

BILL NO. 35-0111

Thirty-Fifth Legislature of the Virgin Islands

July 18, 2023

An Act amending title 30 Virgin Islands Code, chapter 5, subchapter V relating to the estimation of utility bills and the disconnection of utility services by establishing parameters for estimating utility bills, repayment of underestimated and overestimated utility usage, and for utility disconnections for past due amounts

PROPOSED BY: Senator Alma Francis Heyliger

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 30 Virgin Islands Code, chapter 5, subchapter V is amended by adding sections 129, 130, and 131 to read as follows:

“§ 129. Estimation of utility bills

(a) Except as provided in section 127(a)(1), the Authority may estimate an electric or water bill only after the Authority has made reasonable efforts to obtain an actual meter reading, and the Authority is unable to obtain an actual reading of a meter because:

(1) Extreme weather conditions, or natural disasters prevent actual meter readings;

(2) The Authority is unable to obtain access to the customer's premises for the purpose of reading the meter; or

(3) The customer makes it unnecessarily difficult to gain access to the meter, such as having locked gates, blocked meters, or vicious or dangerous animals.

(b) If the Authority is unable to access a customer's meter under subsection (a), paragraphs (2) and (3), the Authority must provide notice, by mail and by leaving a notice at the customer's premises, within 10 calendar days of the Authority's attempt to read the meter.

(c) The Authority may not estimate a customer's bill in excess of two billing cycles in one calendar year.

(d) The Authority may not estimate a bill if:

(1) The billing would be the customer's first or final bill for service; or

(2) The Authority can obtain customer-supplied meter readings to determine usage.

(e) The Authority shall estimate a customer's bill using the lesser of:

(1) the customer's usage during the same month of the previous year; or

(2) the amount of usage during the preceding month.

(f) The estimated bill may not exceed 105% of the last actual meter reading.

(g) After a second consecutive estimated bill, the Authority shall notify the customer, in writing, to explain the reason for the estimated bill and to provide the customer with the Authority's contact information so that an actual meter reading can be obtained.

(h) When the Authority renders an estimated bill in accordance with this section, the Authority shall:

(1) indicate clearly and conspicuously on the bill that it is an estimated bill and note the reason for the bill's estimation;

(2) maintain accurate records of the reasons the Authority estimated the bill and efforts made to secure an actual reading; and

(3) make available such records to the customer upon written request not later than ten business days after the customer makes the request.

(i) The Authority shall make an actual reading of a customer's meter at least once every six months.

§ 130. Overestimation and underestimation of actual utility usage; payment plans

(a) If estimated utility charges are found to be higher or lower than a customer's actual utility usage after a meter reading, the utility usage must be corrected on the next bill issued to the customer.

(b) (1) If a utility bill has been overestimated, the customer must receive a credit for the overestimation on the customer's next bill, and if the amount of the overestimation exceeds the total amount due for utility services, the Authority must issue a refund to the customer not later than 10 business days after issuing the corrected bill.

(2) If the Authority fails to issue a refund to the customer within 10 business days as prescribed in paragraph (1), the Authority must pay interest on the amount to be refunded at a rate of five percent per annum, compounded on a yearly basis.

(c) If a utility bill has been underestimated and the estimate understates the actual amount of money owed by the customer by more than \$100, the customer may pay the difference between the estimated charges and the actual charges in regular monthly installments over a reasonable period of time not less than three months.

(d) Any payment plan issued by the Authority must be in writing and must contain the following information:

(1) The total amount due under the payment arrangement;

(2) The amount of each installment payment; and

(3) The number of payment installments.

§ 131. Disconnection of utility services

(a) The Authority may not disconnect utility services if any part of the past due bill that qualifies for disconnection is estimated. The Authority shall explain clearly the amount of the bill which is based on an actual meter reading and which qualifies for service disconnection.

(b) The Authority may not disconnect for any past due utility bill on Saturdays, Sundays, or holidays, but may plan disconnection only during the Authority's normal business hours.

(c) If the Authority schedules a disconnection, the customer must be notified of the disconnection in writing at least ten days prior to the scheduled disconnection.

(d) The written notice must contain the following information:

- (1) The words, "Disconnection Notice", printed conspicuously on the notice;
- (2) The amount of the past due bill which qualifies the account for disconnection;
- (3) The payment amount needed to prevent disconnection;
- (4) The due date of the payment needed to prevent disconnection;
- (5) The manner in which the payment may be made to prevent disconnection;
- (6) The date and approximate time that the disconnection will occur; and the contact information of the person whom the customer should contact concerning questions about the disconnection."

BILL SUMMARY

This bill amends title 30 Virgin Islands Code, chapter 5, subchapter V by adding sections 129, 130, and 131 to establish parameters for estimating utility bills, repayment of underestimated and overestimated utility usage, and for utility disconnections for past due amounts.

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