

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.