STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-0703-PET

Vermont Legal Aid request for a moratorium on utility and telecommunications shutoffs during State of Emergency	

Order entered: 03/29/2021

ORDER EXTENDING DISCONNECTION MORATORIUM

Today's Order concerns a petition by 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. In today's Order, the Commission extends the temporary moratorium on the disconnection of certain utility services until May 31, 2021.[1]

I. BACKGROUND

On March 18, 2020, the Commission issued an Order granting a temporary moratorium on involuntary utility service disconnections in Vermont. Over the course of the next several months, the Commission issued additional Orders that extended and expanded the protections in the March 18, 2020, Order.

On October 8, 2020, at the request of a number of utilities and the Vermont Department of Public Service ("Department"), the Commission ordered that on October 15, 2020, there would be a lifting of the temporary stay on involuntary utility service disconnections. We simultaneously ordered a number of consumer protections for utility customers who were facing economic hardships as a result of the COVID-19 pandemic.

On December 22, 2020, the Commission reinstated the stay on involuntary utility service disconnections until March 31, 2021. In that same Order, the Commission asked entities in this proceeding to comment on whether and when the Commission should lift the stay on involuntary utility service disconnections.

[1] The temporary moratorium applies to involuntary disconnections of natural gas, electric, and traditional landline telecommunications service to consumers of regulated utilities in Vermont, except for unoccupied properties.

Today, the Commission extends the end date of the moratorium until May 31, 2021.

II. COMMENTS AND RESPONSES

Comments

On March 1, 2021, a number of utilities filed comments on whether to extend the moratorium. Green Mountain Power Corporation ("GMP") and Vermont Gas Systems ("VGS") – the two largest energy utilities serving the vast majority of customers in Vermont – supported extending the moratorium.

GMP supports continuing the moratorium and notes that it intends to continue to work with its customers without seeking disconnections of service:

> [GMP] expects to put all customers who have balances of more than $100.00 60 days past due on 12-month payment plans, so customers can spread out past-due balances over time. We expect to include residential and commercial customers, and to provide notice to customers of the new arrangement with an opportunity to "opt out." Customer could pay the overdue balance if they were able, adjust the length of the payment arrangement up or down if desired, to a maximum length of 24 months except in extraordinary circumstances, or cancel the arrangement altogether. Customers could call our Customer Care team, and we are also working to expand current payment arrangement self-service options via the web and our automated phone system. We are prepared to implement this plan during the spring, even if the moratorium remains in place, though we will coordinate those plans with any relief programs that become available to help customers.[2]

VGS "continues to support the disconnection moratorium and believes it should stay in effect until the Governor lifts the state of emergency in Vermont."[3]

Village of Barton Electric Department ("Barton Electric") does not encourage the extension of the moratorium but would not object if the moratorium were extended. However, Barton Electric strongly encourages the Commission to seek additional funding to help support customers who are in financial need due to the pandemic if the moratorium is extended.

Burlington Electric Department would support an extension of the disconnection moratorium beyond March 31, 2021, so long as it is implemented in conjunction with pursuit of a second legislative allocation of Vermont COVID-19 Arrearage Assistance Program funds to be distributed to customers in need during and following any reinstated moratorium.

---

[2] GMP Comments at 4.
[3] VGS Comments at 2.

Several utilities, including telephone companies and many smaller municipal utilities, oppose the extension of the moratorium, including Consolidated, AT&T, Enosburg Falls Electric, Franklin Telephone, Hardwick Electric, Johnson Electric, Ludlow Telephone, Lumen/CenturyLink, Lyndonville Electric, Morrisville Electric, Northfield Electric, Stowe Electric, Swanton Electric, Topsham Telephone, Vermont Electric Cooperative, VTel, Waitsfield Telecom, MCI, and Washington Electric Cooperative.

While some of the commenters did not offer a justification for their opposition, others offered a similar rationale for wanting the moratorium to end. They argued that when the moratorium is in place, customers have no incentive to work with utilities on arrearages and in fact do not work with their utilities. When the moratorium was lifted and the threat of termination became real, then customers began responding to and working with their utilities.

The TDS Telecom Companies argue that the "moratorium is not needed for regulated telephone services, as carriers work with their customers on a daily basis to try and remedy these situations."[4]

Burlington Telecom, Jacksonville Electric, Orleans Electric, Topsham Telephone, and Champlain Broadband took no position on the moratorium.

