

STATE OF TENNESSEE

Office of the Attorney General



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April 3, 2020

Mr. Thomas Hartline, President  
Navitas Utility Corporation  
Navitas TN NG, LLC  
3186 Airway Avenue, Suite D  
Costa Mesa, CA 92626  
Email: [thartline@navitasutility.com](mailto: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”) has reviewed your March 31, 2020 *COVID-19 Response to the Tennessee Public Utility Commission’s Request for Information* (“Response”). In your Response, you indicate the following:

Until such time when the Commission issues an Order in contradiction with Navitas TN’s current policy, Navitas TN shall continue to follow the emergency operational and response plans set forth in Navitas TN’s March 23, 2020 Initial Filing.

Referring to the Company’s March 23 filing, Navitas indicated it “will not disconnect services for overdue payments related to COVID-19.” Navitas, however, indicated that other service disconnections would continue, and the March 23 filing implies that Navitas would unilaterally and in its own discretion determine which customers Navitas could continue engaging in service disconnections.

As you are no doubt aware, the Tennessee Public Utility Commission held a Special Commission Conference on Friday, March 24, 2020. After a presentation by the Consumer Advocate of its *Emergency Petition* and an opportunity for public comment, the Commissioners voted unanimously and ordered the following:

Letter to Navitas TN NC, LLC  
TPUC Docket No. 20-00047  
April 3, 2020

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.<sup>i</sup>

(Emphasis added). Moreover, the Commission also ordered that:

[e]very natural gas, electric, water, or wastewater customer of a jurisdictional public utility who was disconnected for reason of nonpayment on or after March 12, 2020, shall be contacted by the disconnecting public utility and service shall be restored.<sup>ii</sup>

No distinction is made in the Commission's *Order* allowing a regulated public utility to determine on its own accord whether nonpayment is a result of a family's financial hardship in the wake of COVID-19. Rather, the Commission's Order provides a moratorium on all service disconnections for nonpayment at least until the end of the Governor's declared state of emergency.

The Consumer Advocate hereby requests that Navitas acknowledge the Commission's March 31 decision, which was issued orally on March 24 and affects all service disconnections after March 12. We also request that, in the event service disconnections have occurred during this period, you immediately reinstate service to the affected consumer(s) and notify this Office and the Tennessee Public Utility Commission. Thank you for your attention to this matter.

Sincerely,

/s/ Daniel P. Whitaker, III  
**Daniel P. Whitaker, III**  
Assistant Attorney General

cc: TPUC Docket Room  
La Don Baltimore, Esq.

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<sup>i</sup> *Order Required 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).

<sup>ii</sup> *Id.* at 12.