

**Chapter 365-100 WAC**  
**WINTER UTILITY MORATORIUM PROGRAM**

Last Update: 5/1/87

**WAC**

365-100-010 General purpose.  
365-100-020 Definitions.  
365-100-030 Applicant responsibilities.  
365-100-040 Contractor responsibilities.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

365-100-050 Utility responsibilities. [Statutory Authority: RCW 43.63A.080. WSR 84-21-087 (Order 84-02), § 365-100-050, filed 10/19/84.] Repealed by WSR 85-05-017, Order 84-02, filed 2/13/85. Statutory Authority: RCW 43.63A.080.

**WAC 365-100-010 General purpose.** The following regulations are adopted pursuant to chapter 245, Laws of 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter 245, Laws of 1986.

[Statutory Authority: Chapter 43.63A RCW. WSR 87-10-020 (Order 87-08), § 365-100-010, filed 5/1/87. Statutory Authority: RCW 43.63A.080. WSR 85-05-017 (Order 84-02), § 365-100-010, filed 2/13/85; WSR 84-21-087 (Order 84-02), § 365-100-010, filed 10/19/84.]

**WAC 365-100-020 Definitions.** The following definitions shall apply to terms in chapter 245, Laws of 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

"Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance and weatherization services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant signs that acknowledges household gross income, self-certified income, and seven percent of household's income. The statement acknowledges whether the income is verified or unverified, whether the applicant has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant. The statement also acknowledges that the applicant agrees to enter into a payment plan, to pay the past due bill by October 15 even if they move, to pay for continued utility service, and to apply any assistance received to the bill.

"Date of application" means the day the applicant notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

"Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.

[Statutory Authority: Chapter 43.63A RCW. WSR 87-10-020 (Order 87-08), § 365-100-020, filed 5/1/87. Statutory Authority: RCW 43.63A.080. WSR 85-05-017 (Order 84-02), § 365-100-020, filed 2/13/85; WSR 84-21-087 (Order 84-02), § 365-100-020, filed 10/19/84.]

**WAC 365-100-030 Applicant responsibilities.** (1) The applicant shall notify the utility of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant shall contact the contractor within five business days from the date of notification to the utility to complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant shall provide the utility with the completed client income statement of unverified income within twenty days from the date of application. Verified income, or acceptance of self-certification, must be supplied to the utility within forty-five days of application. (See WAC 365-100-040.)

(4) At the time the client income statement is submitted to the utility, the applicant shall enter an agreement to pay no less than seven percent of the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(5) Prior to March 15, the applicant and the utility shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility.

[Statutory Authority: Chapter 43.63A RCW. WSR 87-10-020 (Order 87-08), § 365-100-030, filed 5/1/87. Statutory Authority: RCW 43.63A.080. WSR 85-05-017 (Order 84-02), § 365-100-030, filed 2/13/85; WSR 84-21-087 (Order 84-02), § 365-100-030, filed 10/19/84.]

**WAC 365-100-040 Contractor responsibilities.** (1) The contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures. In either instance, the contractor shall noti-

fy the utility and the applicant of the applicant's eligibility no later than forty-five days from the date of application.

(2) The contractor shall provide the client income statement and assist the applicant in completing the statement when applying for the moratorium program. If the applicant contacts the contractor to apply for the moratorium program before notifying the utility of their inability to pay the bill, the contractor shall instruct the applicant to immediately contact the utility.

(3) The contractor shall interview the applicant for energy and weatherization assistance.

(4) The contractor shall provide the client income statement of unverified income to the applicant within twenty days from the date of application.

(5) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

(6) The contractor shall advise the applicant that disconnection of services is possible if:

(a) Verified income is not supplied to the utility within forty-five days of application and no interim payment agreement has been made with the utility by the applicant.

(b) The applicant has been determined income ineligible.

(7) The contractor shall inform the applicant that the utility is required to offer a choice between a budget billing plan or equal payment plan.

[Statutory Authority: Chapter 43.63A RCW. WSR 87-10-020 (Order 87-08), § 365-100-040, filed 5/1/87. Statutory Authority: RCW 43.63A.080. WSR 85-05-017 (Order 84-02), § 365-100-040, filed 2/13/85; WSR 84-21-087 (Order 84-02), § 365-100-040, filed 10/19/84.]