

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 20-0703-PET

Vermont Legal Aid request for moratorium on utility and telecommunications shutoffs during State of Emergency	
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Order entered: 10/08/2020

**ORDER ENDING THE TEMPORARY DISCONNECTION MORATORIUM AND ORDERING PROTECTIONS FOR UTILITY CUSTOMERS FACING ECONOMIC HARDSHIPS**

This proceeding concerns a petition from Vermont Legal Aid to the Vermont Public Utility Commission (“Commission”) requesting the temporary halt of involuntary utility disconnections during the state of emergency in Vermont because of the COVID-19 pandemic. On March 18, 2020, the Commission granted a temporary disconnection moratorium on involuntary utility service disconnections in Vermont. Over the course of the next several months in subsequent Orders, the Commission extended and expanded the protections of its March 18, 2020, Order. Most recently, the Commission extended the moratorium until October 15, 2020.

In today’s Order, at the request of the Vermont Department of Public Service (“Department”) and several utilities, we lift the temporary disconnection moratorium. In addition, we order protections for utility customers who are facing economic hardships as a result of the COVID-19 pandemic. These measures aim to protect utility customers who face having their gas, electric, water, or telephone services disconnected due to an inability to pay caused by the economic impacts of COVID-19 while still enabling utilities to pursue revenue that is due to them.

We also note that Vermont’s largest electric utility, Green Mountain Power Corporation (“GMP”), which serves the vast majority of Vermonters, as well as Vermont Gas Systems, Inc. (“VGS”), have informed us that they do not intend to disconnect customers during the upcoming winter. Thus, although our mandatory temporary moratorium will be lifted in the next week, the customers of these large utilities may have until the spring of 2021 to work with their utilities on payment arrangements to avoid disconnections.

As the Department notes, ending the moratorium now may actually help those customers who have fallen behind on their utility bills. The Department argues that ending the temporary moratorium will encourage utility consumers to apply for financial assistance from the Department's Vermont COVID-19 Arrearage Assistance Program ("VCAAP"). The VCAAP program provides up to \$8 million to Vermont utility consumers to help with COVID-19-related past-due utility balances. The VCAAP program is a time-limited, federally funded program that will help consumers pay off some of their past-due utility bills, and it will help bring federal dollars to local utilities to pay off uncollected consumer debts caused by the pandemic.

### **I. BACKGROUND**

For approximately seven months, the Commission has temporarily halted involuntary utility disconnections by Commission-regulated water companies and electric, gas, and telecommunications providers. The Commission granted this temporary moratorium to avoid harming utility customers who could not make payments due to job losses or other economic impacts from the COVID-19 pandemic.

On September 3, 2020, we issued an Order ("September 3 Order") seeking comments from participants on whether to extend the moratorium beyond September 30, 2020, on whether any extension should apply to the same group of utilities currently covered by the moratorium, and on what consumer protection measures should be in place at the end of the temporary moratorium.

On September 17, 2020, the Commission received comments from the Department; GMP; VGS; Vermont Public Power Supply Authority ("VPPSA"); Vermont Legal Aid; the Town of Stowe Electric Department ("Stowe Electric"); MCI Communications Services, Inc., doing business as Verizon Business Services, and MCI Metro Access Transmission Services, Inc. doing business as Verizon Access Services (collectively, "Verizon"); the City of Burlington Electric Department ("BED"); Vermont Electric Cooperative, Inc. ("VEC"); Consolidated Communications of Vermont Company, LLC and Consolidated Communications of Northland Company, both doing business as Consolidated Communications ("Consolidated"); and the eight Vermont rural local exchange carriers (the "Eight RLECs").<sup>1</sup>

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<sup>1</sup> Franklin Telephone Company, Inc.; Ludlow Telephone Company d/b/a TDS Telecom; Northfield Telephone Company d/b/a TDS Telecom; Perkinsville Telephone Company, Inc. d/b/a TDS Telecom; Shoreham Telephone

On September 21, 2020, the Village of Hyde Park Electric Department (“Hyde Park Electric”) filed comments on the September 3 Order.

On September 23, 2020, we issued an Order extending the temporary moratorium on involuntary utility disconnections until October 15, 2020. In the same Order, we asked the Department to file comments on the utilities’ responses filed on September 17, 2020, and on the Department’s VCAAP program.

