

UTILITY SHUT OFF PROTECTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions that prohibit an essential utility provider from terminating utility services during severe weather.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies a program that prohibits a utility provider from disconnecting a customer's water, gas, or electricity during certain periods in the year, and during certain severe weather; and
- ▶ requires a utility provider to provide notice to a customer that includes information about the program prior to disconnecting an essential utility during certain periods of the year, and during certain severe weather.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-8-1501, as renumbered and amended by Laws of Utah 2012, Chapter 212

35A-8-1504, as renumbered and amended by Laws of Utah 2012, Chapter 212



28 ENACTS:

29 [35A-8-1505](#), Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **35A-8-1501** is amended to read:

33 **35A-8-1501. Moratorium on involuntary termination for nonpayment of utility**
34 **bills -- Eligibility criteria -- Department to establish and certify.**

35 ~~[(1)(a)]~~ (1) As used in this chapter:

36 (a) "Essential utility" means natural gas, electricity, and potable water.

37 (b) "Essential utility provider" means:

38 (i) a gas corporation as defined in Section [54-2-1](#);

39 (ii) an electrical corporation as defined in Section [54-2-1](#); or

40 (iii) a water corporation as defined in Section [54-2-1](#).

41 (c) "Residential customer" means a customer defined as in a residential class by the
42 Public Service Commission.

43 (d) "Severe weather forecast" means a forecast by the National Weather Service that
44 predicts temperatures in locations within the state of greater than 100 degrees Fahrenheit or
45 less than 32 degrees Fahrenheit at any time in the five days following the forecast.

46 (2) The department shall establish a program for a seasonal and severe weather forecast
47 moratorium for involuntary termination for nonpayment by residential customers of essential
48 utility bills.

49 ~~[(b) An essential utility is a utility regulated by the Public Service Commission under~~
50 ~~Title 54, Public Utilities, which is in the business of the retail distribution of electricity or~~
51 ~~natural gas.]~~

52 ~~[(c) A residential customer is a customer defined as in a residential class by the Public~~
53 ~~Service Commission.]~~

54 ~~[(2)]~~ (3) A residential customer shall meet the following criteria to qualify for the
55 program:

56 (a) gross household income is less than 125% of the federal poverty level or the
57 household has suffered a medical or other emergency, loss of employment, or is experiencing
58 other circumstances which have resulted in a substantial loss of income;

59 (b) the customer has [~~made application~~] applied to public and private energy assistance
60 programs;

61 (c) the customer is willing to make a good faith effort to pay these utility bills on a
62 consistent basis; and

63 (d) the customer provides any additional information required by the department.

64 [~~(3)~~] (4) (a) A residential customer may file with [~~a local department office~~] the
65 department an affidavit attesting eligibility under the criteria in Subsection [~~(2)~~] (3).

66 (b) The department shall certify that the customer has met the eligibility requirements
67 and forward a copy of the affidavit to the [~~effected~~] affected utility.

68 Section 2. Section **35A-8-1504** is amended to read:

69 **35A-8-1504. Effective period of moratorium -- Temperature-based moratorium.**

70 (1) [~~The~~] A seasonal moratorium shall be in effect each year from November 15 to
71 March 15 [~~of each year.~~] and from May 15 to September 15.

72 (2) The department [~~may, by rule, begin the moratorium at an earlier date or extend it~~
73 ~~to a later date when severe weather conditions warrant that action.~~] shall put into effect a
74 location-specific moratorium, outside of the dates listed in Subsection (1), for those locations
75 within the state under a severe weather forecast.

76 Section 3. Section **35A-8-1505** is enacted to read:

77 **35A-8-1505. Notice requirement before termination.**

78 (1) Before disconnecting an essential utility during a moratorium described in Section
79 35A-8-1504, an essential utility provider must provide a notice to a residential customer that
80 contains:

81 (a) information regarding the moratorium program, including:

82 (i) residential customer qualifications; and

83 (ii) contact information for the department;

84 (b) for essential utility providers that are gas corporations and electrical corporations:

85 (i) a statement of customer rights and responsibilities under existing state law and
86 commission rules;

87 (ii) the commission-approved policy on termination of service for that utility;

88 (iii) the availability of deferred payment agreements and sources of possible financial
89 assistance including but not limited to state and federal energy assistance programs;

90 (iv) informal and formal procedures to dispute bills and to appeal adverse decisions,
91 including the Public Service Commission's address, website, and telephone number;

92 (v) specific steps, printed in a conspicuous fashion, that may be taken by the consumer
93 to avoid termination of service;

94 (vi) the date on which payment arrangements must be made to avoid termination of
95 service;

96 (vii) a conspicuous statement, in Spanish, that the notice is a termination of service
97 notice and that the utility has a Spanish edition of the customer information pamphlet and
98 whether the utility has personnel available during regular business hours to communicate with
99 Spanish-speaking customers; and

100 (viii) any other information required by the Public Service Commission; and

101 (c) for an essential utility provider that is not a gas corporation or electrical
102 corporation:

103 (i) the date of the scheduled disconnection; and

104 (ii) the amount due.

105 (2) An essential utility shall mail the notice by first class mail or personally deliver the
106 notice described in Subsection (1) at least two days prior to the date on which the
107 disconnection is scheduled to occur.

108 **Section 4. Effective date.**

109 This bill takes effect on May 1, 2024.