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**State of Vermont  
Public Utility Commission**

**MEMORANDUM**

To: Participants in Case Nos. 17-4999-INV, 24-1079-RULE & 24-1080-RULE  
From: Holly R. Anderson, Clerk of the Commission *HRA*  
Re: Proposed revisions to Vermont Public Utility Commission's Disconnection Rules 3.300 and 3.400  
Date: May 7, 2024

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On February 8, 2024, the Vermont Public Utility Commission ("Commission") submitted paperwork to the Interagency Committee on Administrative Rules to revise Rules 3.300 and 3.400, which govern disconnection.

The Interagency Committee on Administrative Rules completed its review, and the proposed rules were filed with the Vermont Secretary of State on April 12, 2024, pursuant to 3 V.S.A. § 838. Attached are the proposed rule revisions and filing documents.

The proposed rule and filing documents are also available in the Commission's electronic case management system ("ePUC") at the following link <https://epuc.vermont.gov/> in case numbers #24-1079-RULE (PUC Rule 3.300) and #24-1080-RULE (PUC Rule 3.400), as well as in #17-4999-INV. You may access documents in ePUC without creating an ePUC user account. If you would like to create an account, more information about how to create an ePUC user account and how to use ePUC, including short instructional videos and recordings of online training sessions, is available on the Commission's website at <https://puc.vermont.gov/>.

The Commission will convene a public hearing as part of the rulemaking process. The public hearing will take place on Wednesday, May 22, 2024, via Go To Meeting videoconference, commencing at 7:00 P.M. The purpose of this hearing is to provide a forum for members of the public to provide input to the Commission regarding the proposed rule revisions.

Participants and members of the public may access the public hearing online at <https://meet.goto.com/153663157> or call in by telephone using the following information: phone number: +1 (646) 749-3129; access code: 153-663-157. Participants may wish to download the GoToMeeting software application in advance of the hearing at <https://meet.goto.com/install>. Guidance on how to join the meeting and system requirements may be found at <https://www.gotomeeting.com/meeting/online-meeting-support>.

The deadline for filing written comments on the proposed rule is May 31, 2024. Comments may be filed into the rulemaking cases, #24-1079-RULE (PUC Rule 3.300) and #24-1080-RULE (PUC Rule 3.400), in ePUC, emailed to the Clerk of the Commission ([puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov)), or mailed to the following address:

Holly R. Anderson  
Clerk of the Commission  
112 State Street  
Montpelier, Vermont 05620-2701





1. TITLE OF RULE FILING:

**Rule 3.300 Disconnection of Residential Gas,  
Electric, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Daniel C. Burke, Esq.

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-1173 Fax: 802-828-3352

E-Mail: dan.burke@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://epuc.vermont.gov/?q=node/64/127248>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Ann Bishop

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-2358 Fax: 802-828-3352

E-Mail: ann.bishop@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

**7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

Act 47, Section 25a requires that the Public Utility Commission "revise its rules concerning utility service disconnection to: (1) require that a utility provide notice to the property owner of residential or nonresidential rental property if utility service to the property has been disconnected, even if the tenant is the ratepayer; and (2) allow a utility to disconnect utility service remotely." The proposed rule amends the Public Utility's Commission existing rule on utility disconnections to incorporate these requirements.

Title 30, Section 209 of the Vermont Statutes Annotated tasks the Commission with adopting rules that "regulate or prescribe the grounds upon which the [utility] companies may disconnect or refuse to reconnect service to customers" and "regulate and prescribe reasonable procedures used by [utility] companies in disconnecting or reconnecting services and billing customers in regard thereto." The proposed amendments govern the procedural requirements for utility disconnections.

**8. CONCISE SUMMARY (150 WORDS OR LESS):**

The proposed amendments bring the Public Utility Commission's disconnection rules into alignment with Act 47 to allow for remote disconnections and require utilities to contact owners of rental properties when conducting a disconnection. Disconnections governed by this rule relate to the non-voluntary termination of utility service because of delinquency or non-payment. The rule amendments also modernize the disconnection notification process by allowing utilities to contact affected customers with SMS text messages and emails instead of only telephone calls.