On September 25, 2020, the Department filed its comments with the Commission (“Department’s September 25 Comments”).

On October 5, 2020, the Department filed supplemental comments and an attachment.

## **II. COMMENTS**

In this section of the Order, we summarize by topic area the utility comments submitted on September 17 and 21, 2020.

### **Moratorium Extension**

In our September 3 Order, the Commission sought comments on whether to extend the temporary disconnection moratorium beyond the September 30, 2020, deadline.

VPPSA opposes another extension of the moratorium because, according to VPPSA, the moratorium is beginning to hinder its “ability to work with individual consumers in light of their unique circumstances” and “is likely having unintended consequences that go far beyond protecting those that have borne negative economic impacts of the COVID-19 pandemic.”<sup>2</sup> VPPSA also states that the creation of the VCAAP does not alleviate VPPSA members’ concerns about arrearages increasing beyond the ability of consumers to pay them back.<sup>3</sup>

Vermont Legal Aid supports an extension of the moratorium because, it argues, it will prevent people from having to leave their homes and allow them to maintain sanitary conditions during the pandemic.<sup>4</sup> Vermont Legal Aid also notes that “it would not make sense for the moratorium to end prior to the end of the arrearage assistance program (i.e., VCAAP).”<sup>5</sup>

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LLC d/b/a Otelco; Topsham Telephone Company, Inc.; Vermont Telephone Company, Inc. d/b/a VTel; and Waitsfield-Fayston Telephone Company, Inc. d/b/a Waitsfield Telecom, d/b/a Champlain Valley Telecom.

<sup>2</sup> VPPSA Comments at 1.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> Vermont Legal Aid Comments at 1-2.

<sup>5</sup> *Id.* at 3.

Stowe Electric states that “[e]xtending the moratorium beyond September 30th, 2020 will make it increasingly difficult for commercial and residential consumers to manage their arrearages and will increase pressure on Vermont utilities’ financial condition.”<sup>6</sup>

GMP supports an extension of the temporary moratorium.<sup>7</sup> GMP further notes that even if the moratorium is lifted, GMP will work with its customers on addressing arrearages and “do[es] not intend to disconnect customers this winter, and will continue to monitor the situation and [its] customers’ needs into the spring.”<sup>8</sup>

Verizon asserts that “allowing the blanket moratorium to expire . . . is more appropriate and better public policy than continuing to extend it.”<sup>9</sup> Verizon argues that “rather than extend the blanket moratorium, the Commission should allow service providers to implement the continuing support programs they have developed to best serve their consumers.”<sup>10</sup>

BED notes that it “does not oppose . . . an extension but also would support granting distribution utilities the ability to individually determine whether to make a voluntary extension of the moratorium.”<sup>11</sup> BED states that “[a]n extension until at least October 31, 2020, would provide the time necessary for funds from the Vermont COVID-19 Arrearage Assistance Program to reach participating BED consumers and to evaluate remaining consumer needs.”<sup>12</sup>

VEC opposes extending the moratorium because, it argues, “an end to the moratorium will provide an incentive for members that have arrearages to engage with [VEC] to set up practical payment arrangements.”<sup>13</sup>

Consolidated does not support another extension of the moratorium because it believes that an extension will make “it more difficult for consumers to pay down their accumulated overdue balances.”<sup>14</sup>

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<sup>6</sup> Stowe Electric Comments at 2.

<sup>7</sup> GMP Comments at 1.

<sup>8</sup> *Id.* at 2.

<sup>9</sup> Verizon Comments at 1.

<sup>10</sup> *Id.* at 2.

<sup>11</sup> BED Comments at 1.

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

<sup>13</sup> VEC Comments at 1.

<sup>14</sup> Consolidated Comments at 1.