Responses

On March 15, 2021, the Department, Vermont Legal Aid, and the Vermont Public Power Supply Authority ("VPPSA") each submitted responses to the utility comments filed on March 1, 2021.

The Department states:

> It appears that additional federal monies will be coming to Vermont shortly, however, as of this writing, the only earmarked funding for utility arrearages is for lower income people who rent. It remains unknown if arrearage assistance for anyone affected by the pandemic, irrespective of income, will be eligible for arrearage assistance as was available in the fall. Given this uncertainty, the Department continues to recommend that the Moratorium remain in place and that it co-terminate with the end of the State of Emergency.[5]

Vermont Legal Aid concurs with the Department, stating:

[4] TDS Telecom Comments at 2.
[5] Department Response at 1.

> At this time, there simply is no way to know precisely when the state will have in place the infrastructure required to responsibly distribute the assistance on its way from the federal government or how long that will take. We do know that the assistance is coming. Rather than continuing the moratorium in repeated small increments, this Commission should take a more rational approach – one that connects this moratorium to the state of emergency. Doing so would provide a clear end date to both consumers and utilities.[6]

VPPSA advocates that the moratorium end by April 1, 2021.

On March 17, 2021, public comments were filed by the Vermont Public Interest Research Group, on behalf of itself and other organizations (the "VPIRG Coalition"), in support of maintaining the moratorium on utility disconnections.[7] The VPIRG Coalition asks the Commission "to continue the temporary halt of involuntary utility disconnections (the moratorium) through the end of the state of emergency in Vermont because of the COVID-19 pandemic."[8] The VPIRG Coalition further notes that "[i]f there was ever a time for the [Commission] to use its power to ensure Vermonters are not cut off from their vital utilities, it is now: as we are just beginning to recover from a once-in-a-lifetime pandemic that has upended our entire way of life."[9]

III. DISCUSSION AND CONCLUSION

Having reviewed the comments and responses and having considered the important public policy issues associated with this case, we elect to extend the disconnection moratorium until May 31, 2021.

Parties supporting the extension of the moratorium argue that Vermont will soon receive federal, pandemic-related financial assistance. However, they acknowledge that it is unclear when that assistance will arrive and how much of it may be earmarked for utilities or their

---

[6] Vermont Legal Aid Comments at 3.

[7] VPIRG filed these comments on behalf of itself and the following organizations: 350 VT, AARP Vermont, Capstone Community Action, Champlain Valley Office of Economic Opportunity, Community Action Works, Disability Rights Vermont, Lamoille Housing Partnership, National Wildlife Federation, Rights & Democracy, RuralEdge, Seventh Generation, Vermont Affordable Housing Coalition, Vermont Businesses for Social Responsibility, Vermont Conservation Voters, Vermont Housing Finance Agency, Vermont Interfaith Power and Light, Vermont Low Income Advocacy Council, Vermont Natural Resources Council, Vermont Yankee Decommissioning Alliance, and Washington County Mental Health Services.

[8] VPIRG Coalition Response at 1.

[9] *Id.* at 2

ratepayers to resolve outstanding balances. Given this uncertainty, these entities argue that ending the moratorium now makes no sense. They argue that it is preferable to adopt a course that maintains the moratorium until the funding situation is clarified so that customers can receive financial assistance to resolve their outstanding balances rather than lose utility service because of those outstanding balances.

Utilities opposing the extension of the moratorium argue that utility customers with past due balances are not inclined to work with utility companies to resolve their arrearages while the Commission's moratorium is in place. Alternatively, they argue that customers are much more likely to work with utilities and address their outstanding arrearages when there is no disconnection moratorium in place. They claim that the possibility of having utility service disconnected is a strong motivator for customers to work with utilities to resolve outstanding, past-due customer balances.

After considering these arguments, we find that maintaining the moratorium and waiting to see how federal financial assistance is allocated is the preferable option, as both the Department and Vermont Legal Aid point out. We saw with the Vermont COVID-19 Arrearage Assistance Program ("VCAAP") that federal financial assistance for utility customers is an effective way to resolve outstanding utility balances.[10] The assistance helps the customers reduce or eliminate past-due balances, and it ensures that utilities recoup significant amounts of money owed to them.

Further, we recognize that many Vermonters are still suffering from the public health and economic impacts of COVID-19, and now is not the time to eliminate disconnection protections that have proven so beneficial to so many Vermonters, particularly Vermonters who are still struggling to find work. Rather than prematurely lift the moratorium, we must keep it in place at this time.

