

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: 03/27/2020

**ORDER EXPANDING TEMPORARY MORATORIUM ON INVOLUNTARY
UTILITY SERVICE DISCONNECTION TO NON-RESIDENTIAL RATEPAYERS AND
CERTAIN WATER COMPANIES AND ESTABLISHING ADDITIONAL PROCESS**

This proceeding concerns a 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 COVID-19 pandemic.

In today’s Order, we extend the utility disconnection moratorium to include non-residential ratepayers (such as commercial and industrial customers) and certain water companies under our jurisdiction. (**Note:** There are a limited number of water companies under Commission jurisdiction, and they serve only a small percentage of Vermont residents).¹ Also in this Order, the Commission establishes additional process for this case.

I. BACKGROUND

On March 14, 2020, the Governor placed Vermont into a state of emergency due to the COVID-19 pandemic.²

¹ The following water companies are under Commission jurisdiction: Berlin Water Company, Inc.; Bolton Valley Community Water and Sewer, LLC; Bromley Water Company, Inc.; Burke Mountain Water Company; Chalet Village Water System, Inc.; Colonial Estates Water System; Crystal Springs Water Co.; Jay Utility Company; KO’s Farm, LLC; Mountain Water Company; Paul A. Austin; Pines Water Company/Conklin Marital Trust; Smugglers’ Notch Water Company; The Housing Foundation, Inc.; Vermont Water Utilities, Inc.; Wagner Water System; Westminster Aqueduct Society; Willoughby Lake Water Works; and Woodstock Aqueduct Company.

² Vermont Executive Order No. 01-20, issued on 3/14/2020 (“Executive Order”).

On March 16, 2020, Vermont Legal Aid filed a petition asking the Commission to impose a moratorium on gas, electric, and telecommunication shutoffs for residential ratepayers in Vermont.³

On March 17, 2020, the Vermont Department of Public Service (“Department”) filed comments with the Commission.

On March 18, 2020, the Commission issued an Order granting a temporary moratorium on involuntary natural gas, electric, and telecommunication service disconnections (“March 18 Order”). The March 18 Order asked interested parties to file comments no later than March 25, 2020.

On March 23, 2020, Vermont Gas Systems filed comments with the Commission.

On March 23, 2020, the Agency of Commerce and Community Development (“ACCD”) filed comments with the Commission.

On March 23, 2020, the Department filed a second set of comments and a motion.

Also on March 23, 2020, Senator Tim Ashe filed comments with the Commission.

On March 25, 2020, both the Vermont Electric Cooperative (“VEC”) and Vermont Public Power Supply Authority (“VPPSA”), on behalf of its eleven member utilities, each filed comments with the Commission.

No further comments have been received by the Commission.

II. MOTION & COMMENTS

Department Motion

The Department filed two sets of comments and a motion to expand the coverage of the March 18 Order. Because the comments preface and build up to the motion, we will only address the motion here. The Department states that it has been working closely with Vermont utilities, both before and after the issuance of the March 18 Order, and that the utilities have overwhelmingly and voluntarily suspended disconnections not just for residential customers but for non-residential customers as well.⁴ The Department asks the Commission to expand the

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

⁴ *Department Motion to Extend the Temporary Moratorium to Non-Residential Customers and Jurisdictional Water Companies*, Case No. 20-0703-PET, filed on 3/23/20 at 1.

March 18 Order to cover non-residential customers in the interest of “establishing uniformity and clarity across the board.”⁵

The Department also states that “access to safe and reliable water service is essential to public health and safety” and that both residential and non-residential customers “should be protected from water service disconnection as well during the COVID-19 emergency.”⁶

Vermont Gas Systems Comments

Vermont Gas Systems informed the Commission that the company fully supported the March 18 Order and outlined the steps the company had taken to date to meet the March 18 Order’s requirements.⁷

ACCD Comments

ACCD asked that the March 18 Order be modified so that its protections extended to Vermont commercial accounts, as well as to residential accounts.⁸

Senator Ashe Comments

Senator Ashe asked the Commission to “immediately extend the same moratorium on involuntary disconnections to business customers and to water utility customers whose providers fall under [Commission] jurisdiction.”⁹

VEC Comments

VEC states that it is “happy to be able to provide this temporary support for our members and recommends that the [Commission] continue the current moratorium for now.”¹⁰ VEC also recommends that the Commission set a new deadline, for example April 25, for further comments because by then “the utilities will have a better understanding of the impacts of the moratorium on them and on their customers.”¹¹

⁵ *Department Motion* at 1.

⁶ *Id.*

⁷ Letter from Eileen Simollardes, Vice President Regulatory Affairs, to Judith C. Whitney, Clerk of the Commission, filed on 3/23/20 at 1.

⁸ *ACCD Comments*, Case No. 20-0203-PET, filed on 3/23/20 at 1.

⁹ Letter from Vermont Senator Tim Ashe to Judith C. Whitney, Clerk of the Commission, filed on 3/23/20 at 1.

¹⁰ *VEC Comments* at 1.

