

2013 -- H 5212

=====  
LC00679  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————  
A N A C T

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

Introduced By: Representatives Costantino, Williams, Tomasso, Silva, and Baldelli-Hunt

Date Introduced: January 31, 2013

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 39-2 of the General Laws entitled "Duties of Utilities and Carriers"  
2 is hereby amended by adding thereto the following section:

3           **39-2-1.5 Reasonable and adequate services -- Reasonable and just charges. --**  
4 **Commercial customers. --** (a) Every public utility is required to furnish safe, reasonable, and  
5 adequate services and facilities. The rate, toll, or charge, or any joint rate made, exacted,  
6 demand, or collected by any public utility for the conveyance or transportation of any persons  
7 or property, including sewage, between points within the state, or for any heat, light, water, or  
8 power produced, transmitted, distributed, delivered, or furnished, or for any telephone or  
9 telegraph message conveyed or for any service rendered or to be rendered in connection  
10 therewith, shall be reasonable and just, and every unjust or unreasonable charge for the service is  
11 prohibited and declared unlawful, and no public utility providing heat, light, water, or power  
12 produced, transmitted, distributed, delivered, or furnished shall terminate the service or deprive  
13 any building, whatsoever, of service if the reason therefor is nonpayment of the service without  
14 first notifying the user of the service, or the owner or owners of the building as recorded with the  
15 utility of the impending service termination by written notice at least ten (10) days prior to the  
16 effective date of the proposed termination of service. The effective date of the actual termination  
17 shall not be on a Friday, Saturday, Sunday or on any state-celebrated holiday.

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

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

6 (c) The commission shall promulgate such further rules and regulations as are necessary  
7 to protect commercial consumers following the introduction of competition in the electric  
8 industry and which are consistent with this chapter.

9 (d) The commission shall administer such rules and regulations as may be necessary to  
10 implement the purpose of this section and to provide for restoration of electric and/or gas service  
11 to commercial customers.

12 (e) Notwithstanding the provisions of the public utilities commission rules and  
13 regulations governing the termination of commercial electric, gas, and water utility service, a  
14 commercial customer who has been terminated from gas and/or electric service or is recognized,  
15 pursuant to a rule or decision by the division, as being scheduled for actual shut-off of service on  
16 a specific date, shall not be deprived electric and/or gas utility service provided the following  
17 conditions are met:

18 (1) The customer makes an initial payment of ten percent (10%) of the customer's unpaid  
19 balance; and

20 (2) The customer agrees to pay an amount equal to one-thirty sixth (1/36<sup>th</sup>) of forty  
21 percent (40%) of the customer's unpaid balance, per month for thirty-six (36) months; and

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

29 (4) The customer has shown, to the satisfaction of the division, that the customer is  
30 reasonably capable of meeting the payment schedule provided for by the provisions of this  
31 section. The restoration of service, provided for by this subsection, shall be a one-time right;  
32 failure to comply with the payment provisions set forth in this subsection shall be grounds for the  
33 customer to be removed from the repayment program established by this subsection and the  
34 balance due on the unpaid balance, shall be due and payable in full, in accordance with the rules

1 of the commission governing the termination of commercial electric, gas, and water utility  
2 service. A customer, who completes the schedule of payments, pursuant to this subsection, shall  
3 have the balance of any arrearage forgiven, and the customer's obligation to the gas and/or  
4 electric company for such unpaid balance shall be deemed to be fully satisfied. The amount of the  
5 arrearage, so forgiven, shall be treated as bad debt for purposes of cost recovery by the gas or the  
6 electric company.

7 (f) A customer terminated from service under the provisions of this section shall be  
8 eligible for restoration of service in accordance with the applicable provisions of the public  
9 utilities commission rules and regulations governing the termination of commercial electric, gas,  
10 and water service.

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

=====  
LC00679  
=====

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 establish requirements governing the termination and restoration of
- 2 commercial electric, gas and water utility services.
- 3           This act would take effect upon passage.

=====  
LC00679  
=====