

2011 -- H 5151

LC00607

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Introduced By: Representative Anastasia P. Williams

Date Introduced: January 27, 2011

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-2-1 of the General Laws in Chapter 39-2 entitled "Duties of
2 Utilities and Carriers" is hereby amended to read as follows:

3 **39-2-1. Reasonable and adequate services -- Reasonable and just charges.** -- (a)

4 Every public utility is required to furnish safe, reasonable, and adequate services and facilities.

5 The rate, toll, or charge, or any joint rate made, exacted, demanded, or collected by any public

6 utility for the conveyance or transportation of any persons or property, including sewage, between

7 points within the state, or for any heat, light, water, or power produced, transmitted, distributed,

8 delivered, or furnished, or for any telephone or telegraph message conveyed or for any service

9 rendered or to be rendered in connection therewith, shall be reasonable and just, and every unjust

10 or unreasonable charge for the service is prohibited and declared unlawful, and no public utility

11 providing heat, light, water, or power produced, transmitted, distributed, delivered, or furnished

12 shall terminate the service or deprive any home or building, or whatsoever, of service if the

13 reason therefor is nonpayment of the service without first notifying the user of the service, or the

14 owner or owners of the building as recorded with the utility of the impending service termination

15 by written notice at least ten (10) days prior to the effective date of the proposed termination of

16 service. The effective date of the actual termination shall not be on a friday, saturday, sunday or

17 on any state celebrated holiday.

18 (b) Any existing rules and regulations dealing with the termination of utility service and

1 establishing reasonable methods of debt collection promulgated by the commission pursuant to
2 this chapter and the provisions of section 39-1.1-3, including but not limited to, any rules and
3 regulations dealing with deposit and deferred payment arrangements, winter moratorium and
4 medical emergency protections, and customer dispute resolution procedures, shall be applicable
5 to any public utility which distributes electricity.

6 (c) The commission shall promulgate such further rules and regulations as are necessary
7 to protect consumers following the introduction of competition in the electric industry and which
8 are consistent with this chapter and the provisions of section 39-1.1-3. In promulgating such rules
9 and regulations, the commission shall confer with the Retail Electric Licensing Commission and
10 shall give reasonable consideration to any and all recommendations of the Retail Electric
11 Licensing Commission.

12 (d) On or before May 1, 2007, the commission shall administer such rules and
13 regulations as may be necessary to implement the purpose of this section and to provide for
14 restoration of electric and/or gas service to very low income households as defined by section 42-
15 141-2.

16 (1) Effective July 1, 2007, notwithstanding the provisions of part V sections 4(E)(1)(B)
17 and (C) of the public utilities commission rules and regulations governing the termination of
18 residential electric, gas, and water utility service, a very low income customer who is terminated
19 from gas and/or electric service or is recognized pursuant to a rule or decision by the division as
20 being scheduled for actual shut-off of service on a date specified, shall be eligible one time to
21 have electric and/or gas utility service restored providing the following conditions are met:

22 (i) the customer pays twenty-five percent (25%) of the customer's unpaid balance;

23 (ii) the customer agrees to pay one thirty-sixth (1/36) of one half (1/2) of the customer's
24 remaining balance per month for thirty-six (36) months;

25 (iii) the customer agrees to remain current with payments for current usage. For purposes
26 of this subsection remaining current with payments shall mean that the customer: (a) misses no
27 more than a total of three (3) payments in the thirty-six (36) month period covered by the
28 agreement; (b) misses more than two (2) payments in any one calendar year, provided that such
29 missed payments in a calendar year are not consecutive and that payments for the year are up-to-
30 date by October 31st; and (c) that the amount due under that agreement is paid in full by the
31 conclusion of the period of the agreement; and

32 (iv) the customer has shown, to the satisfaction of the division, that the customer is
33 reasonably capable of meeting the payment schedule provided for by the provisions of
34 subdivision 39-2-1(d)(1)(i) and (ii) in this section. The restoration of service provided for by this

1 subsection shall be a one-time right; failure to comply with the payment provisions set forth in
2 this subsection shall be grounds for the customer to be dropped from the repayment program
3 established by this subsection, and the balance due on the unpaid balance shall be due in full and
4 shall be payable in accordance with the rules of the commission governing the termination of
5 residential electric, gas, and water utility service. A customer who completes the schedule of
6 payments pursuant to this subsection, shall have the balance of any arrearage forgiven, and the
7 customer's obligation to the gas and/or electric company for such balance shall be deemed to be
8 fully satisfied. The amount of the arrearage so forgiven shall be treated as bad debt for purposes
9 of cost recovery by the gas or the electric company.

10 (2) A customer terminated from service under the provisions of subdivision 39-2-1(d)(1)
11 shall be eligible for restoration of service in accordance with the applicable provisions of part V
12 section 4(E)(1)(C), or its successor provision, of the public utilities commission rules and
13 regulations governing the termination of residential electric, gas, and water service.

14 SECTION 2. This act shall take effect upon passage.

=====
LC00607
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND
CARRIERS

- 1 This act would prohibit termination of services on a Friday, Saturday, Sunday or any state
- 2 celebrated holiday.
- 3 This act would take effect upon passage.

=====
LC00607
=====