

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 56-247.1 of the Code of Virginia, relating to notice prior to termination of electric utility service; enforcement by State Corporation Commission of procedural requirements.

[H 1225]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 56-247.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-247.1. Commission to require public utilities to follow certain procedures.

A. The Commission shall require that public utilities adhere to the following procedures for services not found to be competitive:

1. Every public utility shall provide its residential customers one full billing period to pay for one month's local or basic services, before initiating any proceeding against a residential customer for nonpayment of local service.

2. Pay the residential customer a fair rate of interest as determined by the Commission on money deposited and return the deposit with the interest after not more than one year of satisfactory credit has been established.

3. Every public utility shall establish customer complaint procedures ~~which~~ that will ~~insure~~ ensure prompt and effective handling of all customer inquiries, service requests, and complaints. Such procedure shall be approved by the Commission before its implementation and it shall be distributed to its residential customers. *The utility shall disclose to the customer that the Commission is the responsible regulatory agency and that the customer may contact the Commission on regulatory matters and provide the customer with the contact information for the Commission.*

4. No electric or gas utility shall terminate a customer's service without 10 days' notice by mail to the customer.

5. No public utility shall terminate the residential service of a customer for such customer's nonpayment of basic nonresidential services as defined by its terms and conditions on file with the Virginia State Corporation Commission.

6. A public utility providing water service shall not terminate service for nonpayment until it first sends the customer written notice by mail 10 days in advance of making the termination but, in no event, shall it terminate the customer's service until 20 days after the customer's bill has become due. Any such notice shall also include contact information for the customer's use in contacting the public utility regarding the notice.

7. Any electric utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.) may install and operate, upon a customer's request and pursuant to an appropriate tariff for any type or classification of service, a prepaid metering equipment and system that is configured to terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the customer's prepayments for such service. Subdivisions 1, 2, 4, and 5 shall not apply to services provided pursuant to electric service provided on a prepaid basis by a prepaid metering equipment and system pursuant to this subsection. Such tariffs shall be filed with the Commission for its review and determination that the tariff is not contrary to the public interest.

8. *No electric utility shall terminate the residential service of a customer for such customer's nonpayment for metered services when the electric utility believes that the customer is receiving or has received electric utility services for which the customer was not properly billed as the result of tampering with the electric utility's meter in a manner that prevented the meter from accurately recording usage, until the electric utility has complied with the procedure set forth in subsection C. However, the requirement that the electric utility comply with the procedure set forth in subsection C before terminating service shall not apply if (i) the condition of a customer's wiring, equipment, or appliances is either unsafe or unsuitable for receiving the electric utility service; (ii) the customer's use of the electric utility service or equipment interferes with or may be detrimental to the electric utility's facilities or to the provision of electric utility service by the electric utility to any other customer; (iii) a tamper-evident meter seal securing the meter is broken, damaged, or missing; (iv) electric service is furnished over a line that is not owned or leased by the electric utility and the line is either not in a safe and suitable condition or is inadequate to receive electric utility service; (v) emergency repairs or alterations are needed; (vi) there are unavoidable shortages or interruptions in a supply of utility service; (vii) the electric utility is acting upon orders from an authority having jurisdiction; or (viii) the actions taken are to preserve life or property, or to avoid or abate utility or fire hazard.*

ENROLLED

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57 B. Any and all Commission rules and regulations concerning the denial of telephone service for
58 nonpayment of such service shall not apply to services found to be competitive.

59 C. *If an electric utility believes that a customer is receiving or has received electric utility services*
60 *for which the customer was not properly billed as the result of tampering with the electric utility's meter*
61 *in a manner that prevented the meter from accurately recording usage, the electric utility shall (i)*
62 *retrieve the meter from the customer's premises, which may be done without providing prior notice to*
63 *the customer; (ii) immediately replace it with a new meter; and (iii) determine whether the meter has*
64 *been tampered with. Within 60 days after any such determination of meter tampering has been made,*
65 *the electric utility shall provide evidence of such tampering to the customer. If, after determining the*
66 *meter has been tampered with, the electric utility seeks payment for electric utility services not properly*
67 *billed, the electric utility shall provide the customer with an invoice with a reasonable and final estimate*
68 *of the amount owed by the customer as a result of the meter's failure to accurately record the*
69 *customer's usage. The invoice shall explain the electric utility's calculation of the estimated amount*
70 *owed as a result of any suspected failure. The electric utility shall provide the customer one full billing*
71 *period to pay the amount billed in such invoice before initiating any proceeding against the customer*
72 *for nonpayment. During such billing period, the customer may submit an informal complaint to the*
73 *Commission disputing the amount sought by the utility. The customer may commence a formal*
74 *proceeding after the informal complaint process has been exhausted in accordance with Commission*
75 *regulations.*