Finally, we encourage all entities in this proceeding to advocate, as appropriate, for additional federal and state funds for the VCAAP and any other assistance program intended to benefit utilities and their ratepayers.

---

[10] VCAAP successfully distributed roughly $8 million in late 2020 to Vermont utilities and their customers to address outstanding utility balances. *See* https://publicservice.vermont.gov/content/vermont-covid-19-arrearage-assistance-program-0.

To conclude, we shall maintain the disconnection moratorium until May 31, 2021.

SO ORDERED.

Dated at Montpelier, Vermont, this 29th day of March, 2021.

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

OFFICE OF THE CLERK

Filed: March 29, 2021

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).

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.

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

Parties:

Carolyn Browne Anderson, Esq.
Green Mountain Power Corporation
2152 Post Road
Rutland, VT 05702
carolyn.anderson@greenmountainpower.com
(for Green Mountain Power Corporation)

Kevin Babic
Mountain Water Company
1840 Sugarbush Access Road
Warren, VT 05674
kbabic@sugarbush.com
(for Mountain Water Company)

Christopher Bean
Verizon
Christopher.e.bean@verizon.com
(for MCI Communications Services, Inc.)

Christopher Bean
Verizon
Christopher.e.bean@verizon.com
(for MCImetro Access Transmission Services LLC)

Reginald Beliveau, Jr.
Swanton Village, Inc. Electric Department
P.O. Box 279
120 First Street
Swanton, VT 05488
rbeliveau@swanton.net
(for Swanton Village, Inc. Electric Department)

Sue Benedek
CenturyLink Communications, LLC
240 N. Third Street
Suite 300
Harrisburg, PA 17101
sue.benedek@centurylink.com
(for Level 3 Communications, LLC) (for Global Crossing Local Services, Inc.) (for Broadwing Communications, LLC) (for Global Crossing Telecommunications, Inc.) (for TelCove Operations, LLC) (for Wiltel Communications, LLC) (for CenturyLink Communications, LLC) (for Level 3 Telecom Data Services, LLC)

Jireh Billings
Woodstock Aqueduct Company
P.O.Box 441
Woodstock, VT 05091
jirehsr@gmail.com
(for Woodstock Aqueduct Company)

Meredith Birkett
Village of Johnson Water & Light Department
P.O. Box 603
Johnson, VT 05656
vojmanager@townofjohnson.com

(for Village of Johnson Water & Light Department)

Alexandre Bonneville
VERMONT WATER UTILITIES, INC.
60 Robin Lane
Georgia, VT 05468
info@vwui.com

(for VERMONT WATER UTILITIES, INC.)

Victoria J. Brown, Esq.
Vermont Electric Cooperative, Inc.
42 Wescom Road
Johnson, VT 05656
vbrown@vermontelectric.coop

(for Vermont Electric Cooperative Inc.)

Mary Burgess
FirstLight Fiber
mburgess@firstlight.net

(for FirstLight Fiber, Inc.)

Ellen Burt
Town of Stowe Electric Department
P.O.Box 190
Stowe, VT 05672
eburt@stoweelectric.com

(for Town of Stowe Electric Department)

James Bushey
854 Tri-Town Road
Addison, VT 05491
tooshort1941@gmail.com

(for KO's Farm, LLC)

Bill Cairns
Bromley Water Company
PO Box 1130
Manchester Center, VT 05255
BC@Bromley.com

(for Bromley Water Company, Inc.)

Ronald Colton
Chalet Village Water System, Inc.
P.O. Box 662
Pittsfield, VT 05762
recwaterbaron@aol.com

(for Chalet Village Water System, Inc.)

Sandra M. Conklin
Pines Water Company/Conklin Marital Trust
717 Fontaine Hill Road
Morrisville, VT 05661
sconklin1125@gmail.com

(for Pines Water Company/Conklin Marital Trust)

Lindsay DesLauriers
Bolton Valley Community Water and Sewer, LLC
26 Wentworth Road
Bolton Valley, VT 05477
lindsay@lmdcapitolstrategies.com

(for Bolton Valley Community Water and Sewer, LLC)

William F. Ellis
McNeil, Leddy & Sheahan
271 South Union Street
Burlington, VT 05401
wellis@mcneilvt.com

(for City of Burlington Electric Department)

William F. Ellis
McNeil, Leddy & Sheahan
271 South Union Street
Burlington, VT 05401
wellis@mcneilvt.com

(for Vermont Public Power Supply Authority)

Jonathan Elwell
Village of Enosburg Falls Water & Light
42 Village Drive
Enosburg Falls, VT 05450
jelwell@enosburg.net

(for Village of Enosburg Falls Water & Light Department Inc.)

