

# Looking Out For Your Legal Rights®

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## SPECIAL WINTER ENERGY ISSUE

This issue will tell you about state and private programs that can help you pay your energy bill as well as steps you can take to reduce your heating bill and conserve energy. It will explain how you can get more time to pay your bill and what you can do if you think your bill is wrong.

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*Cuáles Son Sus  
Derechos Legales*  
La versión en  
español la encontrará  
al reverso.

## Do You Need Help Paying Your Heating Bills? Help is Available!

**MANY HOUSEHOLDS** in New Jersey do not have enough income to meet basic needs. This problem is made worse by increasing oil, gas, and electric costs. This article will tell you about state and private programs that can help you pay your energy bill as well as steps you can take to reduce your heating bill and conserve energy. It will explain how you can get more time to pay your bill and what you can do if you think your bill is wrong.

### State Programs

State programs that may be able to help you include the Universal Service Fund, the Low-Income Home Energy Assistance Program, Lifeline Energy Assistance, and Emergency Assistance.

#### THE UNIVERSAL SERVICE FUND AND THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

The *Universal Service Fund (USF)* and the *Low-Income Home Energy Assistance Program (LIHEAP)* can help you meet home heating and other energy costs.

USF provides a monthly credit on gas and electric bills. The credit helps to ensure that eligible customers will only be required to pay about 6% of their household income for gas and electric service.

*Continued on page 2*

## **Energy assistance** *continued from page 1*

LIHEAP provides a single annual heating assistance grant during the heating season and, in some circumstances, other one-time grants.

November can be a good time to apply for these important programs. USF enrollment is open all year, but the application period for LIHEAP grants is limited. This year, the LIHEAP application period is scheduled to run from November 1, 2008, to March 30, 2009.

To apply for USF and LIHEAP, you can contact an authorized local community action agency or community-based organization in your area. (If you need help finding an agency that accepts applications, call 1-800-510-3102 or visit [www.energyassistance.nj.gov](http://www.energyassistance.nj.gov).) You can also get an application on the Web site and mail it in to LIHEAP. When you apply for LIHEAP, you are automatically considered for USF.

### **What kind of help does USF provide?**

The USF program provides assistance to customers of the seven New Jersey gas and electric public utility companies. They are:

- Public Service Electric & Gas Company (PSE&G)

- Atlantic City Electric
- Jersey Central Power & Light (JCP&L)
- Rockland Electric Company
- New Jersey Natural Gas Company
- South Jersey Gas Company
- Elizabethtown Gas Company.

LIHEAP covers more households. You can be eligible for LIHEAP no matter what fuel source you use.

### **Who is eligible for help through USF?**

Utility customers are eligible for a monthly USF credit on their utility bills if they meet two conditions.

- First, their household income must be at or below 175% of the federal poverty guidelines. (See the box on page 3 for the income limits that apply this year.)
- Second, their expected utility costs must be more than 3% of household income for electric service, 3% of household income for natural gas, or 6% of household income for all-electric heat customers.

Also, the name on the USF/LIHEAP application must be the same as the name on the utility bill.

## **Looking Out For Your Legal Rights®**

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**This newsletter is for general information only. If you have a legal problem, you should see a lawyer.**

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## 2008 Maximum Monthly Gross Income Eligibility Levels

| Number in Household             | For USF Assistance | For LIHEAP Assistance |
|---------------------------------|--------------------|-----------------------|
| 1                               | 1,517              | 1,950                 |
| 2                               | 2,042              | 2,625                 |
| 3                               | 2,567              | 3,300                 |
| 4                               | 3,092              | 3,975                 |
| 5                               | 3,617              | 4,650                 |
| 6                               | 4,142              | 5,325                 |
| 7                               | 4,667              | 6,000                 |
| 8                               | 5,192              | 6,675                 |
| 9                               | 5,717              | 7,350                 |
| 10                              | 6,242              | 8,025                 |
| 11                              | 6,767              | 8,700                 |
| 12                              | 7,292              | 9,375                 |
| For each additional person, add | 525                | 675                   |

**Note:** Even if you received USF or LIHEAP benefits last year, you must reapply for benefits each year. Some, but not all, applicants for food stamps, PAAD, Lifeline Energy Assistance, and Medicare Part D are automatically enrolled in LIHEAP and screened for USF benefits, and do not have to fill out a separate USF/LIHEAP application. In general, this is done for applicants who are determined to be eligible for the other program, who live in a household that includes only members who are considered in determining eligibility for the other program, and who pay for heat. If you are not sure whether you have been considered for USF and LIHEAP benefits, call the USF or LIHEAP program information numbers to find out whether you should submit a USF/LIHEAP application.

For more information about USF, call 1-866-240-1347, visit the Web site [www.energyassistance.nj.gov](http://www.energyassistance.nj.gov), or call LSNJ-LAW™, Legal Services of New Jersey's state-wide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529).

