

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, SEPTEMBER 15, 2020

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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00048

Ex Parte: Temporary Suspension of Tariff
Requirements

ADDITIONAL ORDER ON MORATORIUM

On March 16, 2020, the State Corporation Commission ("Commission") ordered an immediate moratorium on service disconnections for unpaid bills caused by the COVID-19 crisis by jurisdictional electricity, natural gas, water, and sewer utilities.¹ This moratorium provided immediate protection to both residential and business customers and was initially put in place to run sixty (60) days. The Commission subsequently issued Orders in this docket on April 9, June 12, and August 24, 2020, extending this moratorium for additional periods. The Commission's August 24, 2020, Order extended the moratorium through September 15, 2020, "to provide an opportunity for the General Assembly to choose whether to address legislatively the effects of the COVID-19 crisis on utility customers and utilities" during its special session that began on August 18, 2020.²

On September 14, 2020, the Commission received correspondence from Governor Ralph S. Northam, requesting the Commission to extend the moratorium through October 5, 2020, and

¹ *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200320175, Order Suspending Disconnection of Service and Suspending Tariff Provisions Regarding Utility Disconnections of Service (Mar. 16, 2020).

² *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200830060, Order on Moratorium at 2-3 (Aug. 24, 2020).

stating (among other things) that such "extension will give the General Assembly the time they need to address this issue."³

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that we will extend the moratorium on jurisdictional utility service cut-offs through October 5, 2020, as requested by Governor Northam in his letter of September 14, 2020, in which he explained that he and the General Assembly need this additional time to address this issue in the ongoing General Assembly special session that began on August 18, 2020.

The Commission, however, will not extend the moratorium beyond October 5, 2020. Since we first imposed the moratorium on March 16, 2020, we have warned repeatedly that this moratorium is not sustainable indefinitely.⁴ The mounting costs of unpaid bills must eventually be paid, either by the customers in arrears or by other customers who themselves may be struggling to pay their bills. Unless the General Assembly explicitly directs that a utility's own shareholders must bear the cost of unpaid bills, those costs will almost certainly be shifted to other paying customers. This is inevitably the case with utilities such as electric cooperatives, which do not have shareholders but are member-owned. We have also noted the potential financial damage to small electric and water utilities that may not have ready access to additional capital.

³ The Governor's September 14, 2020, correspondence is being contemporaneously entered into the record of the instant proceeding.

⁴ See, e.g., *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200830060, Order on Moratorium at 3 (Aug. 24, 2020); *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200630135, Order on Suspension of Service Disconnections at 9 (June 12, 2020).

In addition, the Commission has further emphasized in past orders that "utility regulation alone" cannot solve the problem.⁵ We have urged the Governor and General Assembly to appropriate funds for direct financial assistance to those customers who are unable to pay their bills due to the COVID-19 pandemic, in order to avoid shifting these costs to other customers. We hope the General Assembly uses this additional time to act on this recommendation.

Finally, while the Commission will not extend the moratorium beyond October 5, 2020, we reiterate and expand on the additional customer protections that we have implemented for customers in arrears due to COVID-19. Specifically, in this regard:

- All jurisdictional utilities were directed during the moratorium to offer customers in arrears extended payment plans of up to 12 months.⁶
- These extended payment plans shall remain in effect after October 5, 2020.
- In addition, we herein direct utilities to continue offering extended payments plans after the Commission-imposed moratorium expires pursuant to this Order.
- Customers shall continue to be protected from service cut-offs as long as they are current in such plans or have entered other good-faith repayment plans with the utility.

⁵ *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200830060, Order on Moratorium at 2 (Aug. 24, 2020); *Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200630135, Order on Suspension of Service Disconnections at 10 (June 12, 2020).

⁶ *See, e.g., Commonwealth of Virginia ex rel. State Corporation Commission, Ex Parte: Temporary Suspension of Tariff Requirements*, Case No. PUR-2020-00048, Doc. Con. Cen. No. 200630135, Order on Suspension of Service Disconnections at 10 (June 12, 2020).

- Customers who enter into extended-payment plans or other good-faith repayment plans, and are current thereon, shall not be charged late fees.
- Finally, utilities shall submit quarterly reports to the Commission's Division of Utility Accounting and Finance on the current number and status of repayment plans, and on the current status of the utility's aged accounts receivables as impacted by the requirements of this docket.⁷

As a result, the end of the Commission-directed moratorium does *not* mean the end of protections for customers in arrears who are making a good-faith effort to pay their bills over a longer time period. Customers who enter into such extended-payment plans will continue to be protected from service cut-offs even after the end of this moratorium.

Accordingly, IT IS SO ORDERED, and this proceeding is dismissed.

A COPY HEREOF shall be sent electronically by the Clerk of the Commission to the utilities providing electric, natural gas, water, and sewer services in the Commonwealth that are subject to regulation by the Commission as identified in the attached Service List.