Elijah D Emerson, Esq.
Primmer Piper Eggleston & Cramer PC
PO Box 1309
Montpelier, VT 05601
eemerson@primmer.com

(for Village of Enosburg Falls Water & Light Department Inc.) (for Town of Hardwick Electric Department) (for Village of Johnson Water & Light Department) (for Town of Northfield Electric Department)

Gary Endicott
Burke Mountain Water Company
223 Sherburne Lodge Road
East Burke, VT 05832
gendicott@leisurehotel.com

(for Burke Mountain Water Company)

Steven R Farman
Vermont Public Power Supply Authority
5195 Waterbury-Stowe rd
Waterbury Center, VT 05766
sfarman@vppsa.com

(for Vermont Public Power Supply Authority)

Linda Fawcett
Westminster Aqueduct Society
PO Box 205
3505 US RT 5
Westminster, VT 05158
lbfawcett@comcast.net

(for Westminster Aqueduct Society)

James Gibbons
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
jgibbons@burlingtonelectric.com

(for City of Burlington Electric Department)

Michael J. Hall
Stackpole & French Law Offices
PO Box 819
Stowe, VT 05672
mhall@stackpolefrench.com

(for Town of Stowe Electric Department)

Deane Hedges
111 Freedom Drive
Montpelier, VT 05602
RayleneHedges@gmail.com

(for Berlin Water Company, Inc)

Deane Hedges
111 Freedom Drive
Montpelier, VT 05602
RayleneHedges@gmail.com

(for Crystal Springs Water Co)

Bill Humphrey
Village of Lyndonville Electric Department
P.O. Box 167
20 Park Avenue
Lyndonville, VT 05851
bhumphrey@lyndonvilleelectric.com

(for Village of Lyndonville Electric Department)

James A. Huttenhower, Esq. (for AT&T Corporation)
225 West Randolph Street, Floor 25D
Chicago, IL 60606
jh7452@att.com

James A. Huttenhower, Esq. (for Teleport Communications America, LLC)
225 West Randolph Street, Floor 25D
Chicago, IL 60606
jh7452@att.com

Penny Jones (for Village of Morrisville Water & Light Department)
Village of Morrisville Water & Light Department
857 Elmore Street
Morrisville, VT 05661
pjones@mwlvt.com

W. David Koeninger (for Vermont Legal Aid)
Vermont Legal Aid
264 North Winooski Ave.
Burlington, VT 05401
DKoeninger@vtlegalaid.org

Katelyn Kran (for Barton Village Inc. Electric Department)
Barton Village Inc. Electric Department
kkran@bartonvt.com

Michael Lazorchak (for Town of Stowe Electric Department)
Town of Stowe Electric Department
PO Box 190
Stowe, VT 05672
mlazorchak@stoweelectric.com

Kevin Mack (for Burke Mountain Water Company)
Burke Mountain Water Company
223 Sherburne Lodge Road
East Burke, VT 05832
kmack@skiburke.com

William T. Matteson (for Colonial Estates Water System)
Colonial Estates Water System
95 Georgeanna Boulevard
Rutland, VT 05701
william832@comcast.net

Mari McClure (for Green Mountain Power Corporation)
Green Mountain Power Corporation
163 Acorn Lane
Colchester, VT 05446
ceo@greenmountainpower.com

Joseph McKearin (for Green Mountain Power Corporation)
Green Mountain Power Corporation
2152 Post Road
Rutland, VT 05701
Joseph.McKearin@greenmountainpower.com

Alexander W. Moore, Esq. (for MCI Communications Services, Inc.)
Verizon
6 Bowdoin Square, 9th Floor
Boston, MA 02114
alexander.w.moore@verizon.com

Alexander W. Moore, Esq. (for MCImetro Access Transmission Services LLC)
Verizon
6 Bowdoin Square, 9th Floor
Boston, MA 02114
alexander.w.moore@verizon.com

Pamela Moore (for Village of Jacksonville Electric Company)
Village of Jacksonville Electric Company
P.O. Box 169
Jacksonville, VT 05342
pmoore@jacksonvilleelectric.net

John Morley (for Village of Orleans Electric Department)
Village of Orleans Electric Department
Municipal Building
One Memorial Square
Orleans, VT 05860
jmorley@villageoforleansvt.org

Ken Nolan (for Vermont Public Power Supply Authority)
Vermont Public Power Supply Authority
P.O. Box 126
Waterbury Center, VT 05677
knolan@vppsa.com

Jessica Patterson
Town of Hardwick Electric Department
PO Box 516
Hardwick, VT 05843
jess@hardwickelectric.com

(for Town of Hardwick Electric Department)

Kelly Pembroke
The Housing Foundation, Inc.
One Prospect Street
Montpelier, Vermont 05602
kelly@vsha.org

(for The Housing Foundation, Inc.)

