounts that proceed to collection using the replevin process.

Replevin is a civil action used to recover possession of personal property that is wrongfully or unlawfully held. Because Con Edison owns the meters used to measure energy usage, after non-payment of arrears the company commences replevin actions in civil court as a means to terminate service by seizing the electric meter. Con Edison is obligated to serve each customer who is a

defendant in a civil replevin action with a notice of the company's application for an order of seizure, together with a copy of a supporting affidavit. One of the required elements of the notice is that the customer may ask for a judicial hearing to dispute Con Edison's claims; the notice also must provide instructions for how to seek such a hearing.

Replevin is, and should be, an extraordinary remedy that requires Con Edison's compliance both with civil law and after the requirements of Home Energy Fair Practices Act (HEFPA) regarding service termination have been followed. HEFPA requires that utilities take specific actions before termination of service, including issuing a final notice of termination as well as offering a DPA. HEFPA also includes special procedural protections for customers with special needs, such as medical emergencies, customers who are elderly, blind or disabled, or recipients of public assistance. Utilities must also follow certain procedures during cold weather periods prior to service termination.

Today's decision may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.ny.gov and entering Case Number 16-M-0501 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission documents may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500). If you have difficulty understanding English, please call us at 1-800-342-3377 for free language assistance services regarding this press release.