VGS “supports an extension of the disconnection moratorium beyond the current end date of September 30, 2020.”<sup>15</sup> VGS further notes that even if the moratorium ends, VGS “does not intend to pursue any disconnections through the winter season.”<sup>16</sup>

The Eight RLECs “oppose further extensions of the Commission’s moratorium on service disconnections” because they believe the moratorium has had unintended consequences, that “[m]any consumers have accumulated significant arrearages that may be challenging to resolve,” and that some consumers are “gaming the system.”<sup>17</sup>

Hyde Park Electric states that it is concerned about the continued moratorium because it has lost contact with consumers with a history of difficulty paying their bill on time and who relied on payment arrangements, and Hyde Park Electric thinks that there is “less motivation for the consumer during the moratorium.”<sup>18</sup>

### Covered Utilities

In our September 3 Order, the Commission requested comments on whether any extension of the temporary disconnection moratorium should apply to all regulated telecommunications, electric, gas, and water utilities in Vermont.

VPPSA did not comment on this issue.

Vermont Legal Aid argues that no utility should be excluded from the moratorium.<sup>19</sup>

Stowe Electric did not comment on this issue.

GMP did not comment on this issue.<sup>20</sup>

Verizon contends that, unlike regulated utilities, “telecommunications carriers have limited, if any, ability to recover in their rates the costs that they are now incurring to support their consumers.”<sup>21</sup> Verizon then argues that because of these “very real differences between telecommunications service providers and traditional utilities,” any extended moratorium should omit telecommunications carriers.<sup>22</sup>

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<sup>15</sup> VGS Comments at 1.

<sup>16</sup> *Id.*

<sup>17</sup> Eight RLEC Comments at 2.

<sup>18</sup> Hyde Park Electric Comments at 1-2.

<sup>19</sup> Vermont Legal Aid Comments at 4.

<sup>20</sup> GMP Comments at 1.

<sup>21</sup> Verizon Comments at 2.

<sup>22</sup> *Id.*

BED states that it “does not oppose an extension of the moratorium and can see merit in allowing individual utilities to determine whether or not to do so based on their own situation.”<sup>23</sup>

VEC did not comment on this issue.<sup>24</sup>

Consolidated did not comment on this issue.

VGS states that it “does not have an opinion on whether the disconnection moratorium should apply to all regulated telecommunications, electric, gas, and water utilities in Vermont.”<sup>25</sup>

The Eight RLECS did not comment on this issue.

Hyde Park Electric states that it “does not now intend to self-impose a disconnection moratorium.”<sup>26</sup>

### Consumer Protections

In our September 3 Order, the Commission observed that states across the country have been proposing and implementing innovative consumer protections for utility consumers in the face of COVID-19’s unprecedented impact. We asked commenters to submit recommendations on the consumer protections that utilities should have in place when our temporary disconnection moratorium ends.

The VPPSA members “are willing to extend greater flexibility to consumers than what is required under [Commission] Rule 3.300, provided consumers reach out and work with their utilities.”<sup>27</sup> VPPSA noted that its members intend to offer extended repayment plans to commercial consumers, be more flexible than the provisions of Rule 3.300 require, and extend “repayment plans to terms up to 12 months on a case by case basis.”<sup>28</sup>

Vermont Legal Aid states that “[r]esidential consumers with arrearages should not be disconnected until all efforts have been made to identify them and all the \$8 million in [VCAAP] arrearage assistance funds have been allocated.”<sup>29</sup> Also, Vermont Legal Aid argues that additional assistance programs after the moratorium ends should include mandatory payment

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<sup>23</sup> BED Comments at 1.

<sup>24</sup> VEC Comments at 2.

<sup>25</sup> VGS Comments at 1.

<sup>26</sup> Hyde Park Electric Comments at 2.

<sup>27</sup> VPPSA Comments at 4.

<sup>28</sup> VPPSA Comments at 4.

<sup>29</sup> Vermont Legal Aid Comments at 5.

agreements, 12-24 month repayment agreements, and a streamlined enrollment process into assistance programs.<sup>30</sup>

Regarding consumer protections, Stowe Electric states that it “already applies consumer protections to all consumer classes and will continue to work with consumers on an individual basis to work out a payment plan to bring any past due account current;”<sup>31</sup> it “does not intend to self-impose a disconnection moratorium beyond September 30, 2020;”<sup>32</sup> it “has a policy to offer a payment plan of up to twelve (12) months to our consumers;”<sup>33</sup> it “will not apply finance charges on residential consumers with arrearages for the remainder of 2020” and “will not apply finance charges on any commercial consumer with an active pay agreement for the remainder of 2020;”<sup>34</sup> and it “will apply any consumer deposit to a consumer’s arrearage at the request of the consumer” but “will not automatically apply a deposit to a consumer’s past due amount.”<sup>35</sup> Stowe Electric also provided answers to 18 Department recommendations from previous comments.<sup>36</sup>

