EXECUTIVE ORDER NO. 124 MONTHLY REPORTING REQUIREMENT INSTRUCTIONS; Q&A; CHANGES TO FORM

Instructions to Utility Service Providers:

Thank you for the service that you provide to utility consumers, especially during the COVID-19 emergency.

By completing this on-line reporting form, you will help track the extra assistance provided to utility customers during the Emergency, as required by Executive Order No. 124, and provide valuable data about the impact on your operations. The same form is used for hundreds of Utility Service Providers large and small, and some of the questions seek information that does not line up well with the billing cycles many of you use. Please do your best to estimate the impact during the period as if a snapshot were taken, and use the last box for “other information” to explain how you calculated the responses, as needed.

Originally, E.O. 124 was intended to collect information weekly, but that requirement has been waived and instead a monthly report will be used for your responses.

Thank you again for your cooperation!

Some Q&A follow to clarify the reporting form.

For other questions or to request a waiver, if your Utility Service Provider is not regulated by the North Carolina Utilities Commission, please contact the Attorney General’s Office by sending an email addressed to Peggy Force at pforce@ncdoj.gov and Terry Townsend at ttownsend@ncdoj.gov.

For other questions from utilities regulated by the North Carolina Utilities Commission, please contact Kim Jones at kjones@ncuc.net.
Questions and Answers about Reporting Requirements for E.O. 124

Q: What reporting requirements apply to Utility Service Providers in North Carolina pursuant to the Governor’s Executive Order 124, Section 1?

A: Utility Service Providers are required to file monthly reports about the implementation of provisions to assist utility customers (e.g., by prohibiting shut-offs and late fees for nonpayment or late payment of utility bills) during the COVID-19 public health emergency. The first monthly report is for the monthly period ending April 30, and it is due on Wednesday, May 12.

Q: What entities are subject to Executive Order 124, Section 1?

A: Utility Service Providers include political subdivisions, organizations, quasi-governmental entities or businesses that provide utility service directly to end-user residential customers, including electric, natural gas, water, or wastewater service or a combination of those services, regardless whether they are investor-owned public utilities, are private companies, are member-owned cooperatives or are owned or operated by a political subdivision of the State or a quasi-governmental agency or other organizations, and include all local government utility providers that are subject to the Local Government Budget and Fiscal Control Act, codified in Article 3 of Chapter 159 of the North Carolina General Statutes.

Q: Where is the reporting form available, and how is the form turned in?

A: The reporting form is completed on-line, and is available on the website for the North Carolina Utilities Commission (www.ncuc.net) at this link. Users will fill in the blanks and hit a “submit” button. Some of the questions are optional; please provide this information, even if it is just an estimate, if you are able.

Q: If I completed weekly reports before the monthly reporting requirement was announced, should I report the amounts again that were already reported?

A: Yes. Please provide the responses for the entire monthly period for the first month ending April 30 whether or not you previously filed weekly reports.

Q: My Utility Service Provider’s billing cycle does not line up with the monthly period (e.g., the first monthly period ending April 30) and the information about the number of accounts

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1 Initially, weekly reporting was required by E.O. 124, but a waiver has been granted that allows monthly reporting instead.
eligible to be disconnected and the amount of late fees that will not be charged do not reflect the impact of the emergency order. How should I count those items in the report?

A: We understand that the monthly reporting period does not line up with the billing cycles for many Utility Service Providers, and there are variations in the data each utility has available for reporting. Please do your best to estimate the impact during the period as if a snapshot were taken, and use the “other information” box to explain how you calculated your responses if that is useful.

Q: The form asks for the number of residential accounts that became eligible to be disconnected during the reporting period that were not disconnected, and separately asks the same information for the number of non-residential accounts. But my records do not distinguish between disconnections of residential and non-residential accounts. Is it okay to provide a combined response?

A: Yes. If you do not have the ability to sort disconnections for residential versus non-residential customer accounts, you can enter your combined response in the box for ‘residential’ accounts. In the last box provided for “other information,” please note that the responses for residential and non-residential disconnections are combined. Also, because the questions for non-residential customers are “required,” you will need to insert a “0” in those fields.

Q: Where can I see the information submitted by Utility Service Providers?

A: The NCUC will use the monthly data to report to the Governor in May (for the first month) and again in June (for the second month) and will file its reports to the Governor in Docket No. M-100 Sub 158, which can also be accessed from www.ncuc.net.

