

Project 8028 - Proposed

State Corporation Commission

Chapter 330 Limitations on Disconnection of Electric and Water Service

Chapter 330

Limitations on Disconnection of Electric ~~and Water Service~~ , Water, Wastewater, and Natural Gas Service

20VAC5-330-10. Applicability and scope.

This chapter is promulgated pursuant to Chapters 500, 662, and 673 of the 2011 Acts of Assembly, and pursuant to Chapter 637 of the 2024 Acts of Assembly. The provisions in this chapter apply to investor-owned electric utilities, electric cooperatives, natural gas utilities and public utilities providing water or wastewater service. In order to promote public health and safety, this chapter is designed to establish reasonable limitations, consistent with the public interest, on the ability of investor-owned electric utilities, electric cooperatives, natural gas utilities and public utilities providing water or wastewater service to terminate service to residential customers who have a serious medical condition or to residential customers who reside with a family member with a serious medical condition and to provide such residential customers adequate time prior to the termination of electric or water service to either enter into a payment plan with the utility or make other arrangements for housing or medical care. Nothing in this chapter shall be interpreted to require an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service to terminate service after the expiration of the timelines established herein.

Furthermore, nothing in this chapter shall be interpreted to prohibit an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service from terminating service in the event of an emergency or in the event an investor-owned electric

utility, electric cooperative, natural gas utility or public utility providing water or wastewater service reasonably believes that theft of service or meter tampering has occurred in connection with the service.

20VAC5-330-20. Definitions.

The following terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Licensed physician" means a person licensed to practice medicine or osteopathic medicine (M.D. or D.O.) in any of the 50 states or the District of Columbia.

"Licensed nurse practitioner" means a person licensed as a nurse practitioner in any of the 50 states or the District of Columbia.

"Serious medical condition" means a physical or psychiatric condition that requires medical intervention to prevent further disability, loss of function, or death. Such conditions are characterized by a need for ongoing medical supervision or the consultation of a physician or licensed nurse practitioner. A serious medical condition carries with it a risk to health beyond that experienced by the majority of children and adults in their day-to-day minor illnesses and injuries. Individuals with a serious medical condition may require administration of specialized treatments and may be dependent on medical technology such as ventilators, dialysis machines, enteral or parenteral nutrition support, or continuous oxygen. Medical interventions may include medications with special storage requirements, use of powered equipment, or access to water.

"Serious Medical Condition Certification Form" means a written document, approved by the State Corporation Commission, signed by (i) a licensed physician or licensed nurse practitioner, (ii) the customer, and (iii) the patient or the patient's legal guardian or power of attorney. The Serious Medical Condition Certification Form shall (i) identify the medical condition of the customer or family member who resides with the customer, (ii) include a certification by a licensed

physician or licensed nurse practitioner that the medical condition meets the definition of a serious medical condition, (iii) identify the anticipated length of time that the serious medical condition will persist, and (iv) identify any equipment prescribed or treatment required for the medical condition.

20VAC5-330-30. General provisions.

A. A request for a waiver of any of the provisions of this chapter shall be considered by the State Corporation Commission on a case-by-case basis, and may be granted upon such terms and conditions as the State Corporation Commission may impose.

B. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall use the Serious Medical Condition Certification Form (Form SMCC) provided on the State Corporation Commission's website at ~~<http://www.scc.virginia.gov/pue/rules.aspx>~~ <http://www.scc.virginia.gov/pages/Rules>, unless the State Corporation Commission approves the use of an alternative form.

C. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service may require a customer to provide it a new Serious Medical Condition Certification Form either annually or upon the expiration of the anticipated length of time that the serious medical condition will persist if such time is less than 12 months.

D. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service may take reasonable actions to verify the validity of the Serious Medical Condition Certification Form. Such actions include, but are not limited to, contacting (i) the licensed physician or licensed nurse practitioner to confirm the medical condition of the patient and the treatment or treatments associated therewith; (ii) the Virginia Department of Health Professions, or the applicable state's licensing board, to verify that the physician or nurse practitioner is a licensed physician or licensed nurse practitioner; or (iii) the customer to verify that the patient currently resides at the residence.

E. In the event that the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service is of the opinion that the information provided on the Serious Medical Condition Certification Form is invalid, or otherwise is of the opinion that there has been fraud or abuse of the process provided in this chapter, it may petition the State Corporation Commission for redress pursuant to 5VAC5-20-100 B, State Corporation Commission's Rules of Practice and Procedure.

20VAC5-330-40. Limitations on service termination to residential customers.

A. Following the issuance of a notice of intent to terminate service pursuant to § 56-247.1 A 4 or 6, or § 56-245.1:4 of the Code of Virginia, an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall, upon request from a residential customer who has a Serious Medical Condition Certification Form filed with the utility, delay termination of service for a minimum of an additional 30 calendar days beyond the expiration of the notice.

B. Following the issuance of a notice of intent to terminate service pursuant to § 56-247.1 A 4 or 6, or § 56-245.1:4 of the Code of Virginia, an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall, upon request from a residential customer who does not have a Serious Medical Condition Certification Form filed with the utility, delay termination of service for 10 calendar days upon oral or written notification from a residential customer that such customer or a family member residing with the customer has a serious medical condition. The 10-calendar day delay in service termination shall commence on the date the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service receives notification. At the time of such notification, the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall:

1. Advise the residential customer that service termination will be delayed for 10 calendar days pending receipt of the Serious Medical Condition Certification Form;
2. Provide the customer access to the Serious Medical Condition Certification Form via its website or advise the consumer that access can be obtained via the Commission's website;
3. Not later than two business days after receiving notification, mail, email, or deliver via facsimile transmission a copy of the Serious Medical Condition Certification Form upon a request from the customer; and
4. Not later than two business days after receiving notification, mail the customer a letter advising the customer:
 - a. The date notification was received;
 - b. The date that the 10-calendar day delay expires; and
 - c. That upon receipt of a Serious Medical Condition Certification Form within the 10-calendar day time period provided for in this subsection, it will delay the termination of service 30 calendar days from the date of termination initially noticed.