**9. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rule complies with a legislative mandate and is designed to reduce the cost of utility disconnections, promote the safety of utility employees that conduct disconnections, and protect property.

**10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):**

The proposed rule amendments are intended to implement Act 47's legislative mandate. The proposed amendments were developed after soliciting feedback and conducting a public workshop with interested parties, including the Vermont Department of Public Service and affected utilities.

**11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES  
AFFECTED BY THIS RULE:**

Gas, electric, water, and basic telephone utility companies; Vermont customers of those utilities; the Vermont Department of Public Service; the Vermont Housing Authority; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies.

**12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

The proposed rule will have minimal economic impact, but it is expected to produce cost savings for affected utilities by eliminating the need for utility employees to physically travel to service locations to complete utility disconnections for delinquent payment. It will also reduce costs for utility customers by prohibiting utilities from charging fees for remote disconnections.

**13. A HEARING IS SCHEDULED .**

**IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.**

**14. HEARING INFORMATION**

**(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).**

**IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.**

Date: 5/22/2024

Time: 07:00 PM

Street Address:

Zip Code:

URL for Virtual: <https://meet.goto.com/153663157>

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 5/31/2024

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Public Utility Commission

Rules

Disconnection

Consumer Protection

Arrearage

Landlord notification of utility disconnection



## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

**Rule 3.300 Disconnection of Residential Gas, Electric, and Water Service**

### 2. ADOPTING AGENCY:

Vermont Public Utility Commission

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

(1) Natural gas, electric, and water utilities subject to Public Utility Commission jurisdiction. The authorization to conduct remote disconnections will reduce utilities' costs by eliminating the need to send an employee to customers' premises to complete disconnections for delinquent payments. The requirement

to provide notice to property owners and landlords of a disconnection will cause new administrative costs for the utilities, but the rule allows utilities to adopt fee schedules to offset those costs.

(2) Utility customers. The proposed rule will benefit customers affected by disconnections because it prohibits utilities from collecting fees for remote disconnections.

(3) Property Owners and Landlords. The proposed rule will help to protect against damage to rental properties that might be caused by utility disconnections. By requiring utilities to implement systems to provide notice to rental property owners in the event of a disconnection, the property owners can take action to prevent catastrophic property damage that could result from utility disconnections, such as frozen pipes.

#### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

This amended rule does not affect schools or taxpayers in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This amended rule does not create any additional costs for schools or taxpayers. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

#### 5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No alternatives are currently being considered because this rule does not create any additional costs for local school districts.

#### 6. IMPACT ON SMALL BUSINESSES:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

Otherwise, this amended rule does not affect small businesses in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This amended rule does not create any additional costs for small businesses. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

**7. SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The rule amendments require property owners to provide up-to-date contact information to regulated utilities in order to receive notices of utility disconnections at their rental properties. The burden associated with this requirement is expected to be de minimis.

**8. COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

As explained above, the amended rule would help alleviate or mitigate potential costs. The burden of compliance with or effect of these procedural changes is equivalent to, or less than, the burden imposed by the disconnection procedure that is being amended.

**9. SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Commission relied on its experience in regulating utilities and overseeing the disconnection requirements embedded in the existing disconnection rules. It also solicited feedback from the Vermont Department of Public Service and affected utilities, reviewed multiple rounds of written comments, and conducted a public workshop with affected parties.

## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

**Rule 3.300 Disconnection of Residential Gas, Electric, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

Allowing utilities to conduct remote disconnections is expected to result in minor reductions to greenhouse gas impacts. Using remote disconnections will reduce the number of vehicle trips and truck rolls that are necessary for on-premises disconnections.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No impact anticipated.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact anticipated.
6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact anticipated.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
The rule amendments will have a minor impact on reducing greenhouse gases and emissions associated with vehicle trips that will not be necessary for remote disconnections.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No impact anticipated.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*  
The Commission relied on its regulatory expertise and information provided by the Vermont Department of Public Service and affected utilities through their written comments and participation in the workshop process in formulating the proposed rule amendments.