Q: Can information be submitted jointly with the assistance of associations for Utility Service Providers?

A: Yes. For associations that want to report on behalf of their members, there are two alternatives. First, they can complete the on-line form described above for a member utility. Or, the NCUC will make available an Excel spreadsheet for submitting the information for several utility service providers at the same time. However, each Utility Service Provider’s data must be reported as a separate line item on the spreadsheet. Associations can collect data, put it into the spreadsheet, and then forward the spreadsheet to this mailbox: NCUCEO124@ncuc.net
Q: The form asks for information about non-residential accounts. Am I required to provide that information?

A: Please provide this information if you are able. If not able, simply input 0 instead.

Q: The form asks for the Utility Service Provider’s NCUC Docket No. Prefix. What is that?

A: The NCUC Docket No. Prefix only applies to utilities that are regulated by the Commission, and is not a required field.

Q: How should the form be completed by Utility Service Providers if they provide more than one type of service, such as if they provide both electricity and natural gas?

A: If possible, the form should be completed separately for each service, but one form may be used for information about combined water and wastewater service. If you report for several utility service types simultaneously, please note that in the “other information” section at the end.

Q: How should I report late fees if they are charged on some services but not on others?

A: If you do not have the ability to report the late fees separately, report the total fees and state in the box for “other information” the approximate percentage attributable to each type of service.

Q: How should I report the number of disconnections that have been suspended if one service would normally be disconnected but not another?

A: Please provide the answer to the best of your ability, and you can use the last box for “other information” to explain.

Q: Do Telephone Member Corporations have to file reports?

A: No. Telephone Member Corporations are not addressed in Section 1 of Executive Order 124 and are not required to file reports.

Q: If a late fee was applied to charges that were already overdue before March 31, can the late fee be recovered from customers?
A. Yes. Late fees that applied to charges that were already overdue before March 31 can be recovered, but no new late fees or interest on the arrearage may be applied after March 31 through the time when the payoff period ends.

Other questions about E.O. 124:

Q: Does E.O. 124 limit the impact of the NCUC Order issued on March 19, 2020 so that shut-offs and late fees are only prohibited for residential accounts?

A: No. The Executive Order does not limit the impact of the NCUC Order with respect to the utilities regulated by the Commission. Although E.O. 124 only requires the suspension of disconnections and late fees for residential end users, regulated utilities must continue to suspend disconnections and late fees for all customer accounts as required by the Commission’s orders. The NCUC orders can be found in Docket No. M-100 Sub 158.

Q: Can landlords disconnect utility services to residential customers for nonpayment?

A: No. Landlords who resell utility services to their residential tenants are always prohibited from terminating utility service as a remedy for nonpayment.

Q: If the landlord includes service in rent, without charging metered rates, can they terminate utility services?

A: No. E.O. 124 prohibits disconnection and late fees for nonpayment or late payment of utility charges, and does not distinguish between services included in rent from services that are metered.

Q: What form of notice should be provided to customers about the suspension of shut-offs and late fees during the COVID-19 Emergency?

A: The Emergency Order does not specify. Notice may be provided in the text of the bill or by a letter included with the bill or by separate correspondence. Notice should also be posted on the Utility Service Provider’s website and at any payment office.

Q: Does E.O. 124 prohibit shut-off when theft of utility services is involved?

A: No.
Q: Does E.O. 124 prohibit shut-off when a customer paid by check and the check was returned for insufficient funds?

A: Yes. The Utility Service Provider may pursue other actions or remedies applicable to the issuance of bad checks.

Q: Should consumers complain to the NCUC-Public Staff if their service was shut-off for nonpayment?

A: Consumers should contact the utility first and request that their service be re-connected. If this fails, and the Utility Service Provider is regulated by the NCUC (for example, Duke or Carolina Water Service), and service was shut-off on or after March 19, 2020, then the answer is yes, contact the Consumer Services Division of the Public Staff.

But if the service is provided by a local government or member cooperative or another entity that is not an investor-owned “public utility” subject to NCUC regulation, and was shut off on or after March 31, 2020, then the complaint should be made to the Attorney General’s Office by filing an on-line complaint here.

You may also call one of these numbers:
- **Toll-free within North Carolina:** 1-877-5-NO-SCAM
- **From outside North Carolina:** (919) 716-6000
- **En Espanol:** (919) 716-0058