

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: 05/28/2020

**ORDER EXTENDING MORATORIUM
AND REQUESTING UTILITY PLANS**

This proceeding concerns a petition from Vermont Legal Aid to the Vermont Public Utility Commission (“Commission”) requesting a halt to involuntary utility disconnections during the state of emergency in Vermont resulting from the global COVID-19 pandemic.

By Orders issued on March 18 and 27, 2020, and April 23, 2020, the Commission established a temporary moratorium on certain utility disconnections through May 31, 2020.

On May 15, 2020, the Commission issued an Order seeking comments on a proposal to extend the moratorium until July 31, 2020.

In today’s order, we extend the moratorium until July 31, 2020, and direct utilities to file post-moratorium plans with the Commission.

I. EXTENSION

Comments in reply to the Commission’s May 15, 2020, Order were filed by Burlington Electric Department (“BED”), Vermont Legal Aid, Washington Electric Cooperative (“WEC”), Vermont Electric Cooperative (“VEC”), Vermont Gas Systems (“VGS”), a group of eight rural local exchange carriers (“the Eight RLECs”),¹ the Department of Public Service (“Department”), Consolidated Communications of Vermont (“Consolidated”), Green Mountain Power Corporation (“GMP”), and the Vermont Public Power Supply Authority (“VPPSA”).²

¹ The Eight RLECs are Waitsfield-Fayston Telephone Company, Inc.; Shoreham Telephone LLC; Ludlow Telephone Company; Vermont Telephone Company, Inc.; Franklin Telephone Company; Perkinsville Telephone Company; Topsham Telephone Company; and Northfield Telephone Company.

² VPPSA’s members include Barton Village, Inc.; Village of Enosburg Falls Inc.; Town of Hardwick Electric Department; Village of Jacksonville; Village of Johnson, Inc.; Village of Ludlow Electric Light Department; Village of Lyndonville Electric Department; Village of Morrisville Water & Light Department; Town of Northfield Electric Department; Incorporated Village of Orleans; and Swanton Village, Inc.

The following participants either supported or did not object to extending the moratorium until July 31, 2020: BED, Vermont Legal Aid, WEC, VEC, VGS, GMP, and the Department.

VPPSA stated that it “is not feasible to extend the blanket moratorium indefinitely and the State should now consider the appropriate path forward for returning to the standard approach to handling non-payments.”³

The Eight RLECs commented that they “do not support the Commission’s proposal to extend the current disconnection moratorium to July 31, 2020, and instead would support an extension through June 30, 2020.”⁴ Consolidated also raised concerns with extending the deadline without a mechanism in place to address unpaid overdue balances.⁵

Having considered the Governor’s extension of the state of emergency and having reviewed all the comments we received, we determine that an extension of the temporary moratorium until July 31, 2020, is appropriate and necessary. We do not believe a shorter extension would provide sufficient time to put in place appropriate procedures for reinstating routine service-disconnection activities. Pursuant to Section 209(a)(3) of Title 30 of the Vermont Statutes Annotated and Commission Rule 2.406(B), we extend the temporary moratorium on involuntary utility service disconnections to July 31, 2020, subject to future revisions should circumstances make such revisions advisable.

II. REQUEST FOR UTILITY PLANS

The Commission recognizes that utilities have been affected differently by the pandemic and the disconnection moratorium. It is unclear to us at this time whether a “one-size-fits-all” approach would be appropriate for how to reinstate routine service-disconnection activities. In addition, because the situation is evolving, each utility has the most up-to-date information on its individual circumstances. Therefore, we direct each utility to file a concrete and detailed plan with the Commission on how, when the moratorium is lifted, it proposes to reinstate routine

³ Letter from Melissa Bailey, Manager of Government and Member Relations for VPPSA, to Judith C. Whitney, Clerk of the Commission, filed on 5/22/2020, at 2.

⁴ Letter from Paul J. Phillips, Esq., to Judith C. Whitney, Clerk of the Commission, filed on 5/22, 2020, at 1.

⁵ Letter from Jeffrey B. Austin, Director of Government Relations for Consolidated, to Judith C. Whitney, Clerk of the Commission, filed on 5/22/2020, at 1.

service-disconnection activities in light of its particular circumstances.⁶ Some specific questions the Commission expects utility plans to answer include:

- What is the magnitude of past-due balances and how many customers have past-due balances? How does this compare with the same time period last year? Please break out this data into residential and non-residential customers.
- How will past-due balances accrued during the moratorium be addressed with customers, and how will past-due balances accrued before or after the moratorium be addressed with customers?
- Will reasonable payment arrangements be made available? If so, of what duration?
- Will late fees be imposed or waived for past-due balances accrued before, during, or after the moratorium?
- Is the utility seeking outside funds (e.g., federal or private monies) to help offset the past-due balances accrued as a result of the moratorium? If so, and if such funds are received, how will the utility apply the funds to its customers' arrearages?

We stress that utilities should not limit their plans to addressing the questions listed above. We expect utility plans to address any issues that are relevant to this matter.

Utility plans shall be filed with the Commission **no later than June 19, 2020**.

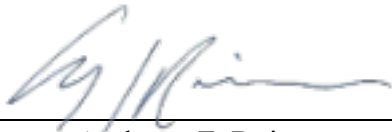
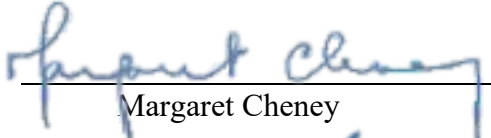
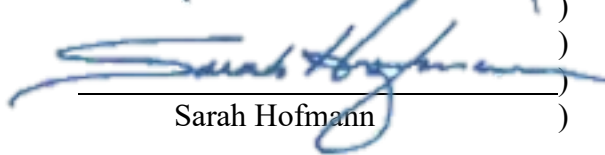
We request that the Department and any other interested entities that wish to file comments with the Commission on the utility plans do so **no later than July 10, 2020**.

We observe that the Department and several other entities have recommended that we hold workshops to discuss the issue of lifting the moratorium. Given the difficulty in safely holding large-group meetings in-person during the ongoing pandemic, and the challenges related to conducting free-flowing discussions among large groups remotely, we decline to hold a workshop at this time. After the utility plans have been filed and commented upon, we will further consider whether a workshop is necessary.

SO ORDERED.

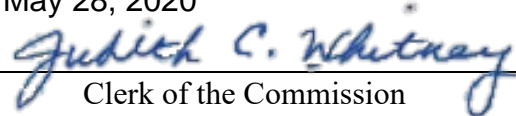
⁶ If utilities believe their circumstances are sufficiently similar that they propose to follow the same plan for reinstating routine service-disconnection activities, they may file joint plans.

Dated at Montpelier, Vermont, this 28th day of May, 2020.

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

OFFICE OF THE CLERK

Filed: May 28, 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).

PUC Case No. 20-0703-PET - SERVICE LIST

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