Your rights as a customer of an unregulated electricity or natural gas service in Illinois

Utilities #3
July 1, 1998

The Self Help Legal Center
Southern Illinois University School Of Law
Carbondale, IL 62901
(618) 453-3217
<table>
<thead>
<tr>
<th>TABLE OF CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of Contents</td>
</tr>
<tr>
<td>Disclaimer</td>
</tr>
<tr>
<td>Warning to all readers</td>
</tr>
<tr>
<td>How to use this self help packet</td>
</tr>
<tr>
<td>What utility service do you have?</td>
</tr>
<tr>
<td>Options you may have when resolving a dispute</td>
</tr>
<tr>
<td>Getting financial help to pay your bill</td>
</tr>
<tr>
<td>Other publications on utilities</td>
</tr>
<tr>
<td>What these legal terms mean</td>
</tr>
<tr>
<td>Summary of the law in this area</td>
</tr>
<tr>
<td>Your rights</td>
</tr>
<tr>
<td>Myths</td>
</tr>
<tr>
<td>Tips</td>
</tr>
</tbody>
</table>
Disclaimer — Please read

This packet of information was prepared to answer general questions and give general advice about the law in Illinois. This packet may or may not also include forms that you can use. When reading this packet or using the forms, keep in mind that the advice, information, and forms were created to assist readers with general issues, not specific situations, and as such does not replace the advice or representation of an attorney licensed to practice in the State of Illinois. Because of this and because of unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to whether the use of this packet will achieve the result you desire and disclaim any responsibility for the consequences of any form prepared or action taken in reliance upon the information in this packet. If you are concerned or do not understand whether this packet will be of assistance to you or will apply to your specific situation, you should talk to an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer, call the Self Help Legal Center.

Look for these symbols to tell you when to:

STOP!
You need legal representation or advice to continue.

USE CAUTION!
This is very important so pay attention.

GO!
You can proceed to the next step.

CHECK IT OUT!
This issue is discussed in another packet.
Warning to all readers

Before you proceed with using this packet, you should ask yourself the following questions:

1. Have I tried to consult a private attorney?

No self-help publication, packet, or form can replace the advice and experience of a licensed attorney. An attorney may not cost as much as you think, especially if you just need to ask questions. Before you proceed on your own, call several local attorneys, compare prices, and find out whether you can pay an attorney or not.

2. If I cannot afford an attorney, have I tried to find a free source of legal assistance?

There are several agencies which provide legal assistance for free to certain groups of individuals. Some of these agencies are listed to the right. While they may not be able to help you with a particular problem, it does not hurt to call them to find out before you proceed on your own.

3. Is this something that I can do on my own?

If you have trouble following directions, or have difficulty reading, writing, or speaking in public, you may not be able to follow the directions and advice in this packet. If this is the case, find a friend or someone who can help you before you proceed on your own.

Free sources of legal help

Land Of Lincoln Legal Assistance
Serves the 65 southernmost counties in Illinois
618-462-0036

Prairie State Legal Services
Serves most of northern and north central Illinois outside of Cook County
815-965-2134

Coordinated Advice and Referral Program for Legal Services
serving Cook County
312-738-9494

West Central Legal Assistance
Serves Knox, Henderson, Stark, Warren, McDonough, and Fulton counties
800-331-0617

Will County Legal Assistance
Serving Will County
815-727-5123
It is very important that you read each section of this packet completely before you take any action in regard to a legal problem including using any forms that supplement this packet.

Because this packet discusses terms and actions you are likely not familiar with, you will need to refer back to the following sections from time to time when reading this packet:

**What utility service do you have?**
This section describes the different types of utility services that currently exist in Illinois. You should read this section to make sure that you are using the right packet.

**What these legal terms mean**
This section defines commonly used legal terms in words that you can understand. To use the rest of this packet and any supplemental forms, you need to understand exactly what these terms mean.

**Options you may have when resolving a dispute**
This section discusses what steps you can take to try to resolve a dispute with a utility. You should read this section before taking any action on your own.

**Your rights**
This section discusses what rights you have as a customer of an unregulated or a regulated utility. You should read this section to see where you stand before you decide what actions you may or may not take on your own.

