

**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 Appropriate)	ORDER ACKNOWLEDGING
Responses to the Novel Coronavirus)	EXPIRATION OF LATE FEE
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 The EO stated it was effective immediately and “shall remain in effect until rescinded.”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.

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 the above-captioned docket (Public Utility Waiver Order). Among other things, the Public 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 — including resellers — immediately (1) cease customer disconnections for nonpayment of bills, (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. Public Utility Waiver Order at 2. Further, the Commission ordered:

At the end of the State of Emergency, customers having arrearages accrued during the State of Emergency shall be provided the opportunity to make a reasonable payment arrangement over no less than a six month period and shall not be charged any late fees for late payment for arrearages accrued during the State of Emergency.

Id. 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.” *Id.*

The Commission addressed various aspects of the Public Utility Waiver Order by further Order, including, e.g., subsequently allowing repayment plans to be implemented and requiring door hanger notices for certain utilities. On June 29, 2020, the Commission issued an Order Lifting Disconnection Moratorium and Allowing Collection of Arrearages Pursuant to Special Repayment Plans, which among other things stated that “the Late Fee Moratorium shall continue 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.”

On July 11, 2022, Governor Cooper announced his intent to terminate the State of Emergency declared by EO No. 116, effective August 15, 2022. On August 15, 2022, Governor Cooper issued EO No. 267, rescinding the State of Emergency declared by EO No. 116.

On August 5, 2022, Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC), filed with the Commission a letter Notification of Expiration of State of Emergency and Reinstatement of Late Payment Fees. DEC and DEP stated their intention to resume late payment charges permitted by Commission Rule R12-9, but that no late fees would be applied to arrearages incurred during the State of Emergency, extending that protection through September 1, 2022. DEC and DEP stated that customers would be notified of the resumption of late payment charges on their September 2022 bills and the companies' respective websites.

On August 12, 2022, Virginia Electric and Power, Inc., d/b/a Dominion Energy North Carolina (DENC) and Public Service Company of North Carolina, Inc. (PSNC), filed a letter notifying the Commission of their intent to resume late payment charges for arrearages accrued after August 15, 2022. DENC and PSNC stated that they would include notice to customers in September 2022 bills, with accounts that carry arrears not covered by the State of Emergency protection to incur a late payment charge beginning with October 2022 bills. DENC and PSNC also stated that their websites would be updated to reflect the resumption of late payment fees.

On September 6, 2022, Piedmont Natural Gas Company, Inc. (Piedmont), filed a letter notifying the Commission of its intention to resume late payment charges for arrearages accrued after August 15, 2022. Piedmont stated that due to the framework of Piedmont's legacy customer billing system which cannot accommodate a bifurcation of the application of the late payment charges by age of customer arrearages, no late payment charges would be applied to any customer account that carries any arrearage covered by the State of Emergency, that Piedmont would notify customers of the resumption of late payment fees on their September 2022 bills, with charges applied to their October 2022 bills.

On September 12, 2022, Aqua North Carolina, Inc. (Aqua), filed a letter notifying the Commission of its intention to resume late payment charges for arrearages accrued after August 15, 2022, but that no late fees would be applied to arrearages incurred during the State of Emergency. Aqua stated that it would include a bill message and post a copy of the letter to its website, notifying customers of the same.

Based on the foregoing and the record, the Commission finds good cause to recognize the above utility notices and acknowledge the termination of the State of Emergency and the expiration of its attendant consumer protections, including the Late Fee Moratorium. All jurisdictional electric, natural gas, water, and wastewater public utilities — including resellers — may, as of the termination of the State of Emergency, resume late payment charges as permitted by Commission Rule R12-9. Consistent with the Commission's Public Utility Waiver Order, no customer shall be charged late payment fees for arrearages accrued during the State of Emergency. Utilities that have not already done

so shall notify customers — either through bill messages or by posting on their respective websites, if they maintain one, and physically where the company does business with its customers — of the intention to resume late payment charges.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 16th day of September, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Erica N. Green". The signature is written in a cursive style with a large, stylized initial "E".

Erica N. Green, Deputy Clerk