Regarding consumer protections, GMP will offer payment plans to both residential and commercial consumers,<sup>37</sup> does not intend to terminate service this winter but will consider how to deal with consumers in the spring,<sup>38</sup> will offer payment agreements of 12-24 months,<sup>39</sup> will waive any fees and deposits and allow deposits to go toward arrearages,<sup>40</sup> and will consider streamlining enrollment into any existing consumer assistance programs.<sup>41</sup>

Regarding consumer protections, Verizon thinks that “[t]he Commission should leave it to carriers and consumers to work out appropriate payment arrangements as the economy continues to re-open and jobs return.”<sup>42</sup> Verizon offers a three-month payment plan available to both residential and small business landline consumers; is willing to work on payment

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<sup>30</sup> Vermont Legal Aid Comments at 5-6.

<sup>31</sup> Stowe Electric Comments at 2.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 3.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 3-4.

<sup>37</sup> GMP Comments at 1.

<sup>38</sup> GMP Comments at 2.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Verizon Comments at 3.

arrangements with larger business consumers that are experiencing financial difficulties due to the pandemic; and offers a voluntary moratorium on disconnections, forgiveness of late fees, and automatic enrollment in a six-month payment plan.<sup>43</sup> Verizon asks the Commission to decline most of the Department's consumer protection proposals.<sup>44</sup>

BED offers the following consumer protections: BED has made budget billing available to commercial consumers and residential consumers and plans to offer payment plans to commercial consumers impacted by COVID-19;<sup>45</sup> BED would in all likelihood elect to extend its own disconnection moratorium until at least October 31, 2020;<sup>46</sup> BED will offer payment arrangements of modified lengths to increase payment flexibility;<sup>47</sup> BED does not assess late fees for residential consumers;<sup>48</sup> BED suspended assessment of late fees on its commercial accounts as of March 18, 2020;<sup>49</sup> and BED allows for consumers' self-certification of COVID-19-related financial impacts.<sup>50</sup>

VEC states that it "is interested in implementing transition steps that include reasonable and achievable payment plans for payments that are due" and "intends to temporarily modify our usual practices including allowing for longer than usual payment arrangements."<sup>51</sup> Further, VEC will work with residential and commercial consumers on notices, payment plans, and other processes;<sup>52</sup> will allow for new payments arrangements for longer terms than usual;<sup>53</sup> will waive some, although not all, of the usual fees;<sup>54</sup> will waive trip fees;<sup>55</sup> and will allow members to apply security deposits to outstanding bills as part of repayment plans.<sup>56</sup> VEC notes that its "fees are tariff-based," so it will not waive them without Commission permission.<sup>57</sup> VEC asks that the Commission provide a blanket approval as part of this docket to give utilities the discretion to

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<sup>43</sup> Verizon Comments at 3.

<sup>44</sup> *Id.* at 4.

<sup>45</sup> BED Comments at 2.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 2.

<sup>48</sup> *Id.* at 3.

<sup>49</sup> *Id.* at 3.

<sup>50</sup> *Id.*

<sup>51</sup> VEC Comments at 3.

<sup>52</sup> *Id.* at 3.

<sup>53</sup> *Id.* at 4.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*



waive fees, rather than require a separate approval process.”<sup>58</sup> VEC also addressed the Department’s recommendations.

Consolidated states that it will “offer extended payment arrangements,”<sup>59</sup> “not self-impose an extended disconnection moratorium if the Commission’s moratorium is no longer in place,”<sup>60</sup> and to “the best of [its] ability ... ensure timely processing of any consumer assistance requests.”<sup>61</sup>

VGS notes that it will not pursue winter terminations until after the 2020-2021 winter season;<sup>62</sup> is implementing “12-month repayment options for impacted consumers and will extend up to 18 or 24 months if needed to assist a consumer;”<sup>63</sup> “will continue to waive late fees for our non-residential accounts through the end of the year;”<sup>64</sup> and is open to streamlining enrollment into assistance programs.<sup>65</sup>