**Myths and Tips**
These two sections discuss commonly held misbeliefs about the law and steps that you should take (or not take) that could make your task easier.
Municipal utilities:

A municipal utility is a utility which is owned and operated by a city, village, or town, and is not part of an investor owned utility such as Illinois Power, Commonwealth Edison, or Ameren CIPS. Municipal utilities are governed by the Illinois Municipal Code and whatever rules have been passed by the municipality.

Rural electric cooperatives

A rural electric cooperative is not a municipal or an investor owned utility. A rural electric cooperative is a not for profit corporation financed by the Rural Electrification Administration Act of 1963 which was designed to bring electricity to rural America. Rural electric cooperatives usually do not provide natural gas service. Rural electric cooperatives are governed by the Illinois Electric Suppliers Act.

Regulated utilities

A regulated utility is a utility which is required to follow the rules created by the Illinois Commerce Commission (ICC). Ameren, Illinois Power, and Commonwealth Edison are regulated utilities. An unregulated utility is a utility which is not regulated by the ICC. Almost all municipal and rural electric cooperatives are unregulated. To determine whether your utility is regulated or not, call the Illinois Commerce Commission at 1-800-524-0795. Regulated utilities are governed by the Illinois Public Utilities Act and Illinois Commerce Commission Rules.

Private suppliers

Some companies provide natural gas or propane service to rural customers. These companies are unregulated and usually do not provide electricity service. Private suppliers are governed by the Uniform Commercial Code and the Illinois Consumer Fraud Act.
Options you may have when resolving a dispute with an unregulated utility

Resolve the dispute on your own

Dealing with an unregulated utility can be difficult because since most laws and ICC rules do not apply to them, they have more discretion than regulated utilities and, more importantly, the ICC cannot help you work out a solution with them. As such, you are on your own when dealing with unregulated utilities. Here, however, are some things that you should know:

1. Regardless of whether a utility is regulated or not regulated, it has to follow its own rules. If you have a dispute with an unregulated utility ask to see a copy of its rules.

2. If your dispute is with a municipal utility, try complaining to the village council, mayor’s office, or a city councilman.

3. If you are having a dispute with a REC, there is an association of Rural Electrical Cooperatives that may be able to help. Call (217) 529-5561.

4. You may want to try mediation. Mediation is a process where an impartial third party helps you and your supplier work out a solution together. The process is completely voluntary and it is free. For mediation services in southern Illinois, call the ADR Clinic at the SIU School of Law at 1-618-453-3257.

Small Claims Court

If your dispute is over an amount of money that you can pay (like a deposit, late fee, reconnection fee, etc), then you might want to consider paying the amount to get or keep your electricity or gas connected, and sue your supplier in small claims court for a refund. For more information on Small Claims Court, see Packet #4 of the Court Series.

If you cannot afford to pay the amount in dispute, then you may have to seek the services of a private attorney. Please note that your chances of winning such a lawsuit are slim unless you can show that your provider violated a particular law or your contract with them for service. Please note that small claims court is really only set up for disputes over a particular sum of money. If your dispute is not over money, but over something else, you probably should seek the services of an attorney. If you cannot get free legal assistance and you cannot afford an attorney, you may have to consider other options, including moving to a location where you can receive electricity or natural gas service.

Get legal help

As discussed in this packet, you may have rights which you are not aware of and are not discussed in the statutes or laws that discuss utilities and therefore are not part of this packet. As such, you should seek the assistance of an attorney to make sure that there are not legal options available to you. If you cannot get free legal assistance and you cannot afford an attorney, however, then you may have to consider other options like energy assistance or moving to another location where you can get your electricity or gas connected or where utilities are part of your rent or house payment.
Getting financial help in paying your bill

If you need financial assistance in paying your utility bill or if you need help in getting your home better insulated or prepared for winter, you can contact the following agencies for help. Please note that these agencies do not have enough money for everyone and often run out of money. Furthermore, money is given on a first come, first serve basis, so don't wait too long to call. All assistance is given based on financial need.