### **What benefits does USF provide?**

USF assistance reduces your utility bill. Here's how it works:

Each customer receiving USF assistance gets a credit each month. The credit is based on an estimate of the amount of energy the household will use in the next year. Most often, this estimate reflects past energy use at the same property.

The utility then subtracts the amount of your USF credit from your utility bill each month. It's that simple!

### **Will my utility bills be the same each month on USF?**

Yes, but only if you sign up for your utility company's budget billing plan.

There still may be surprises, though. Your actual gas or electric usage will probably turn out to be different from the amount the utility estimated. If that is the case, your bill will be adjusted to reflect the difference. This process of "truing up" should take place at least once every six months.



**Note:** This may be a good time to get on a budget billing plan if you are not already on one. Energy costs are expected to be very high this winter, and a budget billing plan that starts now will spread some of those costs out until next summer. There is no effect on LIHEAP or USF eligibility or benefits. See *Budget Billing* on page 10.

If you do not choose to join your utility's budget billing plan, your bill will vary from month to month. It will reflect the amount of your utility use each month, less your USF credit and LIHEAP benefits. The good news is that, if you use less energy than estimated, you will have to pay less. But you will have to pay more if you use more energy than estimated.

One thing that you can do is contact your local weatherization program office to find out if you are eligible for free improvements to your home so that you can use less energy.

*For more information about applying for no-cost weatherization assistance, you can contact the state LIHEAP hotline at 1-800-510-3102 or 609-292-6140, or contact the LSNJ-LAW hotline at 1-888-LSNJ-LAW (1-888-576-5529).*

### **What if I have overdue bills from past years?**

If you have past-due bills over \$60, USF will forgive that outstanding balance if you simply keep up with your current monthly bills for one year after you first start to

receive a USF credit. This part of the program is called *Fresh Start*. You should be placed in the Fresh Start program automatically if you qualify. The utility company cannot disconnect your service for nonpayment of overdue bills that are part of the Fresh Start program.

If you miss monthly payments during the year you are on Fresh Start, your utility company should send you reminder letters. This will give you a chance to catch up.

You will have three more months at the end of the initial 12-month period to make up any missed payments. Each customer, though, gets just one 12-month period (with a three-month grace period at the end) in which to get rid of their overdue bills.

### **Are there any other limits on USF benefits?**

There are two other limits to the amount of a recipient's USF credit. One limit is that the largest credit a customer can receive is \$150 each month, or \$1,800 each year. The other is that all customers must pay at least \$8 per month, even if that is more than 6% of their income.

If one of these limits applies to you, and that causes a hardship, call the Board of Public Utilities, Division of Customer Assistance, at 1-800-624-0241, and contact the LSNJ-LAW hotline at 1-888-LSNJ-LAW (1-888-576-5529) to let us know that this is the case. There may be additional sources of assistance that can help. If there are not, then it is important to let the Board know that these limits can cause hardships.

### **What is the Low-Income Home Energy Assistance Program (LIHEAP)?**

As noted above, LIHEAP can provide assistance no matter how your home is heated (oil, propane, or wood, for example). To be eligible for LIHEAP benefits, you must be responsible for home heating or cooling costs, either directly or included in the rent. You must also have gross income below

## **LIHEAP can also provide emergency assistance if you have no heat or are in danger of losing your heat, and you don't have enough money to solve the problem yourself.**

225% of the federal poverty level (see the chart on page 3 for monthly income guidelines). While almost all income received by anyone in the household is counted, some is not. For example, income earned by a full-time student is not counted. Neither are payments received from other energy assistance programs, such as Lifeline.

LIHEAP provides single payment grants to help with energy costs. The amount of the basic LIHEAP heating benefit varies based on income, household size, fuel type, and heating region. This year, the average heating benefit is expected to be between \$400 and \$500 for natural gas and electric heat customers, and approximately \$1,000 for households that heat with oil, propane, and other fuels. A household receiving medically necessary cooling benefits can also receive a check. This year, the cooling assistance benefit is expected to be set at \$200.

If your home is heated with natural gas or electricity, you may have your LIHEAP check sent directly to the utility company. Otherwise, in most cases, a two-party check (made out to you and to your fuel supplier) will be sent to you. If your heat is included in the rent, your check will be made out directly to you.

LIHEAP can also provide emergency assistance if you have no heat or are in danger of losing your heat, and you don't have enough money to solve the problem yourself. You may be able to get help with an emergency fuel delivery or to have utility service restored. A homeowner may be able to get emergency help to fix his or her furnace. A tenant who pays for utilities can get assistance for emergency help to restart a furnace. In some energy-related emergen-

cies, LIHEAP can even provide temporary shelter or help in preventing an eviction.