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

**Rule 3.300 Disconnection of Residential Gas, Electric, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Commission has maximized and will continue to maximize public input on the proposed rule amendments by contacting and engaging as many potentially interested persons, entities, and organizations as possible, both in a pre-rulemaking format to best inform the proposed amendments, and in a formal rulemaking format, through public hearings and written comments before and after the filing of the proposed rule with the Secretary of State.

To date, the Commission has conducted several rounds of written comments and three different public workshops in considering and developing amendments to its disconnection rules.

Once the proposed rule is filed with the Secretary of State, the Commission intends to circulate the proposed amendments to the persons and entities that have actively participated in the development of the rule amendments so far. The Commission will schedule one or

## Public Input

more public hearings as needed and will solicit at least two rounds of comments, one before and one after an initial public hearing.

The Commission will also post notice of the formal rulemaking on its website and will distribute a memorandum from the Clerk of the Commission to the Commission's stakeholder email distribution list. The Commission will also update the open rulemaking case in its electronic filing system (ePUC). The Commission has two cases open in ePUC regarding this rulemaking, Cae Nos. 17-4999-INV and 24-1079-RULE.

#### 4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

To date, the following persons and organizations have participated in workshops or provided comments that assisted in developing the proposed rule amendments: the Vermont Department of Public Service; Green Mountain Power Corporation; Washington Electric Cooperative, Inc.; Vermont Electric Cooperative, Inc.; Vermont Gas Systems, Inc.; Vermont Legal Aid; Vermont Public Power Supply Authority; City of Burlington Electric Department; Village of Hyde Park Electric Department; Swanton Village, Inc. Electric Department; Village of Morrisville Water and Light Department; Town of Stowe Electric Department; Village of Enosburg Falls, Inc. Electric Light Department; Barton Village, Inc. Electric Department; and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont.

The Commission expects these persons and entities to continue to participate during the formal rulemaking process and welcomes participation by any additional interested persons and entities.

### **3.300 DISCONNECTION OF RESIDENTIAL GAS, ELECTRIC, AND WATER SERVICE**

#### **3.301 Definitions**

For the purposes of this rule, the following definitions apply:

- (A) Aggregate Data: customer account information from which all identifying information has been removed such that the data or information cannot be associated with a given customer without extraordinary effort.
- (B) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other day, when the company's business offices are not open to the public, and any day preceding a day the company's business offices are not open to the public.
- (C) Delinquency: failure of the customer to tender payment for a valid bill or charge (1) for bills sent by mail, by a "due date" at least 30 days after mailing, which "due date" must be printed on the bill, or (2) for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" must be included in the electronic transmission.
- (D) Disconnection: the serving utility's intentional termination of a customer's utility service by any methods such as remotely via advanced metering infrastructure or physically on premises or at the pole. Disconnection includes interruption or limitation of service but does not include cessation of service made at the request of or with the permission of the customer or interruptions of service that are necessary for maintenance or repairs conducted by the utility.
- (E) Notice: written notice of disconnection that is delivered to the customer on a form approved by the Commission, except where otherwise provided, or by electronic notice, mailed or electronically transmitted within 40 days after delinquency but not more than 20 days, nor less than 14 days before the first date on which disconnection of service, whether remote or on premises, may occur. If payment has been made by a check or other instrument that is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of the notice of dishonor may be deducted from the minimum number of days before disconnection that notice must be sent, but in no event may that minimum number of days be less than four.
- (F) Payment of a bill: receipt at the company's business office or authorized payment agency of cash or of a check or other instrument that is subsequently honored.
- (G) Physician's Certificate: a written statement by a duly licensed physician certifying that a customer or resident within the customer's household would suffer an immediate and serious health hazard due to the disconnection of utility service, or by failure to reconnect service, to that household. The certificate will be valid for 30 days, or the duration of the hazard, whichever is less, and may be renewed once. Use of a physician's certificate by a customer to prevent disconnection or to cause a reconnection is limited to two consecutive 30-day periods and must not exceed three 30-day periods in any calendar year, except upon written order of the Commission.

