

# **NORTHERN VIRGINIA ELECTRIC COOPERATIVE**

## **Delinquent Residential Account Disconnection Policy**

### **Objective:**

To set a policy governing the discontinuance of service of delinquent residential accounts that adheres to the statutory provisions outlined in the Virginia Code, including §§ 44-146.29:4, 56-245.1:3, 56-245.1:4, and § 56-247.1, and Chapter 330 of Title 20 of the Virginia Administrative Code. The Cooperative will consistently conduct disconnections in adherence to good utility practice, ensuring the health and safety of all its members.

### **Policy:**

#### A. Construction of Policy; Disconnection of Delinquent Accounts:

1. The Cooperative reserves the right to discontinue furnishing electric distribution service to a residential member upon their failure to pay bills or required deposits (hereinafter, “delinquent accounts”) subject to the conditions and limitations herein.
2. The following conditions and limitations only apply to service discontinuance of residential delinquent accounts. All other service discontinuities shall be governed solely by the standard discontinuance of service policy found in the Cooperative’s Terms and Conditions.
3. This policy shall stand alongside, and shall not supersede, any other Cooperative policies, or terms and conditions of service, regarding theft of service, safety, or other reasons for disconnection other than nonpayment of financial obligations due to the Cooperative.
4. In the event of a conflict between this policy and the Cooperative’s (i) articles of incorporation, (ii) bylaws, (iii) terms and conditions of service, or (iv) rate schedules, those other documents shall prevail and control over this policy, in the specified order of priority.
5. This policy applies only to residential accounts on rate schedules XX, YY, and/or ZZ, but not to residential outbuildings such as (without limitation) garages, workshops, or barns, or any other building not actively housing humans.
6. The word “member” as used in this policy will apply to both members and non-member regulated customers of the Cooperative.
7. Nothing in this policy shall apply to members taking service under rate schedule AA [PREPAID ELECTRIC SERVICE TARIFF]; automatic suspensions of service under the Cooperative’s Schedule AA, Prepaid Electric Service Tariff, are not terminations/disconnections of service for nonpayment.
8. The Cooperative may waive any disconnection not only pursuant to the provisions herein but also in its own reasonable, nondiscriminatory discretion.

#### B. Suspensions of Disconnection of Delinquent Accounts:

1. State of Emergency

- i. *Communicable Diseases*. The Cooperative will not disconnect a delinquent account for 30 days upon the declaration of emergency by the Governor in response to a communicable disease of public health threat.
- ii. *Other Emergencies*. The Cooperative may suspend the disconnection of delinquent accounts at its discretion in adherence to good utility practice.
- iii. *State Corporation Commission Orders*. The Cooperative shall comply with orders from the State Corporation Commission regarding the extension or modification of disconnection suspensions if deemed necessary or in the public interest.
- iv. *State Corporation Commission Directives*. The Cooperative shall comply with oral directives or other non-written directions from the Commission or its Staff regarding the extension or modification of disconnection suspensions if deemed necessary or in the public interest in an emergency situation. In such a circumstance, the Cooperative will request a written order from the Commission within 24 hours.

2. Extreme Weather:

- i. *Hot Weather*. When the temperature is forecasted to be at or above 92 degrees Fahrenheit within the 24-hour period following the scheduled disconnection.
- ii. *Cold Weather*. When the temperature is forecasted to be at or below 32 degrees Fahrenheit within the 24-hour period following the scheduled disconnection.
- iii. *Temperature Determinations*. For the purposes of this policy, temperature is determined based on the forecasted local temperature provided by the National Weather Service where the member to be disconnected is located.

C. Disconnection Notice and Notice Procedures:

1. The Cooperative will provide all residential members with a copy of its disconnection for nonpayment policy:
  - i. At the establishment of a new residential account.
  - ii. When scheduling a disconnection for nonpayment, include a copy of the policy with the notice.
  - iii. By publishing the disconnection policy on the Cooperative's website.
2. Notice of nonpayment shall be delivered after each missed payment using at least two of the following methods:
  - i. Mail
  - ii. email,
  - iii. text message,
  - iv. phone call, or
  - v. door hanger.
3. The Cooperative shall provide at least 10-days notice by mail prior to the date of disconnection.

