

AN ACT relating to the disconnection of utility services.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔SECTION 1. A NEW SECTION OF KRS 278.010 TO 278.450 IS CREATED TO READ AS FOLLOWS:

(1) As used in this section:

(a) "Customer" means any user of gas, electric, or water utility service billed on a residential rate; and

(b) "Utility" means a utility as defined in KRS 278.010 that provides gas, electric, or water utility service and is regulated by the commission under KRS 278.040.

(2) In addition to all other customer protections from termination of utility service or refusal to reconnect utility service provided for by this chapter or the administrative regulations promulgated hereunder, the commission shall promulgate administrative regulations prohibiting a utility from terminating or refusing to reconnect service to a customer if it is certified to the utility that the customer is unable to pay any overdue bill, or any portion thereof, due to financial hardship and that:

(a) The customer or someone living in the customer's home is seriously ill;

(b) A child under twelve (12) months of age is domiciled in the customer's residence;

(c) Between November 1 and March 31, the utility service provided for the customer provides heat or operates the heating system and that the service has not been shut off for nonpayment before November 15 of that year; or

(d) All adults domiciled in the residence are sixty-five (65) years of age or older and a minor under eighteen (18) years of age resides in the home.

(3) The commission shall promulgate administrative regulations implementing the provisions of this section, including setting forth the procedures for customers to

verify qualification for protection under subsection (2) of this section, including but not limited to:

(a) For substantiating a claim of financial hardship, requiring the customer, or person acting on behalf of the customer, to provide certification from the Cabinet for Health and Family Services that the customer is eligible for the cabinet's energy assistance program or provide certification from the cabinet that the household income is at or below one hundred thirty percent (130%) of the current federal poverty level; and

(b) For substantiating a claim of serious illness, requiring the customer, or person acting on behalf of the customer, to have a registered physician, physician assistant, nurse practitioner, or local health board official to furnish a certificate of serious illness. The certificate of serious illness shall include the name and address of the seriously ill person, a statement that terminating the utility service will aggravate the serious illness, and the business address and telephone number of the medical professional making the certification.

(4) In all cases where service is continued or restored pursuant to a claim for protection described in subsection (2) of this section, the customer shall renew a claim of financial hardship quarterly. If financial hardship is shown to be ongoing between November 1 and March 31, then renewal shall be waived for that period. Certifications for claims of serious illness shall be renewed quarterly. Certification of infancy shall remain in effect without renewal until the child reaches twelve (12) months of age.

(5) All arrearage notices issued by utilities to customers shall include a prominent written notice of the protections afforded by this section. Before utility service may be terminated, a utility representative shall state to an occupant of the residence, in person, that the utility service is to be terminated and present the

occupant with a notice of protections afforded by this section. If the occupant claims protection, the utility service termination shall be postponed for seventy-two (72) hours to allow the customer time to make the claim.

(6) The commission shall provide for the procedure for repayment of arrearages by customers afforded protection under this section according to a reasonable repayment plan, the length of which shall not exceed one (1) year from the date that the customer qualifies for protection. A utility shall not charge any additional deposit for reconnection or continuance of utility service required by this section.