

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-4999-INV

Investigation into PUC Rule 3.300, Disconnection of Residential Electric, Gas, and Water Service	
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Order entered: 11/06/2019

ORDER EXPANDING SCOPE AND DENYING MOTION TO EXPEDITE

This proceeding concerns an investigation into the Vermont Public Utility Commission’s (“Commission”) Rule 3.300 (the “Rule”), which governs the disconnection of residential electric, gas, and water service. In today’s Order, the Commission expands the scope of the investigation and denies a motion by the Vermont Electric Cooperative, Inc. (“VEC”) to expedite the treatment of certain parts of Rule 3.300.

I. BACKGROUND

On November 22, 2017, the Commission opened the current proceeding investigating Rule 3.300. The original impetus for the proceeding was that the Commission was receiving complaints from utilities that utility employees were facing threatening situations during on-premise service disconnections.

From November 22, 2017, until the present, the Commission issued several requests for comments from participants, received several rounds of comments, and held two workshops.

On October 1, 2019, the Vermont Department of Public Service (“Department”) filed a proposed draft rule. Accompanying that filing was a request asking the Commission to: (1) comprehensively revise Commission Rule 3.300 beyond the scope of what this proceeding has until now considered; (2) broaden the scope of Rule 3.300 and this investigation to include standards and billing practices; credit, collections, and deposits; and both residential and nonresidential accounts, with the goal being to prevent potential inconsistencies between an updated Rule 3.300 and Rules 3.200 and 3.400; and (3) allow the Department to file a new

proposed Rule 3.300 for Commission consideration by January 30, 2020, and then a revised version of that proposal by March 30, 2020.¹

On October 18, 2019, VEC filed comments stating that “it has no objection to opening up the rule for a more comprehensive rewrite.”² Additionally, VEC moved the Commission “to expedite its consideration of the changes that VEC and the other distribution utilities have proposed to section 3.306 due to concerns for the safety of utility employees.”³

On October 25, 2019, Vermont Gas Systems (“VGS”) and Green Mountain Power Corporation (“GMP”) filed comments supporting the Department’s request to expand the scope of the proceeding.

No other comments were received by the Commission.

II. EXPANSION OF PROCEEDING

Department Comments

The Department urges the Commission to broaden the scope of this investigation into Rule 3.300 to include standards and billing practices; credit, collections, and deposits; and both residential and nonresidential accounts. According to the Department, this would result in a more comprehensive Rule 3.300, along the lines of Rule 7.600 (standards for billing, credit, and collections and customer information for telecommunications carriers); would prevent potential inconsistencies between an updated Rule 3.300 and Rules 3.200 and 3.400; and would potentially enable the retirement of Rules 3.200 and 3.400.⁴

VGS, VEC, and GMP either supported the Department’s recommendation or did not oppose the recommendation.

Discussion

Having reviewed the Department’s recommendation, we approve it. We find that developing a more comprehensive rule on standards for billing, credit and collections; customer

¹ Department Comments, Case No. 17-4999-INV, filed on 10/1/19 at 1-2.

² VEC Comments, Case No. 17-4999-INV, filed on 10/18/19 at 1.

³ *Id.*

⁴ Department Comments at 2-3.

information; and disconnection practices for electric, gas, and water service is in the public good. The comprehensive Rule 7.600 for telecommunications providers has been useful and effective, and we think that the Department's recommendation will lead to a similarly useful rule for electric, gas, and water service in Rule 3.300.

Accordingly, we direct the Department to develop a proposed revised and updated Rule 3.300 and to file it with the Commission by no later than January 30, 2020. On or about that same time, Commission staff will develop a schedule for the submission of comments by participants and for workshops on the Department's proposal.

III. MOTION TO EXPEDITE

VEC Comments

VEC asks that "should the Commission decide to undertake a more robust review of the rule, ... the Commission [should] expedite its consideration of the changes that VEC and the other distribution utilities have proposed to section 3.306 due to concerns for the safety of utility employees."⁵ Specifically, VEC wants to be able to use "remote disconnection after one in-person notice per year without the need for further in-person visits to the customer's property for the remainder of the year."⁶ VEC makes this request because "VEC has seen an increasing number of incidents where metering department employees have encountered threatening members when they were implementing the notice requirements in Rule 3.306."⁷ VEC also states that, "if the Commission deems it unwise or inefficient to revise the rule on a piecemeal basis, under Rule 2.107, it could issue an order waiving the provision requiring a final on-site visit."⁸ VEC represents that the Department opposes VEC's proposal.⁹

Discussion

Having reviewed VEC's request, we elect not to grant it at this time. While the Commission takes seriously the safety of utility personnel, we do not think that expediting the

⁵ VEC Comments at 1.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 2.

⁹ *Id.*

review of a single portion of Rule 3.300 at this time is appropriate given the Department's recommendation to revise Rule 3.300 comprehensively. The benefit of a comprehensive review and rewrite is that the Rule can be viewed as a whole to ensure that all elements of the Rule work in harmony. Reviewing a piece of the Rule outside of that process would defeat the purpose of a comprehensive review.

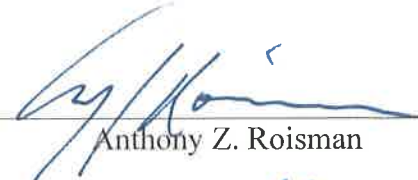
Additionally, we decline to approve a broad and general waiver of Rule 3.306. VEC and other utilities have recourse to remedies other than a general waiver of Rule 3.306 when faced with a potentially threatening or dangerous service-termination situation. Utilities always may petition the Commission on a case by case basis when facing threatening situations during on-premise service disconnections. VEC has availed itself of this remedy in the past and has been successful in doing so.¹⁰ We find this a better course of action than approving a general waiver of Rule 3.306.

Accordingly, we deny VEC's motion.

SO ORDERED.

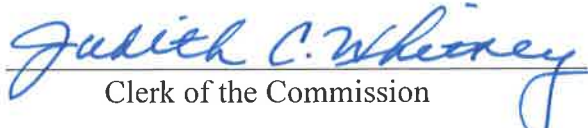
¹⁰ See *Expedited Request for Relief from Rule 3.306*, Case No. 17-3827-PET, Order issued 8/11/17; *Request by Vermont Electric Cooperative, Inc. for an Expedited Waiver of Public [Utility Commission] Rule 3.306*, Case No. 17-3146, Order issued 5/24/17.

Dated at Montpelier, Vermont, this 6th day of November, 2019.

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

OFFICE OF THE CLERK

Filed: November 6, 2019

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)

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