

1 AN ACT relating to utility disconnection protections.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 278 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) For the purposes of this section, "utility" has the same meaning as in KRS
6 278.010(3)(a) and (b).

7 (2) A utility shall not disconnect residential service to a residential customer's
8 residence:

9 (a) On a day when the National Weather Service forecasts that a temperature
10 of thirty-two (32) degrees Fahrenheit or lower will occur at any time during
11 the following seventy-two (72) hour period;

12 (b) On a day when the National Weather Service forecasts that a temperature
13 of ninety-five (95) degrees Fahrenheit or greater will occur at any time
14 during the following seventy-two (72) hour period;

15 (c) For a period of thirty (30) days following the receipt of a certificate of need
16 from a physician, physician assistant, community-based service program, or
17 faith-based service program certifying that disconnection of service would
18 threaten the health and safety of the customer or the occupants of the
19 customer's household; or

20 (d) For nonpayment of a utility bill if the residential customer:

21 1. Makes a payment of not less than ten percent (10%) of the accrued
22 balance of the bill or two hundred dollars (\$200), whichever is less;
23 and

24 2. Enters into a payment plan.

25 (3) Late fees shall be waived for any service termination that has been suspended due
26 to a certificate of need issued under subsection (2)(c) of this section.

27 (4) Except as provided in subsection (2) of this section, disconnection of utility

1 service for nonpayment of a utility bill shall:

2 (a) Occur only between the hours of 8 a.m. and 5 p.m. Monday through
3 Thursday; and

4 (b) Not be authorized on weekends, including Fridays, or on a state or a federal
5 holiday.

6 This subsection does not apply to disconnections of utility service to protect the
7 health and safety of the public.

8 (5) A utility shall give separate final written notice, not less than fourteen (14) days
9 prior to any proposed disconnection of utility service, to a customer's residential
10 household. The notice shall:

11 (a) Be sent separately from the regular billing notice;

12 (b) Be printed on colored paper or cardstock that makes the notice easily
13 distinguishable from the utility's regular billing;

14 (c) Have the words "FINAL NOTICE OF SERVICE TERMINATION"
15 printed in bold in no less than twenty-four (24) point font; and

16 (d) Include a toll-free number to reach a utility representative who can provide
17 additional information about the disconnection, including how to:

18 1. Obtain a certificate of need or a hardship reconnection order;

19 2. Make a payment or set up a payment plan;

20 3. File for energy cost assistance from community-based or faith-based
21 services;

22 4. Dispute a bill; and

23 5. Provide any other information that the commission deems necessary.

24 (6) A hardship reconnection order shall be granted to the customer requiring the
25 reestablishment of service on the same day as requested on the application for the
26 order, a waiver of reconnection fees, and preservation of a previous security
27 deposit, if the customer:

1 (a) *Had service terminated after the thirty (30) day suspension elapsed as*
2 *provided under subsection (2)(c) of this section; and*
3 (b) *Paid ten percent (10%) of the accrued balance of the bill or two hundred*
4 *dollars (\$200), whichever is less, and entered into a payment plan for the*
5 *remaining balance.*

6 (7) *If a customer who has already been disconnected makes payment of not less than*
7 *ten percent (10%) of the accrued balance of the bill or two hundred dollars*
8 *(\$200), whichever is less, and enters into a payment plan for the remaining*
9 *balance, the utility shall make a reasonable effort to restore service on the same*
10 *day as payment is made but not more than twenty-four (24) hours after the*
11 *customer's payment. Reconnection fees shall be waived for a service termination*
12 *made for a customer that has a hardship reconnection order in accordance with*
13 *subsection (6) of this section.*

14 (8) *The commission shall promulgate administrative regulations in accordance with*
15 *KRS Chapter 13A and issue any order the commission deems necessary for*
16 *setting forth any applicable rules and procedures regarding disconnection,*
17 *certificates of need, hardship reconnection orders, and any other matters*
18 *required to implement this section.*