The Eight RLECs state that most of them do not charge late fees;<sup>66</sup> they do not favor a mandatory minimum period of six months for payment arrangements but are willing to negotiate agreements with consumers;<sup>67</sup> they will not consider “adopting a voluntary moratorium on disconnections upon expiration of the Commission’s mandatory moratorium;”<sup>68</sup> and they “do not intend to waive their right to collect deposits in accordance with Commission rules.”<sup>69</sup>

Hyde Park Electric states that it will offer payment agreements up to 12 months in length, will not waive fees, and will consider streamlining enrollment processes.<sup>70</sup>

#### Department’s September 25 Comments

The Department supports lifting the temporary moratorium on disconnections. The Department acknowledges that the moratorium “has provided relief from involuntary

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<sup>58</sup> VEC Comments at 4.

<sup>59</sup> Consolidated Comments at 1.

<sup>60</sup> *Id.* at 3.

<sup>61</sup> *Id.*

<sup>62</sup> VGS Comments at 1.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.* at 2.

<sup>65</sup> *Id.*

<sup>66</sup> Eight RLEC Comments at 6.

<sup>67</sup> Eight RLECs Comments at 6-7.

<sup>68</sup> *Id.* at 7.

<sup>69</sup> *Id.*

<sup>70</sup> Hyde Park Electric Comments at 2.

disconnection for vulnerable Vermonters.”<sup>71</sup> However, the Department also acknowledges that the ongoing moratorium has “constrained and undercut the ability of the utilities to effectively work with their consumers to encourage applications for, and effective use of money available through the VCAAP program.”<sup>72</sup> Further, the “Department is confident that when the [m]oratorium is lifted, it will act as an incentive for consumers with COVID-19-related arrearages to engage with their utility. In turn, this will increase consumers’ interest in seeking VCAAP funds.”<sup>73</sup>

Importantly, the Department also states that, in addition to the Commission lifting the temporary disconnection moratorium, the Commission should add in specific consumer protections for customers of electric, gas, and Commission-regulated water utilities:

So long as a state of emergency declaration by the Governor remains in effect, the Department offers four temporary protections that are specific to this emergency and are intended to be one-time additions to the existing rules, to ensure that the most vulnerable Vermonters are protected during the state of emergency. The four protections are as follows:

- Reasonable payment arrangements should be offered for nonresidential and residential consumers alike and should be available for up to 12 months [in] duration and may be up to 24 months [in] duration.
- Consumers who have broken a payment arrangement must be provided a conventional notice of disconnection; a utility may not disconnect rapidly with only 72 hours-notice for a broken payment arrangement (3.305 Notice Under Repayment Plan).
- Residential only -- Suspend requirement for door knocks for the duration of the state of emergency, but for no less time than the upcoming heating season and require an additional phone contact. (Rule 3.306).
- Residential only -- Increase the number of physician’s certificates that may be used by a consumer to prevent disconnection or to cause a reconnection from two to four consecutive 30-day periods, and which shall not exceed six (increased from three) 30-day periods in any calendar year, except upon written order of the Commission. (Rule 3.301).<sup>74</sup>

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<sup>71</sup> Department’s September 25 Comments at 1.

<sup>72</sup> *Id.* at 3.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 5.

Finally, the Department recommends that “telecommunications companies resume business collection, disconnection, and payment arrangement activities in accordance with their filed and approved tariffs, and consistent with Rule 7.600 on October 16, 2020.”<sup>75</sup> Additionally, the Department suggests that telecommunications carriers could increase the number of times that a consumer may avoid disconnection due to a medical emergency to no more than six times (current rule is three times) and for no more than four (current rule is two times) consecutive 30-day periods in any 12-month period (Rule 7.623 Medical Emergency).<sup>76</sup>

### **III. DISCUSSION**

#### **Lifting the Moratorium**

Having carefully considered the many comments we received from the participants in this proceeding, including requests by the Department and many utilities to end the temporary moratorium, we are lifting the temporary moratorium on involuntary utility disconnections during the state of emergency in Vermont due to the COVID-19 pandemic.<sup>77</sup>

In making this difficult decision, we are guided by three important factors.

