

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. ER-100, SUB 0
DOCKET NO. ER-100, SUB 2

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. ER-100, SUB 0)	
)	
In the Matter of)	
Rulemaking Proceeding to Implement)	
Session Law 2011-252)	ERRATA ORDER
)	
DOCKET NO. ER-100, SUB 2)	
)	
In the Matter of)	
Petition to Amend Commission Rule R22)	

BY THE COMMISSION: On July 20, 2015, the Commission issued an Order Amending Commission Rule R22 and Forms ER-1 and ER-2 (Order) in the above-stated dockets.

It has come to the Commission's attention that the version of Rule R22 included in the Order was not the current version. A proper version of Rule22 showing strike-through and underlined of affected portions of Rule22 is attached as Appendix A and a revised clean copy of the affected portions of Rule22 is attached as Appendix B.


The Commission, therefore, finds good cause exists to issue this Errata Order. That except as amended herein, the Order of July 20, 2015, shall remain in full force and effect.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of July, 2015.

NORTH CAROLINA UTILITIES COMMISSION



Jackie Cox, Deputy Clerk

Rule R22-4. APPLICATION FOR AUTHORITY.

(a) Every application for authority to charge for the costs of providing electric service shall be in such form and detail as the Commission may prescribe and shall include:

- (1) a description of the lessor, who is the applicant, including legal name and type of business entity, and a description of the property to be served, including business or marketing name if any, street address, and number of units. A separate application is required for each property or apartment complex;
- (2) a description of the proposed billing method and billing statements;
- (3) the proposed method of allocating the supplier's charges to the tenants;
- (4) the administrative fee per tenant, returned check charge, and late payment charge, if any, proposed to be charged by the applicant, and the number of days after the bill is mailed or otherwise delivered when the late payment fee would begin to be applied;
- (5) the applicant's plans for retention and availability of records;
- (6) the name of and contact information for the applicant and its agents, including mailing address, email address, and telephone number;
- (7) the name of and contact information for the supplier of electric service to the applicant's rental property;
- (8) the current schedule of charges from the supplier;
- (9) a copy of the lease forms to be used by the applicant for tenants who are billed for electric service pursuant to this Chapter;
- (10) a statement indicating the particular provisions of the lease forms pertaining to billing for electric service;
- (11) the verified signature of the applicant or applicant's authorized representative;
- (12) the required filing fee;
- (13) one (1) original and seven (7) collated copies of the application; and
- (14) any additional information that the Commission may require.

(b) The Commission shall approve or disapprove an application within 60 days of the filing of a completed application with the Commission. If the Commission has not issued an Order disapproving a completed application within 60 days, the application shall be deemed approved; provided, however, no person or entity may charge for electric utility service in a manner inconsistent with Chapter 62 of the North Carolina General Statutes.

(c) An approved certificate of authority from the Commission to charge for the costs of providing electric service under these rules shall be delivered to the supplier from which the provider purchases electric service and include information in R22-4(a)(1) and (6).

Rule R22-5. BILLS OF THE PROVIDER.

(a) Bills for electric service sent by the provider to the tenant shall contain all of the following information:

- (1) the Supplier's Unit Electric Service Bill for the unit and the amount of charges allocated to the tenant during the billing period;
- (2) the name of the supplier;
- (3) the beginning and ending dates for the usage period and, if provided by the supplier, the date the meter for the unit was read for that usage period;
- (4) the past-due date, which shall not be less than 25 days after the bill is mailed or otherwise delivered to the tenant;
- (5) the name of the provider and a local or toll-free telephone number and address of the provider that the tenants can use to obtain more information about the bill;
- (6) the amount of administrative fee, returned check charge, and the late payment charge approved by the Commission and included in the bill, if any; and
- (7) a statement of the tenant's right to address questions about the bill to the provider and the tenant's right to file a complaint with, or otherwise seek recourse from, the Commission if the tenant cannot resolve an electric service billing dispute with the provider.

(b) The provider or the provider's billing agent shall equally divide the actual amount of the Supplier's Unit Electric Service Bill for a unit among all the tenants in the unit and shall send one bill to each tenant.

(c) The amount charged shall be prorated when a tenant has not leased the unit for the same number of days as the other tenants in the unit during the billing period.

(d) Each bill may include an administrative fee no greater than the amount authorized in Rule R18-6 for water service and, when applicable, a late payment charge no greater than the amount authorized in Rule R12-9(d) and a returned check charge no greater than the amount authorized in G.S. 25-3-506.

(e) A late payment charge may be applied to the balance in arrears after the past-due date.

(f) The provider may impose a returned check charge, not to exceed the maximum authorized by G.S. 25-3-506., for a check on which payment has been refused by the payor bank because of insufficient funds or because the tenant did not have an account at that bank.

~~(f)~~(g) The provider shall not charge the cost of electricity from any other unit or common area in a tenant's bill. "Common area" means parts of the rental property outside the individually metered unit where the tenant dwells.