- (H) Transmit: an act of the utility to convey any document, bill, or notice to a customer. Transmittal may be accomplished through verifiable means such as postal mail, in-person visits, or electronic transfer. Electronic transfer may include email, text message, app click-through, and other routine electronic message platforms.

### **3.302 General Rule**

Except at the request of the customer or upon order of the Commission, no utility may disconnect residential service of gas, electric, or water unless payment of a valid bill or charge is delinquent and notice of disconnection has been furnished to the customer, as provided in this rule.

- (A) Disconnections for Health or Safety Reasons. This rule does not apply to any disconnection or interruption of service made necessary for reasons of health or safety of the customer or the general public.
- (B) Exceptions. The following exceptions do not apply to payment(s) of deposits, but must apply to the general rule of this section. Disconnection is not permitted if:
- (1) the company bills at least as frequently as once every two months, and the delinquent bill or charge, or aggregate delinquent bills and charges, do not exceed \$50.00, provided that this exception may not be used for more than two billing cycles in one calendar year;
  - (2) the only charges or bills constituting the delinquency are more than two years old;
  - (3) the delinquency is due solely to a disputed portion of a charge that has been referred to the Commission by the customer or the company, and the Commission has advised the company not to disconnect service;
  - (4) the delinquency is due to a failure to pay a line extension, special construction charge, or other non-recurring charge except that this exception does not apply to reconnection charges, or charges for personal visits to collect delinquent accounts;
  - (5) the disconnection would represent an immediate and serious hazard to the health of the customer or a resident within the customer's household, as set forth in a physician's certificate furnished to the company. (Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, provided that the certificate is in fact received within seven days.); or
  - (6) the customer has not been given an opportunity to enter into (a) a reasonable repayment plan or, having entered into such a plan, has substantially abided by its terms in accordance with Section 3.305 (A); and (b) in the case of gas and electric utilities, a monthly installment plan for the payment of future bills.
- (C) Disconnection of Rental Units. If a customer requests that service be disconnected, the electric, gas or water company must ask whether a tenant resides in the dwelling unit. An electric, water or gas company may not disconnect a dwelling unit at the request of a lessor, owner, or agent ("landlord") or because the landlord (as a customer) has failed to pay an overdue amount, if it has reason to believe the dwelling is rented and unless the utility gives notice as described below.

A company must make every reasonable attempt with respect to each potentially affected dwelling unit to deliver a notice three days before the scheduled disconnection to at least one adult occupant of that dwelling unit or mail a notice to the tenant of that dwelling unit. In buildings where service to two or more units is to be disconnected because of a landlord's request or non-payment, the utility must also post the notice in a secure and obvious place in the affected building or buildings.

The notice must, in addition to the applicable disclosures of Section 3.303, inform the tenant how service can be continued. Notwithstanding the provisions of Section 3.301(C), a disconnection notice containing a newly established disconnection date must be provided to the tenant at least ten days before the newly established disconnection date. If the disconnection is due to the failure of the landlord to pay an overdue amount, the landlord must be responsible for usage during the additional ten-day notice period.

A utility must offer the tenant the opportunity either to obtain service in the tenant's name or to otherwise assume responsibility for further payment. If the building has a single master meter for the whole building, the utility must make arrangements where possible to provide individual meters to separate dwelling units.

Where the wiring and metering arrangements allow, the utility must provide service upon request of the tenant. The utility may not require the tenant to pay any of the bill owed to the utility by the landlord.

