

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: 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”), Verizon, 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 and Verizon 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; Letter from Alexander W. Moore, Associate General Counsel for Verizon, to Judith C. Whitney, Clerk of the Commission, filed on 5/22/2020, at 4.

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**.

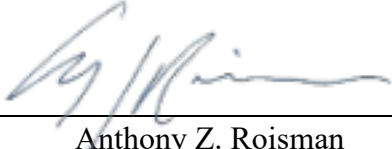
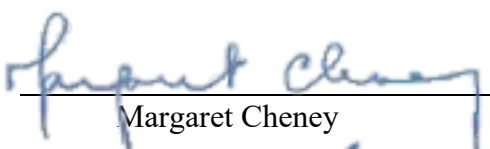
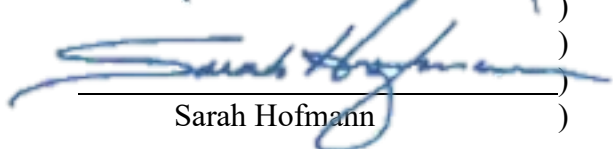
We request that the Department and any other interested entities that wish to file comments with the Commission on the utility plans do so **no later than July 10, 2020**.

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.

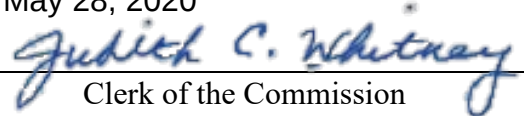
⁶ If utilities believe their circumstances are sufficiently similar that they propose to follow the same plan for reinstating routine service-disconnection activities, they may file joint plans.

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

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

(for Green Mountain
Power Corporation)

Christopher Bean
Verizon
Christopher.e.bean@verizon.com

(for MCI
Communications
Services, Inc.)

Christopher Bean
Verizon
Christopher.e.bean@verizon.com

(for MCI metro 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)

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

Penny Jones
Village of Morrisville Water & Light Department
857 Elmore Street
Morrisville, VT 05661
pjones@mwlv.com

(for Village of
Morrisville Water &
Light 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)

Alexander W. Moore, Esq.
Verizon
6 Bowdoin Square, 9th Floor
Boston, MA 02114
alexander.w.moore@verizon.com

(for MCI
Communications
Services, Inc.)

Alexander W. Moore, Esq.
Verizon
6 Bowdoin Square, 9th Floor
Boston, MA 02114
alexander.w.moore@verizon.com

(for MCI metro Access
Transmission Services
LLC)

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)

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)

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

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

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.)

Entities Being Provided Notice Outside of ePUC:

Vermont Private Water Companies