Thomas Petraska
Village of Ludlow Electric Light Department
9 Pond Street
Ludlow, VT 05149
tpetraska@tds.net

(for Village of Ludlow Electric Light Department)

Jill Pfenning
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
jpfenning@vermontgas.com

(for Vermont Gas Systems, Inc.)

Paul J. Phillips, Esq.
Primmer Piper Eggleston & Cramer PC
100 East State Street
P.O. Box 1309
Montpelier, VT 05601-1309
pphillips@primmer.com

(for Ludlow Telephone Company) (for Waitsfield-Fayston Telephone Company, Inc.) (for Perkinsville Telephone Company) (for Franklin Telephone Company) (for Vermont Telephone Company, Inc.) (for Topsham Telephone Company) (for Shoreham Telephone LLC)

Paul J. Phillips, Esq.
Primmer Piper Eggleston & Cramer PC
100 East State Street
P.O. Box 1309
Montpelier, VT 05601-1309
pphillips@primmer.com

(for Northfield Telephone Company)

James Porter, Esq.
Vermont Department of Public Service
112 State Street
Montpelier, VT 05620
james.porter@vermont.gov

(for Vermont Department of Public Service)

Patricia Richards
Washington Electric Cooperative, Inc.
P.O. Box 8
East Montpelier, VT 05651
patty.richards@wec.coop

(for Washington Electric Cooperative Inc.)

Carol Robertson
Village of Hyde Park Electric Department
P.O. Box 400
Hyde Park, VT 05655
carol.robertson@hydeparkvt.com

(for Village of Hyde Park Electric Department)

Jeffrey Schulz
Town of Northfield Electric Department
51 South Main Street
Northfield, VT 05663
jschulz@northfield.vt.us

(for Town of Northfield Electric Department)

Ronald A. Shems, Esq.
Tarrant, Gillies, Richardson & Shems
P.O. Box 1440
Montpelier, VT 05601-1440
rshems@tarrantgillies.com

(for Washington Electric Cooperative Inc.)

Pamela Sherwood
CenturyLink
4625 West 86th Street, Suite 500
Indianapolis, IN 46268
pamela.sherwood@centurylink.com

(for Level 3 Communications, LLC) (for Global Crossing Local Services, Inc.) (for Broadwing Communications, LLC) (for Global Crossing Telecommunications, Inc.) (for TelCove Operations, LLC) (for Wiltel Communications, LLC) (for CenturyLink Communications, LLC) (for Level 3 Telecom Data Services, LLC)

Erika Smith
Consolidated Communications
266 Main Street
Burlington, VT 05401
erika.smith@consolidated.com

(for Consolidated Communications of Vermont Company, LLC)

Darren Springer
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
dspringer@burlingtonelectric.com

(for City of Burlington Electric Department)

Emily Stebbins-Wheelock (for City of Burlington Electric Department)
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
estebbins-wheelock@burlingtonelectric.com

Brian Stevens (for Smugglers' Notch Water Company)
Smugglers' Notch Water Company
4323 VT RTE 108 South
Jeffersonville, VT 05646
bstevens@smuggs.com

Michael Sullivan (for Town of Hardwick Electric Department)
Town of Hardwick Electric Department
P.O. Box 516
Hardwick, VT 05843
msullivan@hardwickelectric.com

Amber L. Thibeault (for Champlain Broadband LLC)
Bauer Gravel Farnham, LLP
401 Water Tower Circle
Suite 101
Colchester, VT 05446
athibeault@vtlawoffices.com

Rebecca Towne (for Vermont Electric Cooperative Inc.)
Vermont Electric Cooperative, Inc.
42 Wescom Road
Johnson, VT 05656
rtowne@vermontelectric.coop

George R. Wagner (for Wagner Water System)
Wagner Water System
P.O. Box 23
West Burke, VT 05871