First, the submissions by all of the utilities make clear that they intend to work with their customers to ensure that all efforts are made to avoid disconnections. In fact, GMP, which serves the vast majority of Vermonters, and Vermont Gas Systems have informed us that they do not intend to disconnect any customers during the upcoming winter. Thus, although our mandatory temporary moratorium will be lifted in the coming weeks, the customers of these large utilities may have until the spring of 2021 to work with their utilities on payment arrangements to avoid disconnections. We expect that at least some other utilities will follow suit.<sup>78</sup>

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<sup>75</sup> Department’s September 25 Comments at 1.

<sup>76</sup> *Id.*

<sup>77</sup> As the Department correctly notes in its October 5, 2020, supplemental comments, recent legislation states that water utility companies, including those regulated by the Commission, cannot disconnect customers during a state of emergency. Department’s Supplemental Comments of Oct. 5, 2020 (citing H.681 of 2020). Nothing in this order shall be read as contrary to that law. Thus, if the Governor extends the state of emergency beyond October 15, 2020, then water utilities will still be prohibited from disconnecting customers.

<sup>78</sup> For instance, BED has stated that it does not intend to immediately pursue any disconnections, and the Washington Electric Cooperative, Inc. (“WEC”) stated in its July 29, 2020, comments that it does not intend to pursue any disconnections before November 1, 2020, when the Commission’s more stringent rules on winter disconnections apply and it is thus “less likely that disconnections can take place due to temperature limitations.” WEC Comments of 7/29/20 at 2.

Second, as the Department notes, ending the moratorium now may actually help those customers who have fallen behind on their utility bills. The Department argues that ending the temporary moratorium will encourage utility consumers to apply for time-limited financial assistance from the Department's VCAAP program. The Department's VCAAP program is one of the few assistance programs specifically designed to help COVID-19-related utility debts.<sup>79</sup> The VCAAP program intends to help "Vermonters suffering economic hardship due to loss of income from COVID-19 . . . get help now to pay their arrearages for residential and non-residential accounts" by providing "financial support to customers of regulated utilities who may face disconnection of service because of past-due balances."<sup>80</sup> However, this federally funded program is time-limited and is scheduled to close to new applications on November 30, 2020. To date, only "\$774,404 in [VCAAP] funds have been deemed eligible for payment after utility reviews."<sup>81</sup> If all the \$8 million in VCAAP funds are not expended by December 2020, they may be reallocated to other Coronavirus Relief Fund programs in Vermont.<sup>82</sup> The Department notes that lifting the temporary moratorium on disconnections may spur more consumers to take advantage of these federal funds while those funds are still available.

A number of utilities commented that the temporary moratorium should be lifted because it is currently interfering with their ability to communicate effectively with consumers about their past-due balances.<sup>83</sup> In short, without any possibility of disconnection, a significant number of customers are refusing to communicate with their utilities. We are persuaded by the Department and the utilities that consumers shielded by a disconnection moratorium at this time are less likely to reach out to or respond to their utility companies about past-due balances. This prevents the consumers from learning about and taking advantage of programs that can assist them in repaying past-due balances—including the time-limited VCAAP funds.

By lifting the moratorium and allowing utilities to begin collection activities, we expect that consumers will have to address past-due utility balances. This will provide an avenue for utilities to inform consumers of the different tools that consumers can use to address their debt:

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<sup>79</sup> The VCAAP web page is at <https://publicservice.vermont.gov/content/vermont-covid-19-arrearage-assistance-program-0>.

<sup>80</sup> See VCAAP website.

<sup>81</sup> Department's September 25 Comments at 2.

<sup>82</sup> *Id.* at 3.

<sup>83</sup> VPPSA Comments at 1; Stowe Electric Comments at 2; Verizon Comments at 2; BED Comments at 1; VEC Comments at 1; Consolidated Comments at 1; and Eight RLEC Comments at 2.

the Department's VCAAP program; utility-sponsored payment arrangements; utility-sponsored budget billing, and other federal and state programs that provide funds to help pay for utility service. At this time, the temporary moratorium may be interfering with the efficacy of these types of utility-consumer communications. Lifting the moratorium may better foster such conversations, which in turn may lead to more consumers taking advantage of the VCAAP and other consumer protections.

