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**CASD Memo 2022-05**

To: All Maine Electric, Natural Gas and Water Utilities

From: Derek D. Davidson, Director, Consumer Assistance & Safety Division (CASD)

Date: February 3, 2022

Re: Important Commission Decision Relating to Chapters 660 and 815, § 10(I) –  
Disconnection Procedures for Leased or Rented Residential Property

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The purpose of this Memo is to make electric, gas and water utilities aware of a recent Commission decision relating to Chapters 660 and 815, § 10(I) – Disconnection Procedures for Leased or Rented Residential Property, specifically section 10(I)(4)(a). The decision also modifies CASD Bulletin 2017-01, that addresses this section of the rule.

Section 10(I)(4)(a) of Chapters 660 and 815 states:

Before the actual disconnection of service to a single-meter, multi-unit building, a utility must have a rate schedule approved by the Commission that assesses a reasonable fee for the collection of an unpaid account balance from the landlord, in addition to an applicable reconnection fee.

In CASD Bulletin 2017-01, the CASD stated:

Section 10(I)(4)(a) specifically focuses on the utility establishing a fee within its terms and conditions that must be approved by the Commission. This fee is what a landlord must pay *as a result of a disconnection* of his/her single-meter, multi-unit building for failure to pay an overdue amount. If a utility does not have this fee established in its terms and conditions, it is not able to disconnect a single-meter, multi-unit building for nonpayment. This fee is in addition to any other costs for which the landlord is responsible, including any Commission-approved reconnection fee. (emphasis added)

In a recent CASD decision, the CASD found that a water utility could not assess the multi-unit fee, unless the single-metered, multi-unit dwelling was actually disconnected. In the case before the CASD, the customer told the CASD that the utility had charged the customer a

\$100.00 fee for each of two apartment buildings where the utility had posted disconnection notices but had not thereafter disconnected service. The customer disputed the \$200.00 charge and asked the CASD for assistance. The CASD found, based on the language in CASD Bulletin 2017-01, that the utility was prohibited from assessing the fee because the buildings were not actually disconnected. In its decision, CASD also noted an additional issue regarding the utility's compliance with Chapter 660. The CASD stated a contact log provided by the utility to demonstrate that the apartment buildings had been properly posted "would not have been sufficient evidence of proper notice. ... To perform a sufficient review, the CASD would need to review the actual notice posted to verify the content of the notice." The utility appealed the CASD's decision.

Regarding the assessment of the multi-unit fee, the Commission found that Chapter 660 does not require a disconnection to assess a multi-unit collection fee. Rather, charging landlords the multi-unit collection fee, regardless of whether service is disconnected, is in the public interest because utilities incur the cost of posting multi-unit apartment buildings regardless of whether the service is disconnected.

Regarding the issue of documenting that the posting of the multi-unit building was done in compliance with Commission rules, the Commission stated that Chapter 660 requires specific provisions with respect to the notice that must be posted at multi-unit apartment buildings in advance of assessing a multi-unit collection fee, *MPUC Rules, chs. 660 and 815, § 10(I)(2), § 10(J)*, and the utility's failure to provide a more detailed contact log, photocopies, or photographs of the posted notices, failed to demonstrate compliance with these provisions. For this reason, the Commission agreed with the CASD that a contact log that simply states the notices were posted is insufficient for the purpose of reviewing for compliance with regulatory notice requirements. The Commission further stated to enable the CASD to verify the content, as well as the posting, of the multi-unit collection fee notice, utilities must provide sufficient information to demonstrate that the posted notice fully complied with Chapter 660.

If you have any questions regarding this Memo, please feel free to contact me at: [derek.d.davidson@maine.gov](mailto:derek.d.davidson@maine.gov) or by phone at 207-287-1596.

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