### ***I live in public housing.***

#### ***Can I still get help with utilities?***

People who live in public housing and/or receive rental assistance are not eligible unless they pay for their own heating/cooling costs directly to the utility company. The amount of help you will receive depends on your total income, household size, fuel type, and heating region.

*For further information on LIHEAP or to locate the nearest application agency, call 1-800-510-3102, or visit [www.energyassistance.nj.gov](http://www.energyassistance.nj.gov).*

### **LIFELINE ENERGY ASSISTANCE**

*Lifeline* refers to three state programs: the Lifeline Credit Program, the Tenants' Lifeline Assistance Program, and a Special Utility Supplement. To be eligible for the Lifeline Credit Program or Tenants' Lifeline Assistance Program, a residential electric or gas customer must, on July 1 of any year or any time between July 1 and December 31, be:

- Eligible for Pharmaceutical Assistance to the Aged, Blind and Disabled (PAAD);
- Receiving or eligible to receive Supplemental Security Income (SSI); or
- Receiving Social Security Title II Disability (SSD) benefits while meeting the income and residency requirements of PAAD. For PAAD, you must be 65 years of age or older, or 18 years of age or older and receiving SSD and have an annual income for 2008 of less than \$23,092 if single or less than \$28,313 if married.

The **Lifeline Credit Program** makes a one-time payment, currently \$225, on a yearly basis toward an eligible customer's gas and electric bill. If a customer receives service from two different utility companies, then the benefit is split between the two. The **Tenants' Lifeline Assistance Program** provides a \$225 check to tenants who have gas and electric costs included in the rent.

The **Special Utility Supplement** is for SSI recipients who are not eligible for Lifeline Credit or Tenants' Lifeline Assistance. The yearly supplement is divided into monthly installments and is added to the recipient's SSI check. The current supplement is \$18.25 per month.

*For more information about Lifeline, call 1-800-792-9745, or go to [www.nj.gov/health/seniorbenefits/lifeline/detail](http://www.nj.gov/health/seniorbenefits/lifeline/detail).*

### **WFNJ EMERGENCY ASSISTANCE**

If you have been approved for TANF or GA, or if you receive SSI for yourself or a child, you may be eligible for Emergency Assistance (EA) through your local welfare agency. Emergency Assistance can include payment of a back utility bill, payment of a security deposit to open a new account, or payment of a set monthly amount toward your current bill. If you may be eligible for TANF or GA but have not applied, do so immediately and explain that you are or will soon be without electricity or heat. You should provide a copy of your shutoff notice or any proof that you are without or about to be without home heating oil. By showing that you are, or will soon be, without electricity or heat, your application for cash assistance should be expedited so that you can be considered for EA.

If you had the capability to pay the bill but did not do so, you may be denied. If you are approved, the welfare office may pay up to six months of retroactive utility payments to prevent a shutoff or restore service. Payment of more than six months

may be made in rare circumstances and must be approved by the agency. If welfare is paying part of your current monthly bill, you will likely be expected to contribute toward the bill.

The receipt of EA is time limited. Subject to your continuing eligibility for TANF, GA, or SSI, you may receive a lifetime limit of 12 months, unless the agency finds that you are eligible for an extension. Payment of a retroactive utility bill counts as one month toward the lifetime limit for every two months paid. So, even if you are applying for or receiving EA, you should still apply for other utility assistance programs that will provide ongoing assistance with your monthly bill. If the welfare office denies, terminates, reduces, or suspends benefits, you have the right to request a fair hearing.

*For further advice, you may contact the LSNJ-LAW hotline, 1-888-576-5529, or your regional Legal Services office.*

## **Private Programs**

Private programs that may be able to help you include New Jersey SHARES and the New Jersey Citizen Action Oil Group.

### **NEW JERSEY SHARES**

New Jersey SHARES provides one-time grants for oil, propane, or natural gas (up to \$700), and for electricity (up to \$300, or up to \$700 if your home is heated with electric heat) to people who have fallen behind on their utility bills due to a *temporary* financial crisis and are not receiving LIHEAP or USF assistance. In order to get help, you must show a history of good-faith payments to your energy provider, and show that the financial need is temporary. If approved, payment is applied directly to your utility bill.

*For more information about New Jersey SHARES, call 1-866-657-4273, or go to [www.njshares.org](http://www.njshares.org).*

## NEW JERSEY CITIZEN ACTION OIL GROUP

New Jersey Citizen Action has organized a fuel-buying cooperative for oil heat customers. You must become a member of the cooperative to get the cheaper rate that they have negotiated. The standard membership is \$30, and \$15 for senior citizens (age 60 or older). After joining, you are assigned a supplier, and then you make arrangements directly with the supplier to purchase your oil. Prices for members can be up to 25% less than average retail prices. Some suppliers also provide service contracts and tank insurance at a discounted rate.