¹¹ *Id.*

VPPSA Comments

VPPSA supports the Commission's moratorium on involuntary disconnections remaining in effect through April 30 and "further suggests that at a future time it might be appropriate for the Commission, Public Service Department, and utilities to explore ways to mitigate costs incurred by utilities due to this public health emergency in order to minimize their impact on ratepayers."¹²

III. DISCUSSION & ORDER

Having reviewed the filings, we identify three issues that need to be resolved: whether to extend the utility disconnection moratorium so that it applies to water companies that fall within the jurisdiction of the Commission; whether to extend the utility disconnection moratorium so that it applies to non-residential ratepayers in addition to residential ratepayers; and whether additional process is required to better inform the Commission's decisions going forward.

Regarding water utilities and non-residential ratepayers, we grant the Department's motion. We extend the March 18 Order's disconnection moratorium to include all water companies under our jurisdiction, and we include non-residential accounts (including commercial and industrial customers) within the protections of the March 18 Order, as modified by today's order. As we noted in the March 18 Order (the reasoning of which is incorporated by reference here), the Commission takes this action, pursuant to Title 30, Vermont Statutes Annotated, Section 209(a)(3) and Commission Rule 2.406(B), to "ensure that all Vermonters are protected from utility disconnections during this state of emergency."¹³

Moreover, we acknowledge the importance of the Department's and other parties' requests for additional process to ensure that the steps we are taking are informed by the expertise of the Department and the affected utilities. To provide the opportunity for additional input, we ask those interested in doing so to file comments on today's Order or to request a hearing or any other process by **no later than April 24, 2020**. These comments may address, for example, once the moratorium is lifted, what should be done with the arrearages that will have accumulated during the period of the moratorium?

¹² *VPPSA Comments* at 1.

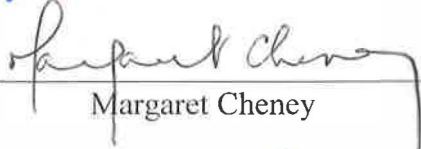
¹³ March 18 Order at 1.

Additional process, including a decision on whether a workshop (electronic or otherwise) is necessary, will be set forth in a future order.

This case is being processed under Case No. 20-0203-PET in the Commission's online document management system, ePUC (<http://epuc.vermont.gov>). Information about how to use ePUC is available on the Commission's website at <http://puc.vermont.gov/epuc-information> or by calling the Clerk's Office at 802-828-2358.

SO ORDERED.

Dated at Montpelier, Vermont, this 27th day of March, 2020

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

OFFICE OF THE CLERK

Filed: March 27, 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

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

(for Green Mountain
Power Corporation)

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)

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)

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

(for Vermont Electric
Cooperative Inc.)

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

(for Town of Stowe
Electric Department)

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

(for City of Burlington
Electric Department)

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 Town of Northfield
Electric Department)
(for Village of Johnson
Water & Light
Department) (for Village
of Enosburg Falls Water
& Light Department
Inc.) (for Town of
Hardwick Electric
Department)
(for Vermont Public
Power Supply Authority)

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

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

(for City of Burlington
Electric Department)

Jeremy D. Hoff
Stackpole & French
Stackpole & French
P.O. Box 819
Stowe, VT 05672
jhoff@stackpolefrench.com

(for Town of Stowe
Electric Department)

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)

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

(for Vermont Legal Aid)

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

(for Green Mountain
Power Corporation)

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

(for Village of
Jacksonville Electric
Company)

John Morley
Village of Orleans Electric Department
Municipal Building
One Memorial Square
Orleans, VT 05860
orloffice@villageoforleansvt.org

(for Village of Orleans
Electric Department)

Craig Myotte
Village of Morrisville Water & Light Department
857 Elmore Street
Morrisville, VT 05661
cmyotte@mwlvvt.com

(for Village of
Morrisville Water &
Light Department)

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

(for Vermont Public
Power Supply Authority)

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

(for Town of Hardwick
Electric Department)

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

(for Village of Ludlow
Electric Light
Department)

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

(for Vermont
Department of Public
Service)

Donald Rendall, Jr., Esq.
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
drendall@vermontgas.com

(for Vermont Gas
Systems, Inc.)

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

(for Washington Electric
Cooperative Inc.)

Evan Riordan
Barton Village, Inc. Electric Department
P.O. Box 519
Barton, VT 05822
electricmanager@bartonvt.com

(for Barton Village Inc.
Electric Department)

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)

Matt Rutherford
Town of Stowe Electric Department
P.O. Box 190
56 Old Farm Road
Stowe, VT 05672
mrutherford@stoweelectric.com

(for Town of Stowe
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
P.O. Box 1440
Montpelier, VT 05601-1440
rshems@tgrvt.com

(for Washington Electric
Cooperative Inc.)

Eileen Simollardes
Vermont Gas Systems, Inc.
85 Swift Street
South Burlington, VT 05403
esimollardes@vermontgas.com

(for Vermont Gas
Systems, Inc.)

Erika Smith
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
City of Burlington Electric Department
585 Pine Street
Burlington, VT 05401
estebbins-wheelock@burlingtonelectric.com

(for City of Burlington
Electric Department)

Melissa Stevens, Esq.
Green Mountain Power Corporation
2152 Post Road
Rutland, VT 05701
melissa.stevens@greenmountainpower.com

(for Green Mountain
Power Corporation)

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

(for Town of Hardwick
Electric Department)

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

(for Vermont Electric
Cooperative Inc.)

Other Entities Receiving Notice Outside of ePUC:

Vermont Incumbent Local Exchange Carriers

Vermont Private Water Companies