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	

Order entered: 03/18/2020

ORDER GRANTING TEMPORARY MORATORIUM ON INVOLUNTARY NATURAL GAS, ELECTRIC, AND TELECOMMUNICATIONS SERVICE DISCONNECTIONS

This proceeding concerns a March 16, 2020, petition from Vermont Legal Aid to the Vermont Public Utility Commission ("Commission") requesting the cessation of involuntary utility disconnections during the current state of emergency in Vermont as a result of the global pandemic known as COVID-19. Vermont Legal Aid filed its petition "on behalf of the low-income, disabled and elderly residents of the state" and has requested that the Commission "impose a moratorium on gas, electric and telecommunication shutoffs for all residential ratepayers until the state of emergency in Vermont is lifted."[1] At the time that Vermont Legal Aid filed its petition, the Vermont Department of Public Service ("Department") was already actively working with regulated utilities on voluntary cessations of disconnections during this state of emergency. Many regulated utilities (including Green Mountain Power Corporation, Vermont Gas Systems, the Vermont Electric Cooperative, Burlington Electric Department, and others) have already informed the Department and the Commission that they are temporarily ceasing disconnections during this time. Other companies have followed suit, such as Comcast Cable Company and AT&T. The Commission greatly appreciates the efforts of the utilities and the Department to meet the challenge posed by this emerging health threat.

To ensure that all Vermonters are protected from utility disconnections during this state of emergency, in today's Order, the Commission grants Vermont Legal Aid's petition and temporarily places a moratorium on the involuntary disconnection of natural gas, electric, and telecommunications service to residential consumers of regulated utilities in Vermont. This temporary moratorium shall remain in place until April 30, 2020.

[1] Letter from David Koeninger, Esq., to Judith C. Whitney, Clerk of the Commission, filed on 3/16/2020, at 1.

Both the State of Vermont and the federal government have declared a state of emergency due to the outbreak of the new coronavirus known as COVID-19. As the Governor has declared, Vermont is in a state of emergency "to monitor and plan for the potential for an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19)."[2] Governor Scott has noted that "both travel-related cases and community contact transmission of COVID-19 have been detected in the region," and that, "if no mitigation steps are taken, COVID-19 would likely spread in Vermont at a rate similar to the rate of spread in other states and countries, and the number of persons requiring medical care could exceed locally available resources."[3] Given this emergency situation, the Governor has stated that "Vermonters must come together as we have before in a crisis."[4]

In light of this Executive Order and other authority that the Legislature has vested in the Commission, we open this proceeding and grant Vermont Legal Aid's petition for temporary relief. Under Section 209(a)(3) of Title 30 of the Vermont Statutes Annotated, the Commission has authority to issue orders to ensure that utility business conduct promotes the "safety, convenience, and accommodation of the public."[5] Commission Rule 2.406(B) also provides authority for the Commission to issue a temporary restraining order when "substantial immediate and irreparable injury, loss or damage, or danger to health or safety, will result to the petitioner before a hearing can be held upon proper notice."[6]

As Vermont Legal Aid correctly states, and as we find, "health experts have advised Vermont residents to stay home" and, as a result, many may lose their jobs and income.[7] We therefore agree with Vermont Legal Aid and find that "when Vermonters have been ordered to stay hunkered down at home, [utility] shutoffs would put the health and safety of vulnerable individuals and families at particularly grave risk."[8] We find that the spread of COVID-19 creates a unique peril to the safety, convenience, and accommodation of the public, particularly in relation to utility service. At a time when citizens are being encouraged to remain at home for

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[2] Vermont Executive Order No. 01-20, issued on 3/13/2020 ("Executive Order").
[3] *Id.* at 1.
[4] *Id*. at 2.
[5] 30 V.S.A. § 209(a)(3).
[6] While Rule 2.406(B) ordinarily requires affidavits or a verified petition, we waive this requirement in light of the emergency situation presented to us today. Further, we note that all of the findings made in today's Order, while not separately stated in their own section, are findings of fact as that term is used in Commission Rule 2.406(E)(5).
[7] Letter from David Koeninger, Esq., to Judith C. Whitney, Clerk of the Commission, filed on 3/16/2020, at 1.
[8] *Id*.

an indeterminate amount of time and in a severely trying situation, the uninterrupted continuance of natural gas, electric, and telecommunications service is essential to the public good.

In issuing this temporary moratorium, we join neighboring jurisdictions, including Rhode Island and Connecticut, that have also decided to suspend utility disconnections at this time.[9]

This temporary moratorium is effective immediately and forbids the involuntary termination or disconnection of natural gas, electric, or telecommunications services to residential customers in Vermont between now and April 30, 2020.[10]

We recognize that this Order was issued without our normal attendant request for comments from interested parties, particularly the affected regulated utilities. The emergency nature of the situation and concurrent danger to the public required immediate action by the Commission. To provide an opportunity to better inform the situation going forward, we ask those interested in doing so to file comments on the temporary moratorium – including whether the moratorium should remain in place and, if so, for how long, and what further process should be undertaken going forward – by **no later than March 25, 2020**. If any of the affected utilities or any other party objects to this temporary moratorium, or wishes to request a hearing or any other process, those objections – and related motions – shall also be filed by March 25, 2020.[11]

This case is being processed in the Commission's online document management system, known as ePUC, which can be accessed at http://epuc.vermont.gov. Information about how to use ePUC, including how to make a filing and how to search for documents, is available on the Commission's website at http://puc.vermont.gov/epuc-information.

SO ORDERED.

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[9] *See In Re: Suspension of Service Terminations and Certain Collections Activities During the COVID-19 Emergency*, State of Rhode Island and Providence Plantations Public Utilities Commission, Docket No. 5022, Order issued 3/17/2020; *Emergency Petition of William Tong, Attorney General for the State of Connecticut for a Proceeding to Establish a State of Emergency Utility Shut-off Moratorium*, Docket No. 20-03-15, State of Connecticut Public Utilities Regulatory Authority, Order issued 3/12/2020.

[10] Nothing in this Order shall be interpreted as relieving customers of their obligation to pay what is due to their utilities. This Order only affects the utilities' ability to disconnect residential customers for non-payment.

[11] If a hearing is requested, it will be held within 45 days of this Order, and we will issue a decision on preliminary or permanent relief within 60 days of this Order, in accordance with Commission Rule 2.406(C).

Dated at Montpelier, Vermont, this 18th day of March, 2020.

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

OFFICE OF THE CLERK

Filed: March 18, 2020

Attest: Judith C. Whitney
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

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