If the utility disconnects a household because it is not aware that the household is occupied by the tenant, and the landlord is responsible for payment of the utility bill, the utility must reinstate service upon notification from the tenant. Under such circumstances, the utility may not require advance payment of any deposit, and the customer must have the option of paying the deposit, if required, in three equal payments, with one-third due in 15 days, one-third due in 30 days and one-third due in 60 days.

- (1) A utility must provide notice to the property owner of residential rental property if utility service to the property has been disconnected, even if the tenant is the customer, for the purpose of promoting safety, the protection of property, and aid to tenants.
  - (a) Utilities must retain contact information for property owners of residential rental locations. Property owners must contact the utility to provide their contact information, and it is the property owner's responsibility to contact the utility to maintain up-to-date contact information. Utilities must retain contact information provided by property owners of residential rental locations.
  - (b) Property owners may authorize an appropriate third-party representative for notice and provide such contact information as the utility deems necessary. However, utilities may not impose any significant paperwork burden. A utility may reasonably request proof of ownership such as a copy of a deed or tax bill if the property owner is not otherwise known to

the utility.

- (2) A utility must provide notice to a property owner once by phone, text, or email before 3:00 p.m. on the day of disconnection of gas, electric, or water service to any residential property for which the property owner has provided contact information for such purposes.
  - (a) The notice must not include any personally identifiable information about the tenant at the disconnected location, or the tenant's account if the tenant is the customer, except that the utility may disclose information necessary to enable the property owner or other applicable third party to reconnect utility service to the property.
  - (b) A utility may not disclose, sell, or transfer any personally identifying individual or aggregate data to a landlord or third-party property manager without the consent of the customer, unless otherwise provided for by law.
  - (c) Customer information that is specifically prohibited from disclosure includes customer names, telephone numbers, personally identifying electricity or gas account numbers, usage, and personally identifying payment history.
- (3) A follow-up written notice of disconnection of service(s) must be mailed to the property owner of any residential unit property within two business days of disconnection of gas, electric, or water service if the property owner and/or property manager has provided contact information and has requested written notice. This notice requirement may be satisfied if the utility contacts the property owner by phone or electronically via email or SMS text message if the property owner consents to electronic delivery. The written notice must include:
  - (a) The title of a utility representative with whom the property owner may make an inquiry or complaint. The contact information and business hours of the company representative(s) must also be included.
  - (b) The address, telephone numbers (including the toll-free number), website, email address, and business hours for the Department of Public Service, Consumer Affairs and Public Information Division ("CAPI"). A statement must be included which explains that CAPI can help customers negotiate with utilities or assist with filing a dispute with the Public Utility Commission.
  - (c) The itemized fees that may be charged to the property owner for the restoration of service. If a deposit may be required for restoration of service, then the utility must provide an explanation of how the amount will be calculated.
  - (d) The notice provided pursuant to subparagraph (2) above must inform the property owner of the option to receive a follow-up written notice and that the additional notice may be subject to a reasonable fee.

