

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Chapter 21 of Title 15.2 an article numbered 2.1,
 3 consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2
 4 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56
 5 sections numbered 56-245.1:3 and 56-245.1:4, relating to public utilities; municipal utilities;
 6 disconnection of service; limitations; consumer protections.

[S 480]

8 Approved

9 Be it enacted by the General Assembly of Virginia:

10 1. That the Code of Virginia is amended by adding in Chapter 21 of Title 15.2 an article
 11 numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding
 12 in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter
 13 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4 as follows:

14 Article 2.1.

15 Disconnection Provisions for Public Utilities.

16 § 15.2-2121.1. Definitions.

17 As used in this article, "utility" means a public utility that is owned or operated by a locality of the
 18 Commonwealth.

19 § 15.2-2121.2. Disconnection suspension for utilities.

20 A. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of
 21 bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24
 22 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92
 23 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

24 2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or
 25 fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours
 26 following the scheduled disconnection.

27 3. No water or wastewater utility shall disconnect from service any residential customer when the
 28 forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the
 29 scheduled disconnection.

30 4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to
 31 the forecasted local temperature provided by the National Weather Service where the customer to be
 32 disconnected is located.

33 B. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees
 34 on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

35 C. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled
 36 disconnections during other extreme weather events, emergency conditions, or circumstances in which a
 37 utility determines such suspension is necessary to protect the health and safety of its customers and the
 38 reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to
 39 prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency
 40 disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension
 41 associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the
 42 requirements of this section shall be recovered by the utility.

43 § 15.2-2121.3. Notice procedures for nonpayment; disconnecting utility service.

44 A. Each utility subject to the provisions of this article shall provide to each of its residential
 45 customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is
 46 established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy
 47 of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website.
 48 Each such utility shall provide all required notices in English and Spanish. Such required notices shall
 49 include information regarding payment plans and state, federal, or utility energy assistance programs.

50 B. Each utility subject to the provisions of this article shall deliver notice of nonpayment of bills or
 51 fees to its residential customers prior to disconnection by using at least one of the following methods:
 52 (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

53 C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential
 54 customers until the customer's account is 45 days in arrears. After each missed payment, the utility shall
 55 provide notice pursuant to subsection B and make contact with the customer and offer bill payment
 56 assistance, arrange a payment plan, or provide information to the customer for other bill payment

57 assistance or energy savings programs.

58 D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount
59 for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any
60 residential customer where such utility received funding from the Department of Social Services for such
61 customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12
62 months. A customer is eligible for this provision once every three years.

63 **§ 44-146.29:4. Disconnection suspension for certain utilities.**

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

69 **§ 56-245.1:3. Disconnection suspension for utilities.**

70 A. As used in this section, "utility" means an electric company, a natural gas supplier, or a water
71 supplier or wastewater service provider that is subject to the regulation of the Commission.

72 B. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of
73 bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24
74 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92
75 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

76 2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or
77 fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours
78 following the scheduled disconnection.

79 3. No water or wastewater utility shall disconnect from service any residential customer when the
80 forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the
81 scheduled disconnection.

82 4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to
83 the forecasted local temperature provided by the National Weather Service where the customer to be
84 disconnected is located.

85 C. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees
86 on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

87 D. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled
88 disconnections during other extreme weather events, emergency conditions, or circumstances in which a
89 utility determines such suspension necessary to protect the health and safety of its customers and the
90 reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to
91 prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency
92 disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension
93 associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the
94 requirements of this section shall be recovered by the utility.

95 **§ 56-245.1:4. Notice procedures for nonpayment; disconnecting utility service.**

96 A. Each utility subject to the provisions of § 56-245.1:3 shall provide to each of its residential
97 customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is
98 established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy
99 of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website.
100 Each such utility shall provide all required notices in English and Spanish. Such required notices shall
101 include information regarding payment plans and state, federal, or utility energy assistance programs.

102 B. Each utility subject to the provisions of this section shall deliver notice of nonpayment of bills or
103 fees to its residential customers prior to disconnection by using at least two of the following methods:
104 (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

105 C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential
106 customers until the customer's account is 60 days in arrears. After each missed payment, the utility shall
107 provide notice pursuant to subsection B and make contact with the customer and offer bill payment
108 assistance, arrange a payment plan, or provide information to the customer for other bill payment
109 assistance or energy savings programs.

110 D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount
111 for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any
112 residential customer where such utility received funding from the Department of Social Services for such
113 customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12
114 months. A customer is eligible for this provision once every three years.

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

118 on disconnecting service to residential customers beyond the time periods prescribed by this act (i)
119 if the Commission finds such extension or modification to be necessary or in the public interest
120 and (ii) provided that any such modification does not shorten the disconnection suspension under
121 § 44-146.29:4 of the Code of Virginia, as created by this act, to a time period of less than 30 days.
122 Prior to issuing any such extension or modification, the Commission shall convene a stakeholder
123 meeting to seek input from utility representatives, interested parties, and customers to inform such
124 decision and determine whether such decision is in the public interest.

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