

Utility Waiver Order required that “until the end of the State of Emergency or until further orders of the Commission,” all jurisdictional electric, natural gas, water, and wastewater public utilities immediately (1) cease customer disconnections for nonpayment of bills (Disconnection Moratorium), (2) waive the application of late fees for past due or delinquent payments (Late Fee Moratorium), and (3) provide appropriate notice to customers of these changes. The Commission further suspended individual regulations and tariff provisions that prevent or condition reconnections of disconnected customers. Finally, the Commission expressly held that “[n]o provision in this Order shall be construed as relieving a customer of their obligation to pay bills for receipt of any utility service covered by this Order.”

On March 31, 2020, Governor Cooper issued EO No. 124. In pertinent part, EO No. 124 required public utilities to report implementation information weekly to the Commission.

On May 30, 2020, Governor Cooper issued EO No. 142, which extended the May 30, 2020 expiration date of EO No. 124 to midnight on July 29, 2020, and required public utilities to continue to report implementation information to the Commission on a monthly basis.

On July 29, 2020, the Commission issued an Order Lifting Disconnection Moratorium and Allowing Collection of Arrearages Pursuant to Special Repayment Plans in Docket Nos. M-100, Sub 158, E-2, Sub 1228, E-7, Sub 1236, E-22, Sub 583, G-5, Sub 617, and G-9, Sub 767 (Order Lifting Disconnection Moratorium). The Order Lifting Disconnection Moratorium allows, in accordance with Commission rules, all jurisdictional electric, natural gas, water, and wastewater public utilities to resume customer disconnections due to nonpayment for bills first rendered on or after September 1, 2020.¹ The Order Lifting Disconnection Moratorium further mandates that “the Late Fee Moratorium shall continue in effect as to all jurisdictional electric, natural gas, water, and wastewater public utilities, including resellers,² through the end of the State of Emergency or until further order of the Commission.” Also, the Order Lifting Disconnection Moratorium requires all jurisdictional electric, natural gas, water, and wastewater public utilities, excluding resellers, to offer Special Repayment Plans to customers. Finally, Ordering Paragraph No. 10 of the Order Lifting Disconnection Moratorium requires all jurisdictional electric, natural gas, water, and wastewater public utilities, excluding resellers (Reporting Utilities), to continue to submit implementation information monthly to the Commission until further order.

At midnight on July 30, 2020, Section 2 of the Governor’s Executive Order No. 142 expired, including the reporting requirements contained in Section 2(E). Notwithstanding

¹ Commission Rules R18-7(c), R22-7(c), and R24-7(c) respectively prohibit water, wastewater, electric, and natural gas resellers from disconnecting utility service for nonpayment of a utility bill.

² Commission Rule R18-7(a) prohibits water and wastewater resellers from charging late fees. While under normal circumstances Commission Rules R22-5(e) and R25-5(d) allow electric and natural gas resellers to charge late fees on balances in arrears after the past-due date, electric and natural gas resellers are subject to the Order’s Late Fee Moratorium.

the expiration of EO No. 142, the reporting requirement contained in Ordering Paragraph No. 10 of the Order Lifting Disconnection Moratorium remains in full force and effect as to the Reporting Utilities until further order of the Commission.

On August 11, 2020, the Chair issued an Order Requesting Comments on COVID-19 State of Emergency Monthly Reporting Form and Requiring Submission of Designated Reporting Utility (August 11, 2020 Order), which noted that “[t]he Commission’s ability to monitor the impact that the State of Emergency and the coronavirus pandemic are having on public utilities and ratepayers is essential to the protection of public health and the financial viability of the Commission’s jurisdictional utilities.” The August 11, 2020 Order further found “good cause to request that all Reporting Utilities review the accompanying Draft [COVID-19 State of Emergency Monthly Reporting Form], provide questions and comments related to the clarity of the questions posed therein, and indicate the feasibility of the Reporting Utility to provide the information requested.”

Following the receipt and review of comments, on September 9, 2020, the Commission issued an Order Finalizing COVID-19 State of Emergency Monthly Reporting Form (September 9, 2020 Order), which requires that on a monthly basis or until further order of the Commission, all jurisdictional electric, natural gas, water, and wastewater public utilities, excluding resellers and Class C water and wastewater public utilities, shall submit the mandatory COVID-19 State of Emergency Monthly Reporting Form on or before the fifteenth day of the month following the reporting period. The reporting made pursuant to the September 9, 2020 Order is ongoing.

On December 23, 2020, the Commission issued an Order Requiring Additional Information on Residential Disconnections, Arrearages, and Payment Plans During the COVID-19 State of Emergency (December 23, 2020 Order), which ordered DEC, DEP, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), Piedmont Natural Gas Company, Inc. (PNG), Public Service Company of North Carolina, Inc. (PSNC), Carolina Water Service, Inc. of North Carolina (CWS), and Aqua North Carolina, Inc. (Aqua), to respond to 14 questions about residential disconnections. Complete comments were received on or before January 14, 2021, from DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua, as well as the Public Staff.