Alexander, Hardin, Johnson, Massac, Pope, Pulaski, and Union counties:

Shawnee Development Council, Inc.
PO Box 298
School Street
Karnak, IL 62956
(618) 634-2281 or (618) 634-2282

Williamson county:

Volunteer Services
410 West Main Street
West Frankfort, IL 62896
(618) 937-3581

Gallatin and Saline counties:

Wabash Area Development, Inc.
PO Box K
100 Latham Street
Enfield, IL 62835
(618) 963-2387

Jackson, Perry, and Randolph counties:

Western Egyptian Economic Opportunity Council
#1 Industrial Park
Steeleville, IL 62288
(618) 963-9031

342A North Street
Murphysboro, IL 62966
(618) 684-3541
Other publications on utilities

Disclaimer: Please Read !!

The following is a list of publications which discuss the issues of utilities. Some of these publications are specific to Illinois and others are more general in nature. Because of this and because of unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to the accuracy of the content of these publications including whether they will achieve the result you desire. The School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet disclaim any responsibility for the consequences of any action taken in reliance upon the information in these publications. If you are concerned or do not understand whether a particular publication will be of assistance to you or will apply to your specific situation, you should talk to the publication's publisher or an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer, call the Self Help Legal Center.

At the time we printed this packet, there were no self help publications which we were aware of which discussed this topic. Consult your local public or law library to see if there are any new publications on this topic. For the most recent information, consult the Self Help Legal Center.
What these legal words mean

**Case Law**
A decision by a state or federal court which like a law is binding on its citizens.

**Deferred Payment Agreement or Payment Plan**
When a person does not pay their monthly or a past due bill all at once but rather, pays it in installments over a period of months.

**Deposit**
An amount of money that a utility asks a customer to pay before service is connected usually to ensure that at least one bill will be paid. In most cases, a customer with a bad credit rating or a bad record of unpaid or late utility bills will be charged a higher deposit. In some cases, the amount of a deposit is set or limited by law.

**Disconnected**
When your utility service is stopped by the utility.

**Estimated Bill**
Sometimes the utility service cannot read your meter to determine how much electricity/water/gas you have used. It could be because of bad weather, a dog, a fence, an emergency. It could be because of your fault, it could be the utility’s fault. Regardless of the reason, when the utility cannot read your meter, they have to “estimate” how much service you used and then bill you for it. While there are rules as to when and how a utility can estimate your service, estimated bills are legal.

**ICC or Illinois Commerce Commission**
The state agency which governs regulated utilities.

**Statute**
An act passed by the state or federal legislature on a particular subject or action.

**Tapped Line**
When someone without the permission of the utility taps into an existing electrical, sewer, water, gas, or other utility line/pipe/wire to get service. Tapping can result in fines and in some cases can subject a person to fraud or criminal charges.

**Utility**
A company which provides electric, natural gas, water, or sewer service is called a utility.
There are 4 laws which discuss utility service in Illinois. They are the:

**Illinois Municipal Code:**
(Chapter 65, Act 5, Section 11-117 of the Illinois Compiled Statutes)

The Municipal Code governs utilities which are owned and operated by a city, village, or incorporated town in the State of Illinois.

**Illinois Electric Supplier Act:**
(Chapter 220, Act 30, Section 1 of the Illinois Compiled Statutes)

The Electric Supplier Act governs rural electric cooperatives.

**Illinois Public Utilities Act:**
(Chapter 220, Act 5, Section 101 of the Illinois Compiled Statutes)

The Public Utilities Act governs only regulated (sometimes called public) utilities.

**Illinois Commerce Commission Regulations:**
(Title 83, Chapter I of the Illinois Administrative Code)

The Illinois Commerce Commission Regulations govern only regulated (sometimes called public) utilities.
The following is a summary of the rights you may not have as well as those you do when it comes to dealing with an unregulated electric or natural gas provider.

**Rights you may not have**

The following is a list of common problems with Rural Electric Cooperatives or municipal utilities which do not appear in the statutes of Illinois that govern utilities.

Consequently, if you a customer of an unregulated utility and you have one of the following problems, you may be out of luck because the statutes in Illinois do not specifically afford you any particular right regarding these problems which you can seek to enforce as a layperson. It does not mean, however, that you may not have rights which are enforceable under Illinois case law, your city code or village rule, or other non-utility statutes. Turn to PAGE 7 for a list of things you can do if your problem appears below.