*For more information or to apply, call 1-800-464-8465, or go to [www.njcaoilgroup.com](http://www.njcaoilgroup.com).*

### OTHER AGENCIES AND PROGRAMS

To find out whether there are any other private agencies and programs in your area that will help pay a back utility bill, dial 2-1-1 or go to [www.nj211.org](http://www.nj211.org) on the Internet. 211 is an information service that can connect callers to necessary resources, such as utility assistance and other social service or financial assistance agencies or programs. Usually such programs have limited funding and may only assist a customer in an emergency situation with a payment to avoid being without heat or electricity or to restore service.

## Other Ways to Reduce Your Bill

You may be able to take steps to reduce how much electricity, gas, or oil you use each month. There are also programs that can help you conserve energy.

### STEPS YOU CAN TAKE

- Lower your thermostat as low as is comfortable—perhaps 68 degrees. Turn down the thermostat when no one will be at home and at bedtime.

- Take showers instead of baths. Bathing generally uses more hot water.
- Keep warm air from escaping through windows and doors by sealing holes and cracks around windows, doors, and walls, and replacing weatherstripping on doors and windows. A cheap way to prevent some heat from escaping is to align a towel or door cozy against the bottom of exterior doors and window bottoms, as long as the window bottom is not near a source of heat (to avoid a fire hazard). Seal clear plastic over windows. Some home supply stores have kits with plastic and clear tape, and you can use a blow dryer to create a seal around the window.
- Keep curtains open during the day in rooms that get a lot of sunlight.
- Make sure that your furniture is not blocking any vents, and use kitchen and bath vents minimally as these are areas in which heat is being generated from the natural use of other appliances and fixtures. Do not run your stove simply to maintain heat. This is dangerous.
- Increase insulation in the attic, crawl spaces, and basement. Since heat rises, adding a layer of insulation to your attic is one of the most cost-effective ways to conserve heat.
- Clean or change your furnace filter so that your furnace does not have to work



**Lower your thermostat as low as is comfortable—perhaps 68 degrees. Turn down the thermostat when no one will be at home and at bedtime.**

as hard. Install a water heater blanket so that you use less energy for hot water. Flush your radiators annually.

To reduce the amount of electricity you use:

- Make sure that you and your family members shut off lights and appliances when they are not in use. This includes surge protectors or power strips.
- Use lower-watt light bulbs where possible, such as a 40-watt bulb instead of 60-watt bulb.
- Use products and appliances that are more energy efficient. Some products have an Energy Star label. This is used by manufacturers and retailers, in partnership with the U.S. Environmental Protection Agency, for products that are energy efficient and cost less to operate. These products include household appliances, compact fluorescent light bulbs, lighting fixtures, home electronics, office equipment, heating and cooling products, and windows.

### **PROGRAMS THAT CAN HELP YOU CONSERVE ENERGY**

Some utility companies may perform an energy audit. Contact your utility company for information. There are also other programs to help customers with free energy conservation measures.

**Weatherization Assistance Program.** This program works with community-based agencies to help seniors, disabled residents, and low-income households weatherize their homes, thus improving their heating system efficiency and conserving energy. This may mean help getting insulation, caulking, or weatherstripping; repairing or replacing windows; or other assistance with heating repairs. The maximum gross income limits are similar to those for LIHEAP, and applications are taken through community-based agencies. For

more information, including where to apply in your county, go to [www.state.nj.us/dca/dcr/wap](http://www.state.nj.us/dca/dcr/wap) or call the New Jersey Department of Community Affairs, Division of Community Resources, Energy Assistance Programs, at 1-800-510-3102.

**Comfort Partners.** This program is designed to improve energy affordability for income-eligible households who use a significant amount of energy and who meet LIHEAP or USF eligibility standards. In addition to education and counseling, the program provides installation of cost-effective energy-efficiency measures, as determined on a home-specific basis. For more information, go to [www.njcleanenergy.com](http://www.njcleanenergy.com), click on the residential link, then on the programs link on the sidebar. New Jersey Comfort Partners is the last link on the page. You may also contact your utility company.

## **Get More Time to Pay Your Bill**

***My electric or gas is about to be shut off. Can I get more time?***

Under certain circumstances, the utility company must postpone a shutoff. This gives you more time to pursue any appropriate options described earlier in this article.

### **WINTER TERMINATION PROGRAM**

The utility company cannot shut off your electric and gas from November 15 through March 15 if you receive benefits through the following programs: LIHEAP, Lifeline Credit Program, Temporary Assistance to Needy Families (TANF), General Assistance (GA), SSI, or PAAD. In addition, you are eligible for the same protection if you are unable to pay your bill because of circumstances beyond your control, such as unemployment, illness, medical-related expenses, recent death of a spouse, and any other circumstances that might cause financial hardship. You must make good-faith payments on your bill during the

heating season. Also, keep in mind that this does not resolve your problem. You can still be shut off after March 15, and then you may have difficulty getting your service restored. Therefore, you should continue to apply for any payment assistance programs.

