

SERVICE ORDER

A tenant calls the company to request new service after seeing a notice posted in the hallway that the landlord is having service turned off within the next week. The consumer has a very thick accent is hard to understand. The company explains the process for establishing a new account and waits for the consumer to provide either a deposit payment or proof of creditworthiness.

The company does not hear back from the consumer and turns off service. The next day the tenant calls and asks why the company did this. The company explains but it's clear the tenant doesn't understand, and probably didn't understand when the explanation was given for how to establish a new account. The tenant puts a child on the phone who speaks English and who translates to the adult tenant what is needed; the tenant follows through on the first deposit payment and the company turns the service on in the tenant's name.

The tenant pays the bills when due. Six months later the company is notified by the landlord that the tenant is an illegal alien.

1. What obligation does the company have to make the tenant understand what is required to establish a new account?
2. What obligation does the company have regarding the information about the tenant's immigration status?

Q1. What obligation does the company have to make the tenant understand what is required to establish a new account?

A1. CAPI would encourage a utility to take reasonable steps; in this case they could have offered to send the information in writing so the consumer could have had a family member or advocate review it. If the company has access to interpreter service, that is another option.

Q2. What obligation does the company have regarding the information about the tenant's immigration status?

A2. The utility has no obligation.