~~(g)~~(h) No provider shall charge or collect any greater compensation for the costs of providing electric service than the rates approved by the Commission.

~~(h)~~(i) The provider may, at the provider's option, pay any portion of any bill sent to a tenant; in accordance with the provisions of the lease; provided, however, that (i) the provider must still send each tenant bills in accordance with the other provisions in Rule R22-5; the provider must credit tenant bills or otherwise refund to tenants the amount, if any, by which

the amount specified in the lease exceeds the amount actually owed by the tenant for electricity usage in the immediately preceding month; and (ii) the provider must comply with G.S. 62-140 regarding non-discrimination in billing for utility service.

Rule R22-7. DISCONNECTION; BILLING PROCEDURE.

- (a) Any payment to the provider shall be applied first to the rent owed and then to charges for utility service, unless otherwise designated by the tenant.
- (b) No charge for connection or disconnection or late fee or deposit paid by the provider to the supplier shall be allowed, and no provider may terminate a lease for nonpayment of electric service.
- (c) No provider may disconnect or request the supplier to disconnect electric service for the tenant's nonpayment of a bill.
- (d) Bills shall be rendered at least monthly.
- (e) The date after which a bill for electric utility service is due (the past due date) shall be disclosed on the bill and shall not be less than twenty-five (25) days after the bill is mailed or otherwise delivered to the tenant.
- (f) A provider shall not bill for or attempt to collect for excess usage resulting from a meter malfunction or other electrical condition in appliances such as water heaters, HVAC systems, or ranges furnished by the provider to the tenant, when the malfunction is not known to the tenant or when the malfunction has been reported to the provider.
- (g) Every provider shall provide to each tenant at the time the lease agreement is signed, and shall maintain in its business office, in public view, near the place where payments are received, the following:
 - (1) A copy of the rates, rules and regulations of the provider applicable to the premises served from that office, with respect to electric utility service;
 - (2) A copy of these rules and regulations (Chapter 22);
 - (3) A statement advising tenants that they should first contact the provider's office with any questions they may have regarding bills or complaints about service, and that in cases of dispute, they may contact the Commission either by calling the Public Staff - North Carolina Utilities Commission, Consumer Services Division, at (866) 380-9816 (in-state calls only) or (919) 733-9277 or by appearing in person or writing the Public Staff - North Carolina Utilities Commission, Consumer Services Division, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.
- (h) Each provider shall adopt a means of informing its tenants initially and on an annual basis as to the provider's method of allocating bills to the individual tenants and its administrative fee, returned check charge, and late fee, if any. A copy of the supplier's current schedule of charges shall also be included in these disclosures.
- (i) Every provider shall promptly notify the Commission in writing of any change in the information required in Rule R22-4(a), except for changes in the rates and charges of the supplier (Rule R22-4(a)(8)).
- (j) If a provider anticipates that it will not pay a supplier's bill on time, or if the provider receives notice from the supplier of pending disconnection, whichever comes first, the provider must within 24 hours provide written notice to the Commission and all of the provider's affected tenants of the anticipated nonpayment or disconnection notice. A provider may not abandon or cease providing electric service to its tenants without advance permission from the Commission.

Rule R22-4. Application for authority.

(a) Every application for authority to charge for the costs of providing electric service shall be in such form and detail as the Commission may prescribe and shall include:

- (1) a description of the applicant, including legal name and type of business entity, and a description of the property to be served, including business or marketing name if any, street address, and number of units;
- (2) a description of the proposed billing method and billing statements;
- (3) the proposed method of allocating the supplier's charges to the tenants;
- (4) the administrative fee per tenant, returned check charge, and late payment charge, if any, proposed to be charged by the applicant, and the number of days after the bill is mailed or otherwise delivered when the late payment fee would begin to be applied;
- (5) the applicant's plans for retention and availability of records;
- (6) the name of and contact information for the applicant and its agents, including mailing address, email address, and telephone number;
- (7) the name of and contact information for the supplier of electric service to the applicant's rental property;
- (8) the current schedule of charges from the supplier;
- (9) a copy of the lease forms to be used by the applicant for tenants who are billed for electric service pursuant to this Chapter;
- (10) a statement indicating the particular provisions of the lease forms pertaining to billing for electric service;
- (11) the verified signature of the Applicant or Applicant's authorized representative;
- (12) the required filing fee;
- (13) one (1) original and seven (7) collated copies of the Application; and
- (14) any additional information that the Commission may require.

(b) The Commission shall approve or disapprove an application within 60 days of the filing of a completed application with the Commission. If the Commission has not issued an Order disapproving a completed application within 60 days, the application shall be deemed approved; provided, however, no person or entity may charge for electric utility service in a manner inconsistent with Chapter 62 of the North Carolina General Statutes.