Finally, on February 11, 2021, DEP, DEC, and PNG (the Companies) made an informational filing in Docket Nos. M-100, Sub 158, E-2, Sub 1228, E-2, Sub 1258, E-7, Sub 1236, E-7, Sub 1241, and G-9, Sub 767 stating their intent to broaden eligibility for the winter disconnection moratorium, established pursuant to Commission Rules R12-11(l)(6) and R12-10(h)(6), by broadening eligibility to include all Low-Income Energy Assistance Program (LIEAP) and Crisis Intervention Program (CIP) beneficiaries. Additionally, the Companies will grant a 12-month payment arrangement on an opt-out basis for their outstanding balances prior to their April 2021 bill (for DEP and PNG) or their May 2021 bill (for DEC). The Companies explain that these measures are intended to remove the potential for a disconnection of service for nonpayment for the timeframe of the winter moratorium, to provide additional time to access LIEAP and other assistance

funds, and to allow a transition to manageable payments for remaining balances at the end of the winter heating season. Finally, the Companies state that the Public Staff and Attorney General's Office support this expansion of the winter disconnection eligibility and deferred payment arrangement plan.

DISCUSSION AND CONCLUSIONS

COVID-19 remains a serious threat to North Carolina communities, and the Commission has and will continue to monitor diligently the impacts of the pandemic on customers and on public utilities through the data reported through the COVID-19 State of Emergency Monthly Reporting Form. The Commission's existing rules establish a winter disconnection moratorium on electric and natural gas utility service for some of the most vulnerable members of North Carolina's communities in light of the risks posed to these customers by winter weather.³ The Commission commends DEP, DEC, and PNG's decision to broaden the winter disconnection moratorium to include all LIEAP and CIP beneficiaries. Further, in light of the ongoing and anticipated impacts of the crises created by the pandemic and as an extension of the customer protections already provided by the Commission's rules, the Commission concludes that it is appropriate at this time: 1) to expand the winter disconnection moratorium — including the broadened eligibility criteria proposed by the Companies — to the largest regulated electric, natural gas, water, and wastewater utilities; and 2) to require certain customer protections, including opt-out payment plans with 18-month terms and on-premises notices.

IT IS, THEREFORE, ORDERED as follows:

1. That, effective immediately, for bills rendered through March 31, 2021, DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall cease residential customer disconnections due to nonpayment of utility bills, except where disconnection is necessary as a matter of safety or where requested by the customer, where the residential customer can establish that the customer is unable to pay for such service in full and that the customer's household is eligible to receive assistance (whether funds are then available or not) from LIEAP, CIP, or the North Carolina Housing Opportunities and Prevention of Evictions (NC HOPE) Program;

2. That, notwithstanding the waiver granted to DEC and DEP in Docket Nos. E-2, Sub 1214 and E-7, Sub 1210, effective immediately through March 31, 2021, DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall place a service disconnect door-hanger at all residences within 24 to 36 hours prior to disconnection, advising residential customers of their options to avoid disconnection;

3. That no provision in this Order shall be construed as relieving a customer of the obligation to pay bills for receipt of any utility service covered by this Order, and

³ See Commission Rules R12-10(h)(6) and R12-11(l)(6).

DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall advise residential customers of this obligation when setting forth their options prior to disconnection;

4. That DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall offer residential customers meeting the criteria set forth in Ordering Paragraph No. 1, above, an extended repayment plan, based on equal, fixed monthly installments or pre-agreed fixed percentage of each monthly bill added to current charges, payable over no fewer than 18 months, unless the customer consents to a shorter repayment period, to repay the arrearages accrued during the COVID-19 State of Emergency (Extended Special Repayment Plan). Customers in compliance with an established Extended Special Repayment Plan shall be allowed to transfer his/her/their account, including the established Extended Special Repayment Plan terms, to a new service location. DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall not use disconnections or any legal process to collect arrearages from a customer who is in compliance with an established Extended Special Repayment Plan. DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall not report a customer to any credit reporting agency if and for as long as that customer is in compliance with an established Extended Special Repayment Plan. Finally, DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall not directly or indirectly encourage or solicit a customer to use a credit card or other form of third-party financing or third-party extension of credit other than an Extended Special Repayment Plan as specified herein, as a means of paying arrearages; provided, however, that they may accept from a customer such alternative means of repayment initiated at the customer's option and according to the utility's existing policies with respect to the acceptance of such alternative means of payment;

5. That nothing herein shall be construed to impact the Late Fee Moratorium currently in effect as to all jurisdictional electric, natural gas, water, and wastewater public utilities, including resellers, through the end of the State of Emergency or until further order of the Commission;

6. That all jurisdictional electric, natural gas, water, and wastewater public utilities are hereby directed to make every possible effort to accept and enable customer use of all federal and North Carolina assistance programs, including the NC HOPE program, that have been established for distributing funds for utility assistance from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of March 27, 2020; the Consolidated Appropriations Act of 2021; and the anticipated relief package proposed by the Biden administration. Nothing herein should be construed to discourage all jurisdictional electric, natural gas, water, and wastewater public utilities from continuing to encourage eligible customers to access other sources of aid not expressly named herein, including but not limited to utility-sponsored and nonprofit programs;

7. That the Public Staff is hereby granted leave to file additional comments, as requested in its January 7, 2021 Initial Comments;

8. That DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua shall provide notice of this Order's content on their websites, shall further provide notice of this Order's content

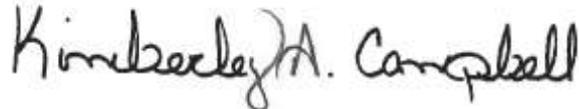
by posting physically where the company does business with its customers, and shall ensure that their employees are trained to advise customers of their options consistent with the terms of this Order; and

9. That this Order is effective on the date issued, and the Chief Clerk shall serve this Order by electronic mail on DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of February, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Kimberley A. Campbell". The signature is written in a cursive, flowing style.

Kimberley A. Campbell, Chief Clerk