If you have already been disconnected, you may be able to get service restored. You may be required to make a down payment of up to 25% of your outstanding balance. This is the *maximum* amount you may be charged, and the utility company should consider your ability to pay that amount.

In addition to the above, the utility company may not discontinue service when the temperature is expected to be below 32 degrees Fahrenheit in the next 24 hours.

### MEDICAL EMERGENCY

If you show that you have a medical emergency that would be aggravated by the discontinuance of service, you have extra protections against termination of that service. You will have to submit a letter or certification from your doctor stating what the medical emergency is and that it would be aggravated if service is terminated. You will also have to demonstrate an inability to pay the bill. After the first 30 days, you will have to submit a second letter from your doctor verifying that the medical emergency continues. You will remain liable for payment, but you will at least have more time to take care of the bill.

#### *What if I cannot get more time?*

If you cannot get more time, then you should immediately explore any appropriate options explained earlier in this article.

### Other Steps You Can Take

Sometimes customers have problems paying their utility bills because of an incorrect charge or because it is difficult to anticipate what the charge will be. Such problems can be resolved in several ways.

### DISPUTED CHARGES

#### *What steps should I take if I think that my bill is wrong?*

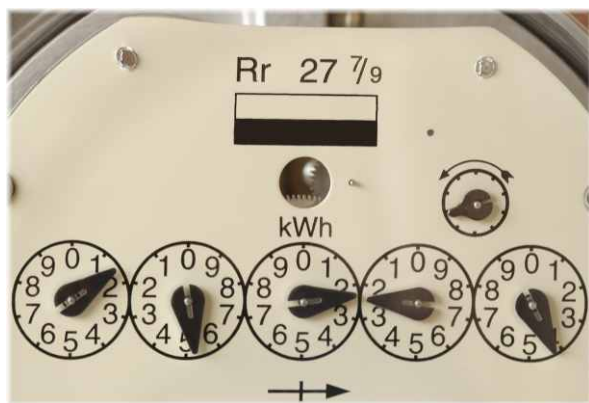
**All Disputes.** It is often possible to prevent termination of service from occurring by raising appropriate issues with the utility company and Board of Public Utilities (BPU). Some common issues that arise are incorrect charges, charges for service that was provided to someone else (such as a former resident or roommate), and charges for service diverted to another residence.

In general, if you dispute a charge, you should notify the utility company and pay the undisputed portion of the bill. If the matter remains unresolved, then you should contact the BPU within five days and ask for an investigation of the disputed charge. Once the dispute is before the Board, collection activity on the charge, including any termination of service, must cease until it has been resolved. In some cases, you may be required to post all or part of the disputed charges in escrow. For more information, see *Filing a Dispute with the BPU* on page 11.

**Incorrect Meters.** If you suspect that your meter is not operating properly, you can ask the utility company to test the meter. The test is free as long as you do not ask for one more than once in a 12-month period. If you ask the BPU to conduct a test, there is a \$5 fee. You should be given a report of the test results. If the electric or gas meter is found to be running fast by more than 2%, your bill should be adjusted. If the meter was running slow, the utility company cannot ask you to pay the amount you were undercharged, unless the meter was tampered with or failed to register at all, or you should have known that the bill did not reflect actual usage. Unless the meter was tampered with, the utility company should allow you to pay the undercharged amount in installments over a period of time equal to the period that you were undercharged.

**Diversion of Service.** If you suspect that your bill reflects service beyond your residential unit, such as service to another apartment or a common area of the building, you can call your utility company and ask for a diversion inspection. You should provide the utility company with any information that would help the investigation, including the name and contact information for the landlord and the person who may be benefitting from the diverted service. The utility company should provide you with a written report on the findings within 14 days, and the report should include information on the estimated cost of the diverted service. The utility company must notify the landlord about the diversion and give the landlord 30 days to correct it.

The utility company must try to work out an agreement among the parties involved. If an agreement has not been reached within two weeks, the utility company must invite you, your landlord, and any other involved parties to a conference with a utility representative to negotiate adjusted billing and payment obligations. You should only be billed for service used, based upon the estimation made in the diversion report, even when the beneficiary of the diverted service cannot be located. Even if the diversion of gas or electricity was a construction error in the pipes or wires, your account



**If you suspect that your meter is not operating properly, you can ask the utility company to test the meter. The test is free as long as you do not ask for one more than once in 12 months.**

should be adjusted to reflect an estimate of what you actually used. If an agreement cannot be reached at the conference, you may ask that the BPU get involved. As of the date of your complaint, the utility company should continue service as long as you pay, or make an agreement to pay, the amounts that are not in dispute. Remember, if the utility company does not do what it is supposed to do, you can file an informal or formal complaint with the BPU.

