

Guide for Utility Customers Facing Disconnection or Seeking Bill Payment Assistance

Overview

This guide is intended to help utility customers who have received a disconnection notice from their utility, and/or are seeking financial assistance with paying their utility bills. The guide provides information on the requirements that were placed on utilities as a result of the moratoriums on utility shutoffs that were in place through late Summer 2020. Utilities are required to offer customers extended debt repayment programs to ease the utility bill debt burden that customers may have accrued during the moratorium period, which began in March 2020. As detailed in this document, other protections also apply. If you feel as though your utility is not complying with the requirements detailed in this guide, phone numbers for submitting a complaint are provided.

The “Know Your Rights” section of the guide is organized based on the type of utility and service you receive. If your electric, gas and/or water utility is an “investor-owned” utility (such as Duke Energy, Piedmont Natural Gas, or Aqua NC, for instance), some of your rights, and the requirements placed on those utilities, will differ from the rights and requirements for municipal utilities and rural electric cooperatives. Be sure to read the section of the guide that describes your utility. However, you may receive water service from a municipal utility, which is covered in the second section, and electric service from an investor-owned utility, which is covered in the first section. If you are unsure of which category your utility falls under, or have any other questions, feel free to call or email Rory McIlmoil at (423) 433-9415, or rory@appvoices.org.

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Know Your Rights

For Customers of Investor-Owned Utilities

The NC Utilities Commission placed a moratorium on utility disconnections for customers of investor-owned utilities (IOU's) from March 19 through August 31, 2020, thereby allowing utilities to begin disconnecting customers for non-payment of bills sent out beginning September 1, 2020. The IOU's covered by this order include: Duke Energy Progress, Duke Energy Carolinas, Dominion Energy, Piedmont Natural Gas, Public Service Co. of NC (PSNC), Carolina Water Service, and Aqua NC. State-owned New River Light and Power is also covered.

In its [order allowing that moratorium to expire](#), the Commission placed the following restrictions and requirements on those utilities:

1. Customers remain responsible for paying any accumulated bill debt and regular bills.
2. Utilities must offer customers an extended "Special Repayment Plan" of 12 months or more, to repay the utility bill debt a customer accrued through August 31, unless the customer agrees to a shorter repayment period.
3. Utilities are encouraged to offer additional options to best accommodate customers' needs and financial situations, including waiving or extending the repayment period under a Special Repayment Plan, especially if doing so would prevent undue hardship in those cases where service disconnection would be dangerous to the health of the individual customer, members of the customer's household, or to public health.
4. Utilities cannot charge late payment fees, but they can charge fees for returned checks and credit card payments.
5. Utilities cannot use disconnections or any legal process to collect debt from a customer who is enrolled in, and in compliance with a Special Repayment Plan.
6. Utilities cannot report customers to credit reporting agencies if and for as long as that customer is enrolled in, and in compliance with a Special Repayment Plan.
7. Utilities cannot encourage or solicit a customer to use a credit card or other third-party financing or extension of credit to pay off their debt, unless requested by the customer.

The Commission "strongly urged" utilities to "be flexible in working with...customers most vulnerable to COVID-19-related hardship, and to weigh the [utility's] financial needs with the welfare of individual customers and the necessity of utility service to the protection of public health from the spread of [COVID-19]."

Even in normal times, regulated utilities are required to wait at least 60 days (or 90 days for customers in "good standing") before disconnecting customers, and must take all measures necessary to notify customers that they will be disconnected. Notifications must be provided 30 days, 10 days, and 24 hours in advance of disconnection, and must include two written notices, text messages, and direct phone calls.

Utilities are also required to explain all available alternatives to disconnection, including repayment plan options, and are prohibited from disconnecting service on Fridays, weekends, on state or federal holidays, or on days leading up to state or federal holidays.

Finally, customers who meet all three of the the following criteria may apply to be exempt from having their service disconnected for non-payment between November 1 and March 31:

1. A household member is certifiably handicapped or elderly (65 years or older), or both;
2. The customer is unable to pay for the utility service in full; and,
3. The household is certified by a local social service office as being eligible for low-income assistance programs.

Submitting A Complaint

If you feel your utility is in violation of any of the above requirements, call the Public Staff's Consumer Services Division at 919-733-9277, or toll-free at 866-380-9816 and ask to speak to a complaint analyst. They will investigate your complaint and work toward a resolution. If no resolution is reached, you will be asked to file a formal complaint with the Utilities Commission.

For Customers of Municipally-Owned Electric, Gas and/or Water Utilities, or Electric Cooperatives

All electric, gas and water utilities not listed under the investor-owned utility section above are covered by Governor Cooper's Executive Orders 124 and 142, which prevented utility shutoffs for customers of these utilities between March 31 and July 29, 2020. This includes, among others, municipal utilities ("munis") and rural electric cooperatives ("co-ops").