Third, as part of our lifting of the temporary moratorium, we are ordering specific consumer protections for utility customers who are facing economic hardships as a result of the COVID-19 pandemic. These new consumer protection measures will be on top of existing measures that can help shield customers from utility disconnections. Existing Commission rules protect consumers from utility shut-offs without due process, offer protections from disconnections during the winter months, and offer an opportunity to seek a payment arrangement or physician's certificate prior to utility shut-off.<sup>84</sup> Further, in conjunction with next week's lifting of the moratorium, the Commission will be implementing mandatory emergency rules regarding COVID-19 Emergency Procedures that provide additional mandatory consumer protections, including all of the above recommendations of the Department. All disconnections must follow existing Commission rules and the additional requirements of the emergency rules that the Commission is adopting.<sup>85</sup>

### Department Reporting

We have based our decision in no small measure on the Department's and the utilities' arguments that consumers are not responding to outreach by the utilities during the moratorium. The Department and the utilities have argued that consumers protected by the moratorium have no incentive to either reach out to or respond to utilities because they know that they cannot be shut off during the moratorium. This, argue the Department and utilities, hampers the ability of utilities to educate consumers about VCAAP and other benefits.

We find the Department's and the utilities' arguments to be persuasive. However, to verify that these claims by the utilities and the Department are in fact accurate, we ask for two

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<sup>84</sup> See Commission Rules 3.301(D), 3.302(B)(6), and 3.304.

<sup>85</sup> For this reason, we recommend that utilities refrain from sending out disconnection notices until the new consumer protections in our emergency rules are adopted next week. Those emergency rules will include specific requirements that must be in disconnection notices during this time, such as information about VCAAP.


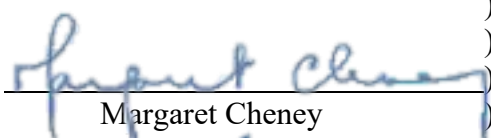
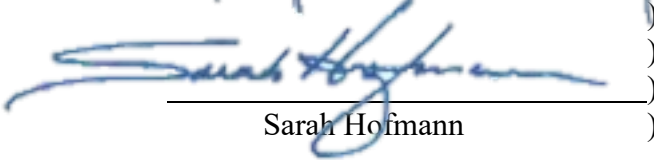
reports. First, we ask the Department to file with the Commission a report by November 15, 2020, detailing how much money has been distributed by the VCAAP. Second, we direct the utilities in this proceeding to file by no later than December 15, 2020, a report on (1) how lifting the moratorium has affected their disconnection numbers, (2) how many of their customers have made use of VCAAP funding, and (3) what percentage of their customers who have arrearages are actively participating in, or seeking to participate in, discussions about repayment plans.

**IV. ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Utility Commission of the State of Vermont (“Commission”) that:

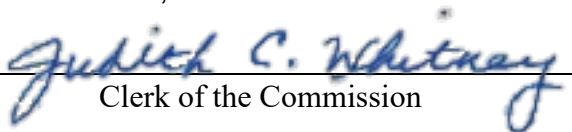
1. The temporary moratorium on involuntary utility disconnections of Vermont consumers during the COVID-19 state of emergency in Vermont is ended as of October 15, 2020.
2. All disconnections must follow existing Commission rules and the additional requirements of the emergency rules that the Commission is adopting regarding the COVID-19 Emergency Procedures.
3. The Vermont Department of Public Service is asked to file with the Commission by November 15, 2020, a report detailing how much money has been distributed by the VCAAP.
4. The Commission directs utilities in this proceeding to file by no later than December 15, 2020, a report on (1) how lifting the moratorium has affected their disconnection numbers, (2) how many of their customers have made use of VCAAP funding, and (3) what percentage of their customers who have arrearages are actively participating in, or seeking to participate in, discussions about repayment plans.

Dated at Montpelier, Vermont, this 8th day of October, 2020.

 _____) )	PUBLIC UTILITY
Anthony Z. Roisman )	
_____) )	
 _____) )	COMMISSION
Margaret Cheney )	
_____) )	
 _____) )	OF VERMONT
Sarah Hofmann )	
_____) )	

OFFICE OF THE CLERK

Filed: October 8, 2020

Attest:   
Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.*



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