### UNDISPUTED CHARGES

Even if you owe the money and cannot get any help to pay it, there are steps you can take to manage your monthly bill and keep your electric or gas from being shut off.

**Budget Billing.** Budget billing, also called an equal payment plan, allows you to pay a set amount each month. Budget billing may help you meet your monthly charges. You pay for what you use, but the cost will be spread evenly over the year. Your payments during months of low usage help to offset costs during months in which you use more energy. This way, you know how much your bill is going to be ahead of time and can budget accordingly. The utility company will continue to read your meter, and every six months your payment will be increased or decreased to reflect your actual usage. You may need to be current with your bill in order to be eligible for this program. For more information, contact your utility company.

**Deferred Payment Agreements.** If you tell the utility company that you are currently unable to pay the total bill, the utility company must make a good-faith effort to give you the chance to enter into a fair and reasonable deferred payment agreement which takes into consideration your financial circumstances. You cannot be required to make a down payment you cannot afford, and in no circumstances can a utility request or demand a down payment of

**If a utility company is not doing what is required, call the Board of Public Utilities for more information on pursuing a complaint. Notifying the Board about the dispute can prevent a termination of service until the dispute is resolved, unless the Board determines that the complaint is frivolous.**

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more than 25% of the bill. Even if you enter into a repayment agreement, you should still apply for all programs that will help you pay your bill.

Utilities often try to assert that you are not eligible for a deferred payment agreement if you had another deferred payment agreement within the past year and were unable to pay. This usually happens because the earlier agreement failed to take your financial circumstances into account. If that is the case, you are still eligible for a new deferred payment agreement.

### **BANKRUPTCY**

You may be able to discharge a utility bill that you are unable to pay by filing for bankruptcy. If the bankruptcy court discharges the debt and relieves you of the responsibility of paying the bill, you may continue to get service from your utility provider, but you will be required to post a new deposit. The bankruptcy court only relieves you of the responsibility of paying the arrears. You will still have to pay your current monthly bill once the bankruptcy petition is filed.

It is usually not a good idea to file bankruptcy primarily to deal with a utility bill. There are many components to pursuing bankruptcy, and before doing so you should speak with an attorney. If you are eligible for Legal Services assistance, you can contact your regional Legal Services office or the LSNJ-LAW hotline at 1-888-576-5529 for a telephone appointment with an advocate who can assist you further.

### **Filing a Dispute with the BPU**

#### ***What if the utility company does not do what it is supposed to do?***

If a utility company is not doing what is required, you should call the Board of Public Utilities, Division of Customer Assistance, at 1-800-624-0241, or go to [www.state.nj.us/bpu/assistance/complaints](http://www.state.nj.us/bpu/assistance/complaints) for more information on pursuing a complaint. Notifying the BPU about the dispute can prevent a termination of service until the dispute is resolved, unless the BPU determines that the complaint is frivolous.

**Informal Disputes.** An informal complaint to the BPU may be made by letter, e-mail, fax, or other writing or by telephone. If you file a complaint over the telephone, you should also submit a written complaint to the Board of Public Utilities within five days after you submit your oral dispute.

The complaint should include your name, address, and contact information; the name and contact information of anyone else involved; and all essential facts and dates. The BPU will then ask the utility company for a statement of its position and any relevant information. After an informal conference and review of what was submitted, the BPU will attempt to bring about an amicable resolution.

**Formal Petitions and Fair Hearings.** Even if you initially chose to file an informal complaint, you can still file a formal petition, which is a request for a hearing. Your petition should include your name and contact information, the name of the utility company, and your account number.

It should also include the underlying facts of your complaint in numbered paragraphs and an explanation of what relief you are asking for.

In a formal dispute, you are referred to as the *petitioner* and the utility company and anyone else you have a complaint against (such as a landlord in the case of a diversion) are called *respondents*. You must file your original petition and four copies with the BPU at Two Gateway Center, Newark, New Jersey 07102, along with the \$25 filing fee, payable to *Treasurer, State of New Jersey*. Although the Secretary of the Board will serve a copy of the petition on the utility company, it is a good idea for you to deliver a copy to the utility company yourself, especially when you are threatened with a shutoff. The respondents have 20 days to file an answer. You should receive a copy of the answer and have 10 days to reply if you wish to do so.

The matter will then be scheduled for a conference to see whether the parties can reach a settlement. If the case proceeds, it will be transferred to the Office of Adminis-

trative Law and you will proceed before an Administrative Law Judge.

