

# Surprisingly High Utility Bill? The Utility May be Back-billing You

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Utility laws and regulations are complicated. If you have questions about utility law or regulations:

- You should contact your utility provider first.
- If you're unable to reach a satisfactory resolution, or if you have unanswered questions, you can also call the [NYS Department of Public Service](#) hotline at 800-342-3377. The Public Service Commission regulates private utility companies in New York.
- If you are a low income residential customer seeking further help with this process, the [Public Utility Law Project of New York](#) may be able to help you navigate options. Contact their hotline at 877-669-2572 or email questions to [info@utilityproject.org](mailto:info@utilityproject.org).
- You can also contact your local legal aid office for resources and referrals.

There are several reasons you may receive an unexpectedly high utility bill. This article will cover the most common reasons. For more information on managing your normal utility bill costs, read LawNY's article on link to new utility bill article here.

## Estimated Charges

Estimated charges for utilities are billing amounts based on an estimation of a customer's usage rather than actual meter readings. This happens when utilities cannot access a meter for a reading due to inclement weather, access issues, or operational errors. Utilities base these estimates on previous usage patterns, averages, or historical data.

While estimated charges are a common industry practice that are permitted under [Section 11.13, Title 16 of the New York Compilation of Codes, Rules, and Regulations](#) (N.Y. Comp. Codes R. & Regs.), they can lead to discrepancies between what a customer is billed for and what they actually used. If the estimates are significantly off, utilities may need to issue adjustments later based on actual readings, which can sometimes result in backbilling.

## Backbilling

Backbilling refers to the practice of charging a customer for services that were provided but not billed for in a timely manner. This typically happens when there has been an error that causes the utility to not send an accurate bill for services used during a certain period.

In New York, the Public Service Commission is the state agency that regulates utilities. The Public Service Commission has issued several regulations that protect consumers from unreasonably large backbills. While utilities are entitled to backbill customers for what the customer ended up using, utilities must comply with these strict regulations.

[Section 11.14, Title 16 , N.Y. Comp. Codes R. & Regs.](#) regulates backbilling on residential accounts. The following is a breakdown of Section 11.14:

### (a) Billing for Past Services

- A utility can only charge a customer for services rendered up to six months before the customer received their first bill at that address.
- Exceptions:
  - **If the utility didn't bill you on time because of something outside their control (like a system failure).**
  - **If the delay was caused by something the customer did wrong (like not giving the utility accurate information).**
- If late billing occurs:
  - **The utility must explain why the bill is late.**
  - **The utility must inform the customer that they can pay the overdue amount in installments, based on what the customer can afford.**

Example: If you moved into a new apartment in January and got your first utility bill in July, you should only be charged for services from January to June (the six months before July; your July bill would arrive in August). If the utility is trying to charge you for services from the previous December, they can't do that unless they have a valid reason.

### **(b) Adjusting Bills After 12 Months**

- A utility only has 12 months from when a service is provided to adjust and increase a bill already provided to the customer.
- Exceptions:
  1. **If the customer did something wrong that caused an error in billing.**
  2. **If the utility's mistake was not due to the utility's own negligence.**
  3. **If it's necessary to adjust a bill for a budget payment plan.**
  4. **If there was a dispute about the bill during that 12 months.**

Example: If you receive services in January 2024, a bill for those services in February 2024, and an updated and increased bill in March 2024 because the utility realized they undercharged you, that is acceptable. However, if you receive an updated and increased bill in February 2025, more than 12 months after the January 2024 services were rendered, that is not allowed unless an exception applies.

### **(c) Large Billing Adjustments**

- If a utility needs to increase your bill by \$100 or more and this adjustment is allowed (as per section b), they must:
  - **Notify you in writing about the adjustment.**
  - **Inform you that you can pay this new amount in monthly installments.**
- Any adjustments made more than 12 months after a service is rendered must be completed no more than four months after resolving any disputes regarding the bill.

Example: Suppose you dispute a charge and it is resolved in February. If they want to increase your bill due to that resolution, they must increase your bill by June, which is four months after February, and the utility has to give you the option to pay it off this increase in monthly installments.

### **(d) Notification of Adjustments**

- If a utility adjusts a bill for services provided 12 or more months prior, they must include a notice explaining why the adjustment was made.

Example: If the utility adjusts your bill for charges that happened 18 months ago, you'll get a note with the bill explaining the reason for that adjustment.

### **(e) Final Limitation on Billing Adjustments**

- No utility can adjust a bill upward, or bill you for services that were not billed for at all, more than 24 months after the service was provided, unless the customer caused or contributed to the delay.

Example: If you provided incorrect meter readings for two years, such as telling the utility that you used less electricity than you actually did, or denied the utility access to your meter to read it for two years, the utility may be able to charge you for more than two years of back billing.

## **The Complaint and Inquiry Process**

If you disagree with a bill, there is a process for filing complaints and inquiries.

First, you can direct any customer complaints about bills for utility service, deposit requests, or other service problems to the utility company. Your utility provider will have a straightforward complaint process for you to follow. The utility must promptly investigate any complaint in a fair manner.

Once you file a complaint, [Section 12.3, Title 16, N.Y. Comp. Codes R. & Regs.](#) states that the utility may not terminate, disconnect, or suspend your service based on the amounts that are being disputed. This means that if you dispute \$50 of a \$150 bill and you pay the remaining \$100 to the utility, the utility may not discontinue your service for the nonpayment of the \$50 in dispute. However, if you do not pay the utility bill at all, the utility may be able to discontinue service based on the nonpayment of the \$100 not in dispute.

The utility will complete an investigation of your complaint and inform you of the outcome. The utility may not disconnect your service until 15 days after issuing the outcome. If you disagree with the utility's decision, you can file a new complaint with

the Public Service Commission within those 15 days. If you file a complaint with the Public Service Commission, the utility may not discontinue service until after the Public Service Commission resolves your complaint.

There is no guarantee that the Public Service Commission will resolve the complaint in your favor. However, this should not discourage you from filing a complaint if you believe that the outcome from the utility was wrong.

The Public Service Commission has a guide about filing complaints, found [here](#). You can file complaints:

**Online:**

<https://dps.ny.gov/file-complaint>

**By Phone (toll-free):**

**Helpline:**

For general complaints and inquiries.

800-342-3377

8:30 AM to 4:00 PM (Monday - Friday)

**Emergency Hotline:**

If you received a final disconnection notice from your utility that your electric or gas service will be shut off within 72 hours.

800-342-3355

7:30 AM - 7:30 PM (Monday-Friday)

Consumers with hearing or speech impairment can contact the Department of Public Service through the NYS Relay Service by dialing 711.

**By Fax:**

518-472-8502

**By Mail:**

Mail your complaint to one of the Public Service Commission [office locations](#).

Attention: Office of Consumer Services  
New York State Department of Public Service

## **In Person:**

Visit one of the Public Service Commission [office locations](#).

9:00 AM to 3:00 PM (Monday-Friday, except holidays)

*This document was created by LawNY and edited by the Public Utility Law Project.*

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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