

STATE OF TENNESSEE

Office of the Attorney General



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April 24, 2020

VIA ELECTRONIC FILING

Mr. Thomas Hartline, President Navitas Utility Corporation
Navitas TN NG, LLC
3186 Airway Avenue, Suite D
Costa Mesa, CA 92626
Email: thartline@navitasutility.com

Re: Tennessee Public Utility Commission, Docket No. 20-00047, *Emergency Petition to Suspend Service Disconnections*

Dear Mr. Hartline:

The Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) continues to monitor the responses to the Tennessee Public Utility Commission’s (“TPUC”) requests for information by regulated public utilities, including those of Navitas TN NG, LLC (“Navitas”). On April 20, 2020, Navitas submitted a weekly filing.

While the Consumer Advocate appreciates Navitas’s commitment to suspend the collection of late payment charges from consumers during the COVID-19 pandemic, we are concerned with Navitas’s indication that it will continue to issue “[n]ormal cutoff notices” to consumers.ⁱ As TPUC directed in its *Order Requiring All Jurisdictional Utilities to Suspend Actions to Disconnect Service for Lack of Payment During the State of Public Health Emergency*:

Every public utility regulated by the Tennessee Public Utility Commission is prohibited from disconnecting natural gas, electric, water, or wastewater service to any customer for reason of nonpayment during the course of Governor Bill Lee’s March 12, 2020 declaration of public health emergency related to the COVID-19 virus. This prohibition will continue, at a minimum, throughout the length of the state of Tennessee’s public health emergency declaration, including any future extensions, until the declaration expires or is lifted.ⁱⁱ

Letter to Navitas TN NC, LLC
TPUC Docket No. 20-00047
April 24, 2020

Therefore, as a regulated public utility, Navitas cannot lawfully disconnect a consumer's service at least through the state of emergency, and TPUC indicates that this moratorium will continue after the declared state of emergency and until further consideration is given.

Navitas should not issue letters to consumers threatening actions that the company cannot lawfully undertake. Such conduct can only lead to increased stress and confusion for the consumers Navitas serves. Moreover, state law contemplate that penalties may be assessed by TPUC against jurisdictional public utilities for noncompliance.ⁱⁱⁱ Navitas should not issue any information to consumers that would lead to penalties being assessed against it.

Please submit a copy of your service disconnection letter that has been sent to consumers since March 12, 2020. I hope that you remain well.

Sincerely,

A handwritten signature in blue ink that reads "D P Whitaker, III". The signature is stylized and cursive.

Daniel P. Whitaker, III
Assistant Attorney General

cc: Don Baltimore, Esq.
TPUC Docket No. 20-00047

ⁱ Navitas TN NG, LLC COVID-19 Response Update Week of April 20, 2020.

ⁱⁱ *Order Requiring All Jurisdictional Utilities to Suspend Actions to Disconnect Service for Lack of Payment During the State of Public Health Emergency* at 11, Tennessee Public Utility Commission (March 31, 2020) (emphasis added).

ⁱⁱⁱ See Tenn. Code Ann. § 65-4-120.