⁷ The first such report shall be submitted in January 2021 for October to December 2020.

ELECTRIC AND GAS UTILITIES

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Water and Sewer Companies

20092009

<p>Aqua Virginia, Inc. John Aulbach II, President 2414 Granite Ridge Rd. Rockville, VA 23146 jjaulbach@aquaaamerica.com</p>	<p>Aquarius Water Systems, Inc. Don Liscomb 151 Fort Liscomb Rd. Luray, VA 22835 katherine2218B@hotmail.com</p>
<p>Blue Ridge Water Agency, Inc. Curtis B. Brown, President 81 Hobson Way Blue Ridge, VA 24064 mdoubles@doubleslaw.com</p>	<p>Bluefield Valley Water Works c/o West Virginia American Robert Burton, President 1600 Pennsylvania Ave. Charleston, WV 25302 president.burton@amwater.com</p>
<p>Brookfield Water Company Michael Griffin P.O. Box 7 Daleville, VA 24083 mm9440@gmail.com</p>	<p>Buckland Water and Sanitation Assets Corp. Edward R. Moore, President P.O. Box 861617 Warrenton, VA 20187 debbie3brown@gmail.com</p>
<p>C&P Isle of Wight Water Company Ted W. Christian, President 20042 IWRP Rd. Smithfield, VA 23430 greatpapa45@gmail.com</p>	<p>Cascade Mountain Water Company, Inc. Tony Harrison, President P.O. Box 353 Fancy Gap, VA 24328-0353 office@cascade-mountain.com</p>
<p>Central Water Company, Inc. Stephen C. Rossi, President 1410 16th St. SE Roanoke, VA 24014 srossi@scrossi.com</p>	<p>Central Water Systems, Inc. Carl Kellogg, President P.O. Box 119 Smithfield, VA 23431 kelloggdrilling@gmail.com</p>
<p>Commonwealth Utilities, Inc. Craig Jebson, President 218 N. Main St. P.O. Box 520 Culpeper, VA 22701 craigj@countrywatersystems.com hopel@countrywatersystems.com</p>	<p>Founders Bridge Utility Company, Inc. Russell T. Aaronson III, President 1700 Bayberry Ct., Suite 300 Richmond, VA 23226-3791 raaronson@graycorei.com</p>
<p>Groundhog Mountain Water and Sewer Ron Hyatt, President 2812 Brennen Lane High Point, NC 27262-8436 carol.bayley@dhg.com</p>	<p>Harbour East Sewage Disposal Corporation C. David Sherrill, President 800 West Hundred Rd. Chester, VA 23836-2517 harboueastvlg@comcast.net</p>

Water and Sewer Companies

20092009

<p>High Knob Utilities, Inc. Keith Arnett, President 17 Windy Way, Suite A Front Royal, VA 22630 hkoffice@hkoai.com</p>	<p>Keswick Estates Utilities, Inc. Abdul Rahman 701 Country Club Dr. Keswick, VA 22947 arahman@keswick.com</p>
<p>Massanutten Public Service Steven Ubertozi, President 13051 Southern Maryland Blvd. 203 Dunkirk, MD. 20754 steve.lubertozi@uiwater.com</p>	<p>Montvale Water, Inc. Bob Karnes, President P.O. Box 155 Montvale, VA 24122 Montvalewater@gmail.com</p>
<p>Northern Neck Water, Inc. John Aulbach II, President 2414 Granite Ridge Rd. Rockville, VA 23146 jjaulbach@aquaamerica.com</p>	<p>Park Place Water Works, Inc. James K, McKelvey, Owner 400 Scruggs Rd. Suite 100 Moneta, VA 24121 jhodges@b2xonline.com</p>
<p>Peacock Hill Service Company David Lockledge, President P.O. Box. 284 Ivy, VA 22945 peacockhillsc@gmail.com</p>	<p>PO River Water and Sewer Company Matthew E. Raynor, President 524 Meadow Avenue Loop Banner Elk, NC 28604 tarmatt@aol.com</p>
<p>Reston Relac, LLC Mark Douglas Waddell 1725 Wainwright Dr. Reston, VA 20190 mark@restonrelac.com</p>	<p>Sedley Water Company Robert P. Finch, President P.O. Box 340 Toano, VA 23168 sedleywater@gmail.com</p>
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<p>Sommersby Water Company Michael Griffin, President P.O. Box 7 Daleville, VA 24083 mm9440@gmail.com</p>	<p>T-L Water Larry E. Lamb, President P.O. Box 277 Standardsville, VA 22973-0244 larryelamb@aol.com</p>

Water and Sewer Companies

20092009

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<p>Trails End Utility Company, Inc. Wayne Culver, Vice President P.O. Box 268 Horntown, VA 23395 water3@cbtea.net</p>	<p>Virginia American Water Company Barry L. Suits, President 2223 Duke St. Alexandria, VA 22314 Barry.suits@amwater.com</p>
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