(c) An approved certificate of authority from the Commission to charge for the costs of providing electric service under these rules shall be delivered to the supplier from which the provider purchases electric service and include information in R22-4(a)(1) and (6).

Rule R22-5. Bills of the provider.

(a) Bills for electric service sent by the provider to the tenant shall contain all of the following information:

- (1) the bill charged by the supplier for the unit as a whole and the amount of charges allocated to the tenant during the billing period;
- (2) the name of the supplier;
- (3) the beginning and ending dates for the usage period and, if provided by the supplier, the date the meter for the unit was read for that usage period;
- (4) the past-due date;
- (5) the name of the provider and a local or toll-free telephone number and address of the provider that the tenants can use to obtain more information about the bill;
- (6) the amount of administrative fee, returned check charge, and the late payment charge approved by the Commission and included in the bill, if any; and
- (7) a statement of the tenant's right to address questions about the bill to the provider and the tenant's right to file a complaint with, or otherwise seek recourse from, the Commission if the tenant cannot resolve an electric service billing dispute with the provider.

(b) The provider or the provider's billing agent shall equally divide the actual amount of the individual electric service bill for a unit among all the tenants in the unit and shall send one bill to each tenant.

(c) The amount charged shall be prorated when a tenant has not leased the unit for the same number of days as the other tenants in the unit during the billing period.

(d) Each bill may include an administrative fee no greater than the amount authorized in Rule R18-6 for water service and, when applicable, a late payment charge no greater than the amount authorized in Rule R12-9(d) and a returned check charge no greater than the amount authorized in G.S. 25-3-506.

(e) A late payment charge may be applied to the balance in arrears after the past-due date.

(f) The provider may impose a returned check charge, not to exceed the maximum authorized by G.S. 25-3-506, for a check on which payment has been refused by the payor bank because of insufficient funds or because the tenant did not have an account at that bank.

(g) The provider shall not charge the cost of electricity from any other unit or common area in a tenant's bill. "Common area" means parts of the rental property outside the individually metered unit where the tenant dwells.

(h) No provider shall charge or collect any greater compensation for the costs of providing electric service than the rates approved by the Commission.

(i) The provider may, at the provider's option, pay any portion of any bill sent to a tenant; in accordance with the provisions of the lease; provided, however, that (i) the provider must still send each tenant bills in accordance with the other provisions in Rule R22-5; the provider must credit tenant bills or otherwise refund to tenants the amount, if any, by which the amount specified in the lease exceeds the amount actually owed by the tenant for

electricity usage in the immediately preceding month; and (ii) the provider must comply with G.S. 62-140 regarding non-discrimination in billing for utility service.

Rule R22-7. Disconnection; billing procedure.

(a) Any payment to the provider shall be applied first to the rent owed and then to charges for utility service, unless otherwise designated by the tenant.

(b) No charge for connection or disconnection shall be allowed.

(c) No provider may disconnect electric service for nonpayment.

(d) Bills shall be rendered at least monthly.

(e) The date after which a bill for electric utility service is due (the past due date) shall be disclosed on the bill and shall not be less than twenty-five (25) days after the bill is mailed or otherwise delivered to the tenant.

(f) A provider shall not bill for or attempt to collect for excess usage resulting from a meter malfunction or other electrical condition in appliances such as water heaters, HVAC systems, or ranges furnished by the provider to the tenant, when the malfunction is not known to the tenant or when the malfunction has been reported to the provider.

(g) Every provider shall provide to each tenant at the time the lease agreement is signed, and shall maintain in its business office, in public view, near the place where payments are received, the following:

- (1) A copy of the rates, rules and regulations of the provider applicable to the premises served from that office, with respect to electric utility service;
- (2) A copy of these rules and regulations (Chapter 22);
- (3) A statement advising tenants that they should first contact the provider's office with any questions they may have regarding bills or complaints about service, and that in cases of dispute, they may contact the Commission either by calling the Public Staff - North Carolina Utilities Commission, Consumer Services Division, at (866) 380-9816 (in-state calls only) or (919) 733-9277 or by appearing in person or writing the Public Staff - North Carolina Utilities Commission, Consumer Services Division, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

(h) Each provider shall adopt a means of informing its tenants initially and on an annual basis as to the provider's method of allocating bills to the individual tenants and its administrative fee, returned check charge, and late fee, if any. A copy of the supplier's current schedule of charges shall also be included in these disclosures.

(i) Every provider shall promptly notify the Commission in writing of any change in the information required in Rule R22-4(a), except for changes in the rates and charges of the supplier (Rule R22-4(a)(8)).

(j) If a provider anticipates that it will not pay a supplier's bill on time, or if the provider receives notice from the supplier of pending disconnection, whichever comes first, the provider must within 24 hours provide written notice to the Commission and all of the provider's affected tenants of the anticipated nonpayment or disconnection notice. A provider may not abandon or cease providing electric service to its tenants without advance permission from the Commission.