

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. M-100, SUB 158

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Investigation of Necessary and) ORDER REINSTATING LIMITED
Appropriate Responses to the) RESIDENTIAL DISCONNECTION
Novel Coronavirus COVID-19) MORATORIUM

BY THE COMMISSION: On March 10, 2020, Governor Roy Cooper issued Executive Order (EO) No. 116 declaring a State of Emergency in North Carolina to prevent the spread of the novel coronavirus. The EO stated it was effective immediately and “shall remain in effect until rescinded.” EO No. 116 at § 25. To date, EO No. 116 remains in effect.

On March 19, 2020, in response to EO No. 116, the Commission issued an Order Suspending Utility Disconnections for Nonpayment, Allowing Reconnection, and Waiving Certain Fees in Docket No. M-100, Sub 158 (Public Utility Waiver 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 (July 29, 2020 Order) 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.

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 February 11, 2021, DEP, DEC, and Piedmont Natural Gas Company, Inc. (PNG), 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 state they will grant eligible customers 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).

On February 23, 2021, the Commission issued an Order Suspending Disconnections and Providing for Extended Special Repayment Plans for Certain Vulnerable Residential Customers and Requiring Door Hanger Notices (February 23, 2021 Order), which is applicable to DEP, DEC, PNG, as well as Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), Public Service Company of North Carolina, Inc. (PSNC), Carolina Water Service, Inc. of North Carolina (CWS), and Aqua North Carolina, Inc. (Aqua). The February 23, 2021 Order required these utilities to 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 (Limited Residential Disconnection Moratorium) through March 31, 2021. The February 23, 2021 Order further required that DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua 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.

On March 24, 2021, the Commission issued an Order Extending Door Hanger Notice Requirement (March 24, 2021 Order) through June 30, 2021.

Since issuing the March 24, 2021 Order the Commission has received commentary from several customer advocates, including the North Carolina Justice Center (NCJC), Legal Aid of North Carolina (Legal Aid), the Public Staff, and the Attorney General's Office, requesting that the Commission extend the limited residential disconnection moratorium provided by the February 23, 2021 Order through June 30, 2021. In support of this request these parties state that all critical monetary aid, including the aid provided for by the American Rescue Plan Act of 2021, has not been fully distributed to eligible recipients. Further, the comments raise allegations that DEC and DEP customer service representatives are not consistently providing correct information to customers regarding disconnections and mandatory payment plan arrangements.

Finally, on March 31, 2021, DEP, DEC, and PNG filed a letter advising the Commission of their intention to voluntarily extend the Limited Residential Disconnection Moratorium through June 30, 2021.

DISCUSSION AND CONCLUSIONS

The Commission commends DEP, DEC, and PNG's decision to voluntarily extend the Limited Residential Disconnection Moratorium through June 30, 2021, and shares their concerns that the COVID-19 pandemic continues to impact the utilities' customers, especially those customers included in the Limited Residential Disconnection Moratorium. Moreover, the recent comments filed by the NCJC, Legal Aid, and the Public Staff indicating that critical federal aid remains to be dispersed to vulnerable utility customers are concerning to the Commission. Therefore, in light of this commentary, the Commission finds good cause to reinstate the Limited Residential Disconnection Moratorium, applicable to DEC, DEP, DENC, PNG, PSNC, CWS, and Aqua, effective immediately through June 30, 2021.

Further, the Commission finds good cause to require the Public Staff to file a monthly report in the above-captioned docket, regarding the total complaints by utility, consistent with the information format provided in Exhibits A and B to the Public Staff's March 29, 2021 Additional Comments, with the first monthly report being filed no later than April 15, 2021, and with such monthly reporting continuing until further order of the Commission.

The Commission is particularly concerned by the allegations that DEC and DEP customer service representatives may be failing to convey clear and accurate information about customer accounts, repayment options, and available assistance programs to customers. Therefore, the Commission finds good cause to require DEC and DEP to file comments, by no later than April 20, 2021, addressing these allegations, detailing internal findings on the allegations, and stating all actions taken to correct any identified issues to ensure that customer service representatives are properly trained with respect to the Commission's latest requirements, including informing customers regarding applicable assistance programs which may be available to help customers with their arrearages.

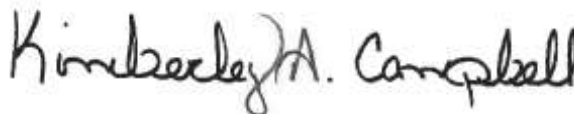
Finally, the Commission finds good cause solicit comments, to be filed by no later than June 15, 2021, responsive to the comments filed by DEC and DEP, and also regarding the progress of the public health and economic recovery and whether further extension of the Limited Residential Disconnection Moratorium is necessary.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of April, 2021.

NORTH CAROLINA UTILITIES COMMISSION

Handwritten signature of Kimberley A. Campbell in black ink.

Kimberley A. Campbell, Chief Clerk