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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 90 ADM-38

TO: Commissioners of
 Social Services

DIVISION: Income
 Maintenance

DATE: October 22, 1990

SUBJECT: Public Service Commission Regulations Regarding Certain
 Private Waterworks Corporations

SUGGESTED DISTRIBUTION:	Income Maintenance Staff Adult Protective Services Staff Family and Children's Services Staff
CONTACT PERSON:	Maureen Standish, Income Support, 1-800-342-3715, extension 3-6555
ATTACHMENTS:	Notice of Utility Referral to DSS (DSS-2338) - not available on-line.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		352.3(b)	PSL 50 16 NYCRR, Part 14	PASB Sections XIII-D-1.2 and 3.1	

I. PURPOSE

The purpose of this Directive is to advise local social services districts of Public Service Commission (PSC) regulations regarding private waterworks corporations and local district responsibilities in relation to these regulations.

II. BACKGROUND

In accordance with Public Service Law Section 50, the PSC promulgated new regulations (16 NYCRR 14) setting forth the rights and responsibilities of certain residential water customers in such areas as application for service, deferred payment agreements, deposits, billing procedures and backbilling, late payment charges, equipment inspection and complaint handling. These PSC regulations have been filed but will not become effective until January 21, 1991.

These rules only apply to private waterworks corporations with gross annual revenues in excess of two hundred fifty thousand dollars. There are currently only 14 of these corporations in New York State, which are listed below. This number may change periodically.

Country Knolls Waterworks, Inc. Saratoga County	New York-American Water Co., Inc. Nassau County
Fisher's Island Waterworks Corp. Suffolk County	NY Water Service Corp. Nassau County
Heritage Hills Water Works Corp. Westchester County	Owego Water Works Tioga County
Jamaica Water Supply Co. Nassau County	Sea Cliff Water Co. Nassau County
Kiamesha Artesian Spring Water Co. Sullivan County	Shorewood Water Corp. Suffolk County
Long Island Water Corp. Nassau County	Spring Valley Water Co., Inc. Rockland County
New Rochelle Water Co. Westchester County	Sterling Forest Water Corp. Sullivan County

III. PROGRAM IMPLICATIONS

Local districts will have to take certain actions after they are notified by the waterworks. However, since there are only 14 applicable waterworks, the impact should be minimal.

The regulations require the waterworks to notify a local social services agency of the name and address of the customer receiving water services in the following situations:

A. The customer or all members of his/her household is blind, disabled, 62 years of age or older, or 18 years of age or under and

1. Service is to be terminated and the utility has been unable to personally contact the adult resident within 72 hours before the scheduled termination to attempt to create a plan that would avoid termination and arrange for payment. (The waterworks is required to continue service for at least 15 business days after providing this notice, unless notified by the local district that other arrangements have been made) or,
2. Service has already been terminated and the waterworks is later notified that the customer's household meets the criteria in A, and the waterworks has been unable, within 24 hours of receiving this notification, to personally contact the customer or to create a plan.

B. During Cold Weather Period for Premises With Heat-Related Services When

1. Prior to scheduled termination, the waterworks determines that a resident may suffer a serious impairment to health or safety as a result of termination. Evidence that a person may suffer serious impairment to health or safety includes any of the following:
 - a. dependency due to age, poor physical condition or mental incapacitation;
 - b. use of life support systems such as dialysis machines or iron lungs;
 - c. serious illness; or
 - d. disability or blindness, or,
2. Service has already been terminated and the waterworks has been unable to make an onsite personal visit with the customer and the waterworks does not have reasonable grounds to believe the customer has vacated the premises, or,
3. Service has been terminated because of unsafe equipment and it is impractical for the waterworks to eliminate the unsafe condition and the waterworks determines that the resident may suffer a serious impairment.

IV. REQUIRED ACTION

When local districts are notified by the waterworks, the local district:

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- A. Must attempt to contact the customer within 24 hours to determine if the scheduled termination of water services will cause an emergency situation.
 - B. Must determine the customer's eligibility for assistance if an emergency situation will result from the scheduled termination of water services and if temporary alternative living arrangements are necessary. If eligible must assist the person in obtaining safer living quarters. A referral to services for money-management assistance may also be warranted.
 - C. Must respond to the waterworks corporation, within 15 days of receiving the notice from the waterworks corporation, whether or not an emergency situation will result.

Each local commissioner in the affected local districts must designate a staff person to function as liaison to the waterworks corporation(s) in the district to ensure timely and effective implementation of these procedures. Affected local districts should also develop a referral form to be used by the waterworks which contains basic essential information regarding the customer household being referred. The attached Notice of Utility Referral to DSS (DSS-2338) can be used.

Currently, Department regulations authorize the payment of an allowance to cover water charges for public assistance recipients who have a direct obligation to a vendor. However, there is no authority for the payment of back water bills under EAF, EHR or EAA.

VI. EFFECTIVE DATE

This ADM shall be effective January 21, 1991.

Oscar R. Best, Jr.
Deputy Commissioner
Division of Income Maintenance