



In 1981, New York State enacted the Home Energy Fair Practices Act (HEFPA) to provide energy customers basic consumer protections. All energy utilities must comply with this law. However, in 1996 the Public Service Commission ruled that energy service companies (ESCOs) do not have to comply with the Home Energy Fair Practices Act.

Consumer Protections	HEFPA	ESCOs
Application for Energy Service	May be oral or written to utility with no credit application. Utility is required to provide service.	May include an application, fee and credit check before service is rendered. May deny service.
Deposit	No deposit required unless past difficulties paying bills.	May require a deposit of any amount regardless of past history. May include upfront payments for energy.
Late Payment Charge	Cannot be more than 1.5% of balance.	Can be any amount determined by ESCO.
Budget Plan	Utilities must offer the option of budget billing to all customers.	Not required to offer customers any type of budget billing.
Voluntary Termination by Rate Payer	Customer can cancel at any time for no fee.	Customer may be charged early termination fee, frequently cancellation must be in writing 30 days prior and customers are usually renewed for one year automatically.
Termination for Late Payment	If termination is due to late payments, utility must offer a deferred payment agreement.	May terminate for nonpayment without a deferred payment offer.
Complaints/Disputes	Oral, written or e-mail to the PSC within 6 years of time of dispute.	Usually must be in writing within 30 days and resolved through mandatory arbitration or legal remedies.