As with the NCUC moratorium, the executive orders put in place the following restrictions and requirements on these utilities ([see here for an FAQ on the requirements](#)):

1. Customers are still responsible for paying off any accumulated bill debt as well as regular monthly bills.
2. Utilities must have already "reasonably inform[ed] their customers" of the orders' protections through print, email, text message, online, and/or direct phone calls.
3. Utilities must clearly, and at least ten days before any disconnection may take place, inform customers about their right to a repayment plan that provides the customer with the opportunity to make reasonable payment arrangements to pay off any debt accumulated between March 31 and July 29, 2020 over at least a six-month period.
 - a. *It is important to note that the required six-month repayment period ended on December 29, 2020. However, munis and co-ops should still be offering such repayment plans to assist their customers who continue to be affected by the COVID-19 crisis.*

4. Utilities cannot force customers to pay more of their debt in the first 1-2 months and less in the following months. Appropriate repayment plans would involve equal, fixed monthly charges or a pre-agreed fixed percentage of each monthly bill added to the current bill.
5. No interest or late fee can be charged on any debt accrued during the moratorium period, nor on any missed or late payment occurring under a repayment plan.
6. Utilities may not report a customer to a credit reporting agency if the customer is in compliance with an established payment plan and is current on their utility bills.
7. Utilities must allow customers to move and transfer accounts to a new service location within their service area if they are in compliance with an established payment plan and are current on their bills.
8. *If a customer misses a payment under a repayment plan, the utility can then disconnect that customer.*
9. A utility may not respond to a missed payment on a repayment plan by making the entire amount of the repayment plan immediately payable.
10. The executive orders did not prohibit disconnection, late fees, or interest for bills sent outside of the March 31 to July 29, 2020 time period.

Submitting A Complaint

If a utility does not follow the requirements of the executive orders concerning repayment plans, that utility is prohibited from disconnecting customers. If you feel your utility is in violation of any of the above requirements, contact the Attorney General's Office by calling (877) 566-7226. If your issue is not resolved, submit a complaint by visiting <https://ncdoj.gov/file-a-complaint/consumer-complaint/> on the Attorney General's website.

Guide for Seeking Utility Bill Payment Assistance

As of January 15, 2021, three sources of electric and gas utility bill assistance funding were available: federal funding through the Low-Income Home Energy Assistance Program, or LIHEAP; Crisis Intervention Program (CIP) funds; and, utility bill payment assistance offered directly by utilities. Additionally, the December 2021 federal COVID relief bill created an assistance fund for water and wastewater bills, but those funds are not yet available. This document will be updated with more information on that program when it comes out.

Utility Bill Payment Assistance

Many utilities throughout the state offer their own utility bill assistance. So first and foremost, contact your utility and ask if they have funds available to help you pay your bills. We are in the process of putting together a comprehensive list of the services available through utilities to help you. In the meantime if you are a Duke Energy customer, Duke has a program called Share the Warmth that offers direct bill payment assistance, [as well as other resources that can help.](#)

Low-Income Home Energy Assistance Program (LIHEAP)

Overview and Eligibility

[LIHEAP](#) is a federally funded program that provides for a one-time payment to help eligible households pay their heating and cooling bills. The funds are distributed through local social service departments (see “How to Access” below). To be eligible, households must:

1. Have at least one person in the household that meets the eligibility criteria;
2. Meet an income test (see below);
3. Have financial savings at or below \$2,250; and,
4. Be responsible for paying the home heating/cooling bill.

Eligible households may not earn total gross (pre-tax) income exceeding 130% of the Federal Poverty Level. The eligible income level varies based on the number of people in the home, and may change from year to year. Currently, a household of four can gross up to \$34,056 per year (\$2,838/month) and still be eligible. To determine if you are eligible and apply for funding, visit [this NC Department of Health and Human Services website](#).

Households with a person aged 60 or older, or disabled persons receiving services through the NC Division of Aging and Adult Services are eligible to sign up for assistance each year from December 1st to 31st. From January 1st through March 31st, those and all other households may apply.

How to Access the Assistance Funds

LIHEAP funds are available through your local Dept. of Social Services. To find out who your local agency contact is, either call 2-1-1 and speak to an agent who can guide you through the process, find contact information through an online web search, or visit this [Department of Health and Human Services page](#) and click on your county or on the link to the full directory.

Once you are in touch with the appropriate assistance agent, you will then need to go through the application process before receiving assistance for your utility bill, which is then paid directly to your electric or water utility. Again, in North Carolina this is offered only once per year.

Current Availability of LIHEAP Funds

While social services departments can receive applications for LIHEAP on an ongoing basis, the funds are only available until they have been used up. North Carolina received approximately \$96.3 million in LIHEAP funding for the current funding cycle, of which \$1.8 million is reserved for First Nation (“Tribal”) communities. However, due in large part to the economic and public health crisis, as of January 12, 2021, many local agencies had already run out of funds. If you are in need of assistance, please contact your local social services department immediately to apply. If funds are no longer available, submit an application anyway so that you are in the system in case new funding becomes available.

Crisis Intervention Program (CIP)

CIP is another federal program that assists households experiencing a heating or cooling related crisis, meaning that a household member is currently or is in danger of experiencing a life threatening or health related emergency and sufficient or timely assistance is not available from any other source. "Life threatening" means a household which has no heating or cooling source or has received a disconnect notice from their primary heating or cooling service and the health or well-being of a household member would be in danger the crisis is not alleviated.

Applications are taken year-round. To be eligible, households must:

1. Have at least one U.S. citizen or non-citizen who meets the eligibility criteria;
2. Meet the income test;
3. Have an energy related crisis; and,
4. Have a utility statement that shows how much is owed to alleviate the crisis.

Eligible households may not earn total gross (pre-tax) income that exceeds 150% of the Federal Poverty Level. As with LIHEAP, the income level for meeting that criteria varies based on the number of people living in the home, and may change from year to year. Currently, a household of four can gross up to \$39,300 per year (or \$3,275 per month) and still be eligible. Find out what the income eligibility level for your household is [here](#).

If you believe you are eligible for CIP, either call 2-1-1 and speak to an agent or contact your local social services office directly. To find their contact information, visit this [Dept. of Health and Human Services page](#) and either click on your county or on the link to the full directory.

It is unclear how much CIP funding is currently available, but as with LIHEAP, those funds are in high demand, so please contact your local social services department immediately to apply. If funds are no longer available, submit an application anyway so that you are in the system in case new funding becomes available.