

1 AN ACT relating to public utilities.

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 or suspend residential service to a residential  
8 customer's residence:

9 (a) On a day between December 1 and March 31 when the National Weather  
10 Service forecasts that a temperature of thirty-two (32) degrees Fahrenheit  
11 or lower will occur at any time during the following seventy-two (72) hour  
12 period;

13 (b) On a day between June 1 and August 31 when the National Weather  
14 Service forecasts that a temperature of ninety-five (95) degrees Fahrenheit  
15 or greater will occur at any time during the following seventy-two (72) hour  
16 period; or

17 (c) For a period of thirty (30) days following the receipt of a certificate of need  
18 from a physician, physician's assistant, community-based service program,  
19 or faith-based service program certifying that disconnection of service  
20 would threaten the health and safety of the customer or the occupants of the  
21 customer's household.

22 (3) Disconnection of service shall occur only between the hours of 8 a.m. and 5 p.m.  
23 on weekdays and shall not be authorized on weekends or a state or federal  
24 holiday.

25 (4) If a residential customer makes a payment of not less than ten percent (10%) of  
26 the accrued balance of the bill or two hundred dollars (\$200), whichever is less,  
27 and has entered into a payment plan, service to the household shall not be

1 terminated. Late fees shall be waived for service termination that has been  
2 suspended due to a certificate of need.

3 (5) If a customer who has already been disconnected makes payment of not less than  
4 ten percent (10%) of the accrued balance of the bill or two hundred dollars  
5 (\$200), whichever is less, and enters into a payment plan for the remaining  
6 balance, the utility shall make reasonable effort to restore service on the same day  
7 as payment is made but not more than twenty-four (24) hours after the customer's  
8 payment. Reconnection fees shall be waived for a service termination made for a  
9 customer that has a hardship reconnection order in accordance with subsection  
10 (7) of this section.

11 (6) A utility shall give separate final written notice, not less than fourteen (14) days  
12 prior to any proposed utility disconnection of service, to a customer's residential  
13 household. The notice shall:

14 (a) Be sent separately from the regular billing notice;

15 (b) Be printed on colored paper or cardstock that makes the notice easily  
16 distinguishable from the utility's regular billing;

17 (c) Have the words "FINAL NOTICE OF SERVICE TERMINATION"  
18 printed in boldface type using a font size not less than twenty-four (24)  
19 points; and

20 (d) Include a toll-free number where a utility representative can provide  
21 additional information about the disconnection, including how to:

22 1. Obtain a certificate of need or a hardship reconnection order;

23 2. Make a payment or set up a payment plan;

24 3. File for energy cost assistance from community-based or faith-based  
25 services;

26 4. Dispute a bill; and

27 5. Provide any other information that the commission deems necessary.

- 1 (7) A hardship reconnection order shall be granted to the customer requiring the  
2 reestablishment of service on the same day as requested on the application for the  
3 order, a waiver of reconnection fees, and preservation of a previous security  
4 deposit, if the customer:
- 5 (a) Had service terminated after the thirty (30) day suspension elapsed as  
6 provided under subsection (2)(c) of this section; and
- 7 (b) Paid ten percent (10%) of the accrued balance of the bill or two hundred  
8 dollars (\$200), whichever is less, and entered into a payment plan for the  
9 remaining balance.
- 10 (8) The commission shall issue an order setting forth any applicable rules and  
11 procedures regarding disconnection, certificates of need, hardship reconnection  
12 orders, and any other matters required to implement this section.