For more information from the BPU about the formal petition process, go to [www.state.nj.us/bpu/pdf/custassistance/formalhearing.pdf](http://www.state.nj.us/bpu/pdf/custassistance/formalhearing.pdf). For information about the Office of Administrative Law, including directions and the hearing process, go to [www.state.nj.us/oal](http://www.state.nj.us/oal).

The formal hearing process, and the rules and regulations that apply to utilities, can be complicated. Some of the basics are described in this article, but, if time permits, you may want to speak to a lawyer before you file a petition. You can find contact information for Legal Services offices on our Web site at [www.lsnj.org/directory.htm](http://www.lsnj.org/directory.htm).

### ***What if I have questions or need further assistance?***

Contact your regional Legal Services office or call LSNJ-LAW™, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. □

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*By David McMillin, LSNJ Senior Attorney, and Linda Babecki, LSNJ Assistant Supervising Attorney*

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# Cuáles Son Sus Derechos Legales

Noviembre 2008

Publicado por Los Servicios Legales de Nueva Jersey

Para obtener una copia de sus antecedentes penales, le tienen que tomar las huellas digitales. En este artículo se le explicará sobre este nuevo procedimiento.

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*Looking Out  
For Your Legal Rights*  
Flip issue over for the English  
edition of *Looking Out for Your  
Legal Rights*.

## ¿Cómo puedo conseguir una copia de mis antecedentes penales?

La unidad de la policía estatal que maneja la información sobre asuntos penales, en inglés *New Jersey Division of State Police Criminal Information Unit*, lleva a cabo una investigación a fondo de los historiales basándose en las huellas digitales a toda persona que solicite una copia de sus propios antecedentes. En marzo de este año, la policía de Nueva Jersey comenzó a usar los servicios independientes para la toma de huellas en persona, los cuales son brindados por Sagem Morpho, Inc., una compañía particular contratada por el Estado. Esto cambia la forma en que usted puede obtener una copia del informe de sus antecedentes penales.

*continúa en la página 2*

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***El boletín de educación jurídica para los habitantes de Nueva Jersey***

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Legal Services of New Jersey  
P.O. Box 1357  
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### **¿Para qué necesito una copia de mis antecedentes?**

Tal vez necesite una copia de su informe personal debido a muchas razones, incluso:

- Para hacer solicitudes de inmigración,
- Para hacer solicitudes de naturalización,
- Para hacer solicitudes de visa,
- Para solicitar antecedentes personales,
- Para borrar (limpiar) sus antecedentes penales, o
- Para demostrar que tiene una buena conducta.

**Atención** antes de comenzar el proceso para solicitar el informe de sus antecedentes, indague para ver si tiene cualquier orden de arresto vigente en su contra. En la actualidad, la unidad de la policía estatal que maneja la información sobre asuntos penales no informa a las municipalidades de la existencia de órdenes de arresto. Sin embargo, para estar

seguro, usted debería resolver todas las órdenes de arresto vigentes en su contra antes de comenzar dicho proceso.

### **¿Cómo consigo una copia de mis antecedentes?**

A fin de que le tomen las impresiones digitales para satisfacer alguno de los objetivos presentados en la lista anterior, usted debe obtener el Formulario A (La petición de los antecedentes personales, *Personal Records Request*) que está en el formulario universal para las huellas digitales en el sitio Web del Estado, [www.njsp.org](http://www.njsp.org). Dicho formulario menciona la razón para la toma de huellas y le dice a dónde enviar la petición.

Si tiene que hacerse tomar las huellas digitales por cualquier otra razón no mencionada en la lista anterior, usted tiene que obtener el formulario apropiado en el sitio Web de la policía del Estado. Si no tiene acceso al Internet, llame a la unidad de la policía estatal que maneja la información sobre asuntos penales, *the New Jersey State Police Criminal Information Unit*, en el (609) 882-2000, ext. 2918 y pida que le envíen el formulario apropiado.

## **Cuáles Son Sus Derechos Legales**

### **Con respecto a *Looking Out***

*Looking Out for Your Legal Rights*® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web [www.lsnj.org/espanol/selfhelp.htm](http://www.lsnj.org/espanol/selfhelp.htm).

### **Suscripciones**

La suscripción cuesta \$10 dólares por año.

### **Números atrasados**

Puede ver números atrasados en [www.lsnj.org/espanol/selfhelp.htm](http://www.lsnj.org/espanol/selfhelp.htm). Los números atrasados impresos, en caso de estar disponibles, cuestan \$3 dólares cada uno.

### **Cambio de Dirección**

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al último ejemplar de *Looking Out*.

