

..DID: 20837

..TXT: PSC NO: 12 GAS

LEAF: 138.31

COMPANY: THE BROOKLYN UNION GAS COMPANY

REVISION: 1

INITIAL EFFECTIVE DATE: 02/11/03

SUPERSEDING REVISION: 0

STAMPS:

Effective date postponed to 05/01/03. See Supplement No. 13

RECEIVED: 11/12/02 STATUS: Pending EFFECTIVE: 05/01/03

GENERAL INFORMATION (Cont.)

3. An ESCO/Marketer/Billing Agent may elect to receive pro rata application of customer payments in partial payment situations, provided the ESCO/Marketer/Billing Agent fully complies with the following requirements and any additional requirements set forth in the Company's billing services agreement.
 - a. For its own charges, the ESCO/Marketer/Billing Agent must be providing customers with the same rights customers have with respect to utility charges as they relate to payment due dates, late payment charges, termination and final notices and timelines, and the availability of deferred payment agreements (DPAs) for delinquent (but not previously disconnected) customers, and must demonstrate this to the Company.
 - b. The ESCO/Marketer/Billing Agent must demonstrate to the Commission that it is currently providing such rights to customers with respect to ESCO/Marketer charges and must satisfy the Commission that the ESCO/Marketer/Billing Agent has adequate controls in place to assure that such rights will continue to be protected.
 - c. Upon the Commission's determination that the ESCO/Marketer/Billing Agent is providing such rights to customers and is prepared to continue to do so, the ESCO/Marketer/Billing Agent will contractually commit to the Company to preserve and protect such rights for customers as long as pro rata sharing of customer payments continues.
 - d. The ESCO/Marketer/Billing Agent must produce, for each of its customers in the Company's service territory, the express written and executed consent of the customer to a change in the application of customer payments to a pro rata method; this consent must be based on a plain language disclosure advising customers that their consent may constitute a waiver of their rights under the Home Energy Fair Practices Act not to lose utility service in the event of a partial payment that, were it not for pro rata application, would cover utility arrears and prevent termination. Such pro rata payment sharing will be available to ESCOs/Marketers meeting the foregoing criteria not later than 90 days following a Commission order approving General Information Leaf No. 138.2, First Revision.

Issued by Richard A. Rapp, Jr., Vice President and Deputy General Counsel, Brooklyn, NY