4. Notices will be provided in English and Spanish and include summary or basic information regarding payment plans and available energy assistance programs, such as a relevant website, phone number, or referral to 211.
- D. Timing of Disconnection:
1. Disconnections due to nonpayment shall not occur until the member's account is 60 days or more in arrears.
  2. Disconnections for nonpayment shall not occur on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.
- E. Member Assistance Programs:
1. After each missed payment, the Cooperative will offer bill payment assistance, arrange a payment plan, or provide summary or basic information, such as a relevant website, phone number, or referral to 211, on other available assistance programs, including budget billing, levelized billing, LIHEAP or other social services assistance (including Members Helping Members, Operation RoundUp, or a similar member assistance program).
  2. The Cooperative will not require a deposit of more than 25 percent of the arrearage amount, exclusive of nonpayment or reconnection charges, fees, penalties, or interest, to restore service to any residential member who received funding from the Department of Social Services through the Home Energy Assistance Program within the last 12 months. A member is eligible for relief under this provision once every three years.
- F. Additional Requirements for Serious Medical Condition Disconnections:
1. Delay of Termination upon Notice and Certification:
    - i. *Initial 30-Day Delay.* Following a notice of intent to terminate service, the Cooperative will delay the disconnection for an additional 30 calendar days if a Serious Medical Condition Certification Form is filed by the residential member. This delay allows the member ample time to address the outstanding issues without compromising his or her health. This 30-calendar day delay can only be invoked twice in a 12-month period.
    - ii. *10-Day Delay Pending Certification.* If the member or a family member residing with them has a serious medical condition but has not yet filed a certification form, the Cooperative will delay termination for 10 calendar days upon receiving oral or written notification of the intent to file the certification form. This 10 calendar day delay can only be invoked once in a 12-month period. During this period, the Cooperative will:
      - a. Inform the member about the 10-day delay and the need to submit a Serious Medical Condition Certification Form.
      - b. Provide access to the certification form via the Cooperative's website or the State Corporation Commission's website.
      - c. Within two business days, mail, email, or fax the certification form upon the member's request.

- d. Mail a letter to the member within two business days, detailing the date of notification, the expiration date of the 10-day delay, and instructions for submitting the certification form.
  2. *Restoration of Service.* If service has been terminated within the past 14 days, the Cooperative will promptly restore service upon receiving a Serious Medical Condition Certification Form and a request for reconnection. No upfront payment will be required for reconnection, though applicable reconnection fees and past due amounts will be added to the next monthly bill. A further 30-calendar day delay in service termination will follow the reconnection.
  3. *Limitation on Delay Requests.* The Cooperative permits residential members to request a delay in service termination under this policy up to two times within a 12-month period. These 30-day delays may be consecutive, ensuring continuous protection for members with serious medical conditions.
  4. Communication and Record-Keeping during Any Delay Period:
    - i. If a payment arrangement is established, a confirmation letter will be transmitted to the member within three business days.
    - ii. If no arrangement is reached, a letter detailing potential termination and available payment options will be mailed at least 10 days before the delay period ends, pursuant to Va. Code § 56-247.1(A)(4).
- G. Dispute Resolution. In the event of a *bona fide* dispute between the Cooperative and a member regarding this policy, the Cooperative may temporarily restore service to the member pending disposition or resolution of the dispute. Such temporary restoration of service will be as a courtesy and may be subject to disconnection at any time, in the Cooperative's sole discretion. A disposition or resolution may include, without limitation, recourse to the Commission's dispute resolution processes, both formal and informal. A member will remain liable for any power consumed or service provided during any temporary restoration of service during a dispute. In the event of a conflict between this paragraph and Part (B)(1)(iii) or (iv) of this policy, the provisions of Part (B) will prevail and control.