Upon receipt of a Serious Medical Condition Certification Form within the 10-calendar day time period provided for in this subsection, an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall provide the 30-calendar day delay in termination of service required in subsection A of this section. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall not be required to provide a 10-calendar day delay in service termination pursuant to this subsection more than once in a 12-month period.

C. In the event an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service has terminated service to a residential

customer within the preceding 14 calendar days, the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall promptly restore service upon (i) receipt of a Serious Medical Condition Certification Form, or confirmation of such a form on file; and (ii) a request from the customer to reconnect service. The investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall not be permitted to require any payment as a condition to reconnect; however, it may charge the customer, on the next monthly bill, any applicable reconnection fees that are on file in its State Corporation Commission approved tariffs and terms and conditions of service. Following the reconnection of service, the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall delay termination of service for a minimum of 30 calendar days from the date it reconnects the customer.

D. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall permit a residential customer to delay termination of service under this chapter two times within a 12-month period. The 30-calendar day delays may be consecutive. Nothing in this chapter shall prohibit an investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service from providing to a customer additional delay from the termination of service beyond the delay required.

E. During the delay in service termination pursuant to subsections A and C of this section, the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall:

1. In the event the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service is able to establish payment arrangements with the customer, mail to the customer a letter detailing the agreement not later than three business days after the agreement on payment arrangements is made; or

2. In the event the investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service is unable to establish payment arrangements with the customer, mail the customer a letter, not later than 10 calendar days prior to the expiration of the 30-calendar day delay required by this chapter, advising the customer of (i) the date that service may be terminated and (ii) any payment arrangements available to the customer. The letter shall also advise the customer of his right to delay service termination pursuant to this chapter twice within a 12-month period.

F. The investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall (i) maintain a copy of any letters required under this section for a minimum of 12 months and (ii) provide such copies to the State Corporation Commission's Division of Energy Regulation upon request.

20VAC5-330-50. Cost recovery mechanism.

A. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall be permitted to recover losses on customer accounts resulting from the implementation of this chapter in the same manner as other uncollectable costs are recovered through rates.

B. An investor-owned electric utility, electric cooperative, natural gas utility or public utility providing water or wastewater service shall maintain write-offs and recoveries of uncollectable accounts in such a manner that would allow those amounts written off as a result of the implementation of this chapter to be separately identified.

FORMS (20VAC5-330)

[Serious Medical Condition Certification Form, Form SMCC \(rev. 1/2017\)](#)

[Serious Medical Condition Certification Form, Form SMCC \(rev. 8/2024\)](#)

Serious Medical Condition Certification Form

Form SMCC (08/2024)

To Be Completed by the Customer:					
Customer Name:	Electric Account Number:	Natural Gas Account Number:			
Customer Address:	Water Account Number:	Wastewater Account Number:			
	Contact Telephone Number:				
City: State: Zip Code:	Alternate Telephone Number:				
<i>I certify that the information provided above is accurate and the patient is the customer or a family member of the customer residing at this residence.</i>					
Customer Signature:		Date:			
To Be Completed by the Patient/ Legal Guardian/ Power of Attorney:					
Patient Name:	Patient Relationship to Customer:				
Contact Telephone Number:	Alternate Telephone Number:				
<i>I hereby authorize my physician to release the following information about the above-named patient to the utility's representatives and/or the State Corporation Commission and to answer related questions to help determine if the identified medical condition(s) meets the definition of a serious medical condition which is defined below. I certify that the patient lives at the address listed above and that all information provided is accurate.</i>					
Patient/ Legal Guardian/ Power of Attorney Signature:		Date:			
To Be Completed by the Physician (M.D. or D.O. or Nurse Practitioner):					
Physician/Nurse Practitioner Name:	Contact Telephone Number:				
Physician/Nurse Practitioner Office Address:	Alternate Telephone Number:				
City: State: Zip Code:	Fax Number:				
Current License Number:	Licensing State:				
Patient's Diagnosis/Serious Medical Condition:					
Required Treatment for Condition:					
Equipment prescribed and/or equipment required for treatment of condition (If any): (Check all that apply:)					
--	Mechanical Ventilator	--	CPAP Machine	--	Ventricular Assist Device
--	Feeding Pump	--	Nebulizer	--	Other:
--	Infant Apnea Monitor	--	Hospital Bed		
--	Continuous Oxygen	--	Refrigeration		
--	Home Dialysis	--	HVAC		
Expected Duration of Condition:					
<i>I certify that the above patient has a serious medical condition which is defined as a physical or psychiatric condition that requires medical intervention to prevent further disability, loss of function, or death. Such conditions are characterized by a need for ongoing medical supervision or the consultation of a physician or nurse practitioner. A serious medical condition carries with it a risk to health beyond that experienced by the majority of children and adults in their day-to-day minor illnesses and injuries. Individuals with a serious medical condition may require administration of specialized treatments and may be dependent on medical technology such as ventilators, dialysis machines, enteral or parenteral nutrition support, or continuous oxygen. Medical interventions may include medications with special storage requirements, use of powered equipment, or access to water. I certify that the preceding information is correct.</i>					
Physician's/Nurse Practitioner's Signature:					Date:

This form was developed pursuant to: 20VAC 5-330 "Limitations on Disconnection of Electric and Water Service"