- Getting connected when your residence has never been connected before;
- Estimated bills;
- Tapped lines;
- Deposits;
- Deferred Payment Agreements or "payment plans";
- Being held responsible for someone else’s service;
- Getting disconnected (not in winter) or reconnected; and
- Getting reconnected or preventing a disconnection because of a medical condition.
3 rights the law does provide you as a customer of an unregulated municipal utility

1. Landlord/tenant utility problems:

Under the Rental Property Utility Service Act, if your landlord is responsible for paying the gas or electricity service and does not pay the bill, you have the right to pay the past due bill and have your gas or electricity continued. You also have the right to have the bill put in your name if you have sufficient credit and agree to pay all future bills. If your landlord was responsible for paying electricity and or gas service and does not pay the bill, you also have the right to deduct any amount you have to pay to reconnect your service from your rent. If your utility is not complying with this Act, you should seek legal assistance. See PAGE 7.

2. Problems with past due bills and late charges:

The Municipal Code specifically allows a municipal utility to charge late fees. It says nothing, however, about how many days you have to pay your bill and/or how much a late fee can be. See PAGE 7.

3. Getting disconnected in the winter:

Under the Municipal Code, a municipal utility cannot disconnect your electricity or gas on any day when the National Weather Service forecast for the following 24 hours calls for a temperature of 20 degrees F or below or on any day preceding a holiday or a weekend when the National Weather Service forecast calls for a temperature of 20 degrees F or below for the weekend or holiday. If your service was disconnected 1 or more days before such a forecast was released, this section will not protect you. If you believe that a municipal utility is not following this rule, you should seek legal assistance. See PAGE 7.
The 1 right the law provides you as a customer of
an unregulated Rural Electric Cooperative

Landlord/tenant utility problems:

Under the Rental Property Utility Service Act, if your landlord is responsible for paying the gas or electricity service and does not pay the bill, you have the right to pay the past due bill and have your gas or electricity continued. You also have the right to have the bill put in your name if you have sufficient credit and agree to pay all future bills. If your landlord was responsible for paying electricity and or gas service and does not pay the bill, you also have the right to deduct any amount you have to pay to reconnect your service from your rent. If your utility is not complying with this Act, you should seek legal assistance. See PAGE 7.
Myths

4 Commonly held beliefs about utility service which are not true:

I can’t be disconnected in the winter.
While a municipal or a regulated utility service cannot disconnect your electricity on a day when the temperature is/will be below a certain point (see Your Rights), nothing prevents them from waiting until the temperature rises and disconnecting your service the next day as long as you are given proper notice. Furthermore, rural electric cooperatives can disconnect your service on any day regardless of the temperature.

As long as I pay something, my utilities cannot be shut off.
Unless you are in a payment plan and meeting the terms of your payment plan, payment of anything but the full amount of your bill can result in you being disconnected. Consequently, while paying “something” will keep your total bill down as well as show good faith on your part, it will not prevent your electricity from being disconnected.

They can’t make me pay a deposit to get service.
Yes, they can. While regulated utilities have limits as to how much their deposit can be, all utilities, regulated and unregulated, can require deposits.

I can get service through my children or someone else’s name
Like tapping, getting service by using someone else’s name other than your own can lead to disconnection, a fine, or even a charge of fraud.

I can’t be charged for my roommate’s service
In almost all cases, if you were living with someone at the time the service was used, you can be held responsible for their bill.
Pay your utility bills first

If you are running low on cash, pay your rent/house payment and your utility bills first. The reason for this is unlike other bills (credit card, tv, etc), the worst that can happen is that you may have to shop somewhere else. In most cases, however, you only have one telephone, electric, gas company and if you don’t pay them, you may not be able to get utility service anywhere else unless you move.

Don’t let your utility bill get away from you.

While paying "something" on your utility bill might not prevent you from being disconnected, it will keep the bill down to a level that you can hopefully manage. If you find that you cannot afford the utilities where you live regardless of how much you save, you should consider moving to a home/apartment where the utilities are either included or are cheaper.

Get help if you need it

If you have trouble following directions, doing things on time, filling out forms, or keeping track of paperwork, trying to keep your utilities on may be much more stressful than it needs to be. If, however, you have a friend you can help you do these things, the job will be a lot easier. Keep in mind, however, that a friend cannot take the place of the advice and experience of an attorney licensed to practice in the State of Illinois. Consequently, if you need legal advice or if dealing with a utility proves to be too difficult a task for you, talk to an attorney.