### **Comentarios**

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

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Legal Services of New Jersey  
P.O. Box 1357  
Edison, NJ 08818-1357  
[publicaciones@lsnj.org](mailto:publicaciones@lsnj.org)

**Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.**

**Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.**

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### **¿A dónde voy para que me tomen las huellas digitales?**

Después de que llene el formulario, póngase en contacto con Sagem Morpho para hacer una cita para que le tomen sus huellas digitales en uno de los sitios aprobados por ellos. La forma más rápida y más fácil de programar una cita es visitando el sitio Web [www.bioapplicant.com/nj](http://www.bioapplicant.com/nj).

Si no tiene acceso al Internet, llame gratis a Sagem Morpho, al 1-877-503-5981 (de lunes a viernes, de las 8 de la mañana hasta las 5 de la tarde, y el sábado, de las 8 de la mañana al mediodía). Un número de TTY exento de pago, 1-800-673-0353, está disponible para solicitantes con discapacidades auditivas por medio de un teléfono equipado con un módem. Hay hispano hablantes listos para atenderle si lo necesita.

### **¿Qué tengo que traer a la cita para la toma de las huellas digitales?**

Usted tiene que traer cada una de las cosas a continuación:

- **El formulario universal para las huellas digitales completo**, en inglés *Universal Fingerprint Form* (NJAPS2 la versión 3.0). La dirección del domicilio que usted escriba en el formulario tiene que ser idéntica a la dirección impresa en la identificación que proporcione. Su dirección debe ser exacta y completa para que Sagem Morpho le envíe los resultados de la investigación a fondo de su historial penal.
- **Identificación**. Su identificación tiene que haber sido expedida por un organismo federal, estatal, del condado o municipal con el propósito de servir como identificación. Ésta tiene que incluir su fotografía, nombre, dirección del domicilio, y su

fecha de nacimiento. Una identificación aceptable incluye un pasaporte o un permiso válido de conducir con foto o una identificación con foto expedida por el departamento de vehículos motorizados, MVC o DMV del estado de Nueva Jersey o de cualquier otro estado.

- **Los costos necesarios**. El costo es de 41.00 dólares. Usted puede pagar por medio de una tarjeta de crédito, un cheque electrónico de debito, o un giro postal. El pago será cobrado de su cuenta cuando usted programe su cita. Si hace su cita por teléfono y promete pagar por medio de un giro postal, tendrá que traer a la cita el giro postal en la cantidad exacta, a nombre de Sagem Morpho, Inc. Cuando haga la cita, Sagem Morpho le dará un número de identidad como solicitante. Tiene que escribir este número en el giro postal. En el sitio donde se le tomaran las huellas digitales no se acepta ninguna otra forma de pago. Si hizo un pago a través del Internet, usted tiene que traer consigo la confirmación del pago.



**Para obtener una copia de sus antecedentes penales, le tienen que tomar las huellas digitales. En este artículo se le explicará sobre este nuevo procedimiento.**

**¡Atención!** Si no presenta toda la información mencionada anteriormente, no será atendido y tendrá que pagar costos adicionales para volver a hacer una cita. También, si usted se presenta a un sitio donde usted no ha sido citado o en una fecha u hora diferente tampoco se le atenderá y no se le tomarán las impresiones digitales. También tal vez tenga que pagar 11 dólares por hacer la cita.

**¿Qué pasa después de que me han tomado las huellas digitales?**

Las huellas digitales que le tomaron son enviadas electrónicamente a la unidad de la policía estatal que maneja la información sobre asuntos penal para el procesamiento. Usted debe recibir una respuesta dentro de 10 días laborables. Si usted no recibe una respuesta después de dicha fecha, póngase en contacto con la unidad de la policía estatal que maneja la información sobre asuntos penales, en inglés *New Jersey Division*

*of State Police Criminal Information Unit*, en el (609) 882-2000, ext. 2918.

Si descubre un error en el informe después de que lo haya recibido, o si necesita más información, por favor póngase en contacto con el proyecto de los Servicios Legales de Nueva Jersey para la reincorporación del prisionero, *Prisoner Reentry Project*, llamando a la línea directa gratuita de asistencia jurídica de los Servicios Legales para todo el estado en el 1-888-LSNJ-LAW (1-888-576-5529). (Fuera de Nueva Jersey, llame al 732-572-9100 y pida que lo comuniquen con la línea directa, *Hotline*). También puede escribir a:

Legal Services of New Jersey  
Prisoner Reentry Project  
P.O. Box 1357  
Edison, New Jersey 08818-1357

*Traducido del inglés por Al Moreno, M.A.,  
coordinador de los servicios lingüísticos en LSNJ.*

[www.LSNJLAW.org/espanol](http://www.LSNJLAW.org/espanol)

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- Sí, quiero suscribirme a *Looking Out for Your Legal Rights®/ Cuáles Son Sus Derechos Legales*. Adjunto encontrará un cheque/giro postal por \$10.00 dólares para una suscripción por un año (10 ejemplares).

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**Envíe el formulario y el pago a  
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