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SENATE BILL NO. 1447

Offered January 11, 2023

A *BILL to amend the Code of Virginia by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4 and by adding in Article 2 of Chapter 10 of Title 56 a section numbered 56-245.1:3, relating to disconnection of residential utility service for nonpayment; suspension for certain utilities; report.*

Patrons—Edwards and Boysko; Delegates: Glass and Shin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4 and by adding in Article 2 of Chapter 10 of Title 56 a section numbered 56-245.1:3 as follows:

§ 44-146.29:4. Disconnection suspension for certain utilities.

In the case of any state of emergency declared by the Governor in response to a communicable disease of public health threat, each utility that is engaged in the business of furnishing electricity, gas, water, or wastewater services and subject to the regulation of the State Corporation Commission or owned or operated by a municipality shall be suspended from disconnecting service to residential customers for nonpayment of bills or fees for 30 days upon the declaration of such emergency.

§ 56-245.1:3. Disconnection suspension for certain utilities during weather extremes; report.

A. No electric utility subject to the regulation of the Commission or owned or operated by a municipality shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within 24 hours following the scheduled disconnection or (ii) when the forecasted temperature high is at or above 95 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

B. No gas utility subject to the regulation of the Commission or owned or operated by a municipality shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

C. No electric, gas, water, or wastewater utility subject to the regulation of the Commission or owned or operated by a municipality shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

D. Nothing in this section shall be construed to limit a utility from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility, and the utility may offer the customer a repayment plan to recover any such fees or expenses.

E. The Commission shall require each gas, electric, water, and wastewater public utility subject to regulation under its authority to submit a report on information pertaining to utility disconnections in its service territory by December 1, 2024, and annually thereafter. Such report shall include information regarding the frequency, locations, and reasons for disconnections aggregated by locality.

F. The Commission may promulgate regulations or guidance documents as necessary to implement and explain the provisions of this section. Nothing in this section shall be construed as limiting the authority of the Commission, the Governor, the General Assembly, the governing body of a municipality, or any other governing body to develop additional suspensions on utility disconnections pursuant to any other provision of law.

2. That the Broadband Advisory Council shall convene a working group to study the feasibility and appropriateness of requiring broadband service providers to comply with the suspensions or limitations on disconnecting service to residential customers as created by this act. The Broadband Advisory Council shall report recommendations to the Governor and the Chairmen of the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor no later than October 1, 2023.

3. That the State Corporation Commission (the Commission) may, in its discretion, direct a utility subject to the Commission's jurisdiction and the provisions of §§ 44-146.29:4 and 56-245.1:3 of the Code of Virginia, as created by this act, to extend or otherwise modify a suspension or limitation

59 on disconnecting service to residential customers beyond the time periods prescribed by this act (i)
60 if the Commission finds such extension or modification to be necessary or in the public interest
61 and (ii) provided that any such modification does not shorten the disconnection suspension under
62 § 44-146.29:4 to a time period less than 30 days. Prior to issuing any such extension or
63 modification, the Commission shall convene a stakeholder meeting to seek input from utility
64 representatives, interested parties, and customers to inform such decision and determine whether
65 such decision is in the public interest.

66 4. That in any special session of the General Assembly convened by the Governor in response to a
67 state of emergency declared in response to a communicable disease of public health threat, the
68 General Assembly may direct any utility that is not under the purview of the State Corporation
69 Commission to comply with a suspension or limitation on disconnecting services to residential
70 customers and any extension or modification of such suspension or limitation prescribed by the
71 Commission that provides for longer time periods for disconnection suspension by certain utilities
72 than prescribed by this act.