

§ 609.5 Suspension or termination of residential basic local exchange service—special procedures.

This section provides special protections for residential customers regarding the suspension or termination and restoration of basic local exchange service in cases involving medical emergencies, the elderly, blind or disabled.

(a) *Medical emergencies.* (1) No telephone corporation shall suspend, terminate or refuse to restore basic local exchange service and any access determined by the customer's doctor to be necessary to reach the customer's doctor when a medical emergency exists, for which certification by a medical doctor or local board of health may be required, for nonpayment of monthly charges in an amount set by the commission; provided, however, that a demonstration of the customer's inability to pay charges for service may be required before a certificate of medical emergency can be renewed pursuant to paragraphs (3) and (4) of this subdivision, unless the commission or its designee directs otherwise.

(2) A medical emergency exists when a resident of a customer's residence suffers from a serious illness or medical condition which severely affects the resident's well-being and the absence of such telephone service would create a serious risk of inaccessibility of emergency medical assistance, assistance relating to medical care or professional advice. An inability to pay charges for service is demonstrated when a customer is unable to pay past due and current telephone bills because of insufficient liquid assets and current income, considering other necessary and reasonable expenses of the customer such as food, shelter and medical expenses, which may be documented by provisions of the information required in the form set in Appendix 17 of this Title or such other form approved by the commission.

(3) Certification. An initial certification of a medical emergency by a medical doctor or local board of health may be made by telephone and shall remain effective if written certification is provided thereafter to the telephone corporation within five business days. A telephone corporation may require that any certification of a medical emergency shall be submitted on stationery of the medical doctor or local board of health, shall be signed by the medical doctor or an official of the local board of health qualified to make a medical judgment and shall state the name and address of the certifying medical doctor or local board of health, the doctor's State registration number, the name and address of the seriously ill person, the nature of the serious illness or medical condition any service beyond basic local exchange services which may be necessary to reach the customer's doctor because of the medical condition and an affirmation that the customer suffers from a serious illness or a medical condition that severely affects the resident's well-being and that the absence of such telephone service would create a serious risk of inaccessibility of emergency medical assistance, assistance relating to medical care or professional advice. The certificate shall be effective for 30 days from the time the telephone corporation receives an oral or written certification, whichever occurs earlier. In deciding whether the conditions for a medical emergency are met, the medical doctor or qualified official of the local board of health should use his or her best judgment. A telephone corporation receiving an initial certificate shall promptly so notify the customer in writing and shall provide information on renewal of certificates, including the form set forth in Appendix 17 of this Title, or such other form approved by the commission, if the telephone corporation intends to make a determination concerning a customer's ability to pay charges for service. The telephone corporation also shall issue a reminder notice on renewal of certificates seven days prior to the expiration of the certificate.

(4) Certificate renewal. If the medical condition is likely to continue beyond the expiration of an initial certification, a certificate may be renewed, provided:

(i) a medical doctor or qualified official of the board of health states in writing to the telephone corporation the expected duration of the medical emergency, and explains either the nature of the medical emergency or the reason why the absence of such telephone service would create a serious risk of inaccessibility of emergency medical assistance or assistance relating to medical care or professional advice; and

(ii) the customer demonstrates an inability to pay charges for service. A customer may be required, before the expiration of the initial certification, to submit to the telephone

corporation the information required in the form set forth in Appendix 17 of this Title, or such other form approved by the commission for the purpose of demonstrating an inability to pay charges for service. A telephone corporation shall, within five days of submission of such information, determine whether the customer's liquid assets and current income are insufficient to pay such telephone bills, considering other necessary and reasonable expenses of the customer such as food, shelter, medical and other necessary expenses. Whenever a telephone corporation determines that a customer has not demonstrated a financial hardship, it shall provide the customer with written notice of determination and the customer's right to review of the determination by the commission or its authorized designee. A telephone corporation shall stay any suspension or termination activity pending its determination on the customer's ability to pay and any review of such determination by the commission or its authorized designee. A renewed certificate shall remain in effect for 30 days, provided that in cases certified as chronic by a medical doctor or qualified official of the local board of health, the renewed certificate shall remain in effect for 60 days or such longer period as may be approved by the commission or its designee. The telephone corporation may require that the statement of financial hardship shall be completed and submitted to the telephone corporation whenever a certificate is renewed.

(5) No telephone corporation shall suspend or terminate such service to a residential customer after the expiration of a certification of medical emergency or after the telephone corporation determines and the commission or its designee concurs that the customer has an ability to pay charges for service without first sending the customer a final notice of suspension or termination at least eight days prior to suspension of outgoing service and 20 days prior to the date of termination.

(6) While certification of medical emergencies remains in effect, customers shall remain liable for payment of telephone service and shall make reasonable efforts to pay charges for such service. The authorized designees of the commission shall be available to offer assistance to customers for working out equitable payment arrangements in order to avoid substantial arrearages at the end of a medical emergency.

(b) *Customers who are elderly, blind or disabled.* (1) No telephone corporation shall suspend or terminate or refuse to restore service where a residential customer is known to or identified to the telephone corporation to be blind, disabled, or 62 years of age or older, and all the remaining residents of the household are 62 years of age or older, 18 years of age or under, blind or disabled, without complying with the procedures specified in this subdivision. A person shall be considered "disabled" if the person has a *disability* as that term is defined in the Human Rights Law (Executive Law, section 292[21]). A person shall be considered blind if the person has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

(2) In such cases, a telephone corporation shall not suspend or terminate service for an additional 20 days after the date of suspension or termination as stated on the notice and shall make a diligent effort to contact by telephone or in person if telephone contact is unsuccessful, an adult resident at the customer's premises at least eight days prior to the date on which suspension or termination of service may occur for the purpose of devising a payment plan.

(3) In cases where service has been suspended or terminated and the telephone corporation subsequently learns that the customer is entitled to the protections established under this subdivision, the telephone corporation shall, within 24 hours of such notification, restore service for an additional 20 days and make a diligent effort to contact in person an adult resident at the customer's premises for the purpose of devising a payment plan. A telephone corporation unable to contact such person within 24 hours shall make reasonable efforts to achieve contact as soon as practicable.

Historical Note

Sec. added by renum. and amd. 633.5, filed Nov. 24, 1997 eff. Dec. 10, 1997.