- (D) Budget Billing Plans. Each gas and electric utility must offer budget payment plans to a customer at a primary residence, as defined in PUC Rule 3.201 in accordance with the following:
- (1) The plan must be designed to reduce fluctuations in the customer's bills due to seasonal patterns of consumption and seasonal rates.
  - (2) A customer may elect to participate in the budget billing plan at any time of year. A budget payment plan must be based on the customer's recent twelve-month consumption, adjusted for known changes, including anticipated length of occupancy. If twelve months of billing data are not available for the customer, then twelve months of billing data for the premises must be used. If 12 months of billing data are not available for the premises, then the utility must estimate the future consumption over the next 12-month period. Each plan must ensure that bills clearly identify consumption and state the amounts that would be due without budget billing.
  - (3) The monthly payment due must not exceed one-twelfth of the annual estimated bill, or the estimated average monthly amount for customers who expect to be in a dwelling for less than one year, as defined in subsection (D) (2) of this section. Between three and six months after the payment plan is initiated, the utility must compare the payment plan bill with projected energy consumption and must make adjustments necessary to minimize under- or over-payment by the customer. Between six and nine months after the payment plan is initiated, the utility may compare the payment plan with the projected energy consumption and if the difference exceeds 10% of the estimated annual consumption, the utility may adjust the monthly payment amount. Additionally, the utility must reconcile a customer's budget payment plan 12 months after initiating the customer's plan and annually thereafter either on the anniversary of the initiation of the plan or at a set time of the year as filed in the utility's tariff. If the amount of the deficit exceeds \$50, the customer must have the option of paying any budget plan deficit in 12 equal monthly installments during the ensuing 12 months.
  - (4) Any customer who applies for the plan and has a delinquent balance must have the right to pay the delinquency in an extended repayment plan concurrent with the budget plan.
  - (5) Any customer who applies for budget billing must be informed in writing that any disputed terms or conditions for such a billing plan may be referred to the Consumer Affairs Division of the Department of Public Service. Notice to the customer must include the division's address and toll-free number.
- (E) Equal Treatment of Payments. A company must treat all payments made by any person including the customer in the same manner unless the utility receives instructions to the contrary. Payments must be applied toward the delinquent portion of the account before being applied to the current bill unless written instructions from the customer, a disputed bill, or payment arrangements require otherwise.
- (F) Household Rule. A company must not disconnect or refuse service to a customer due to a delinquent bill owed by another person unless a person owing a delinquent bill, resulting from service to that household, resides in the same household.

- (G) Establishment of a Reasonable Repayment Plan. When establishing a reasonable repayment plan, the company must consider the income and income schedule of the customer, if offered by the customer, the customer's payment history, the size of the arrearage and current bill, the amount of time and reason for the outstanding bill and whether the delinquency was caused by unforeseen circumstances.

### **3.303 Disconnection Notice Form**

The notice form required under Section 3.302 and defined in Section 3.301 must contain the following information:

- (A) a statement that the customer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless:
- (1) the delinquency is paid in full by a certain date; or
  - (2) the customer enters into a reasonable agreement with the utility to pay the delinquency by means of a repayment plan; or
  - (3) the customer denies the existence of any delinquency in excess of \$50.00, submits the dispute to the Commission, and the Commission advises the utility not to disconnect service; or
  - (4) the customer presents to the utility (or gives actual notice that he or she will, within seven days, present to the utility) a statement from a duly licensed physician certifying that disconnection will result in an immediate and serious health hazard to the customer or to a resident within the customer's household, provided that use of a physician's certificate to prevent disconnection or to cause a reconnection is limited to two consecutive 30-day periods and must not exceed three 30-day periods in any calendar year, except upon written order of the Commission;
- (B) the dates and times of day when the utility may disconnect service if the customer does not take appropriate action as described above;
- (C) a statement that the utility will negotiate a reasonable agreement for payment of the delinquency by means of a repayment plan and that if, after entering such negotiations, the customer does not believe the utility's terms to be reasonable, the customer may request the assistance of the Consumer Affairs Division of the Department of Public Service in conducting further negotiations;
- (D) the positions, addresses, telephone numbers and business hours of the company representatives with whom the customer may make any inquiry or complaint, and a statement that telephone calls made from within Vermont for such purposes may be made collect or toll-free;
- (E) the address, telephone numbers, including the toll-free number, and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice as to negotiations with utilities, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;
- (F) the itemized fees that may be charged to the customer for the disconnection process including, those for notice, disconnection, collection, and restoration of

service. No fees may be charged for remote disconnections. Fees may be charged for notice of disconnection to landlords or appropriate third parties, such as property managers. If a deposit may be required for restoration of service, an explanation of how the amount will be calculated must also be provided;

- (G) in the case of gas and electric utilities, if disconnection is to occur between November 1 and March 31 (inclusive), a list as annually compiled and distributed by the Department of Public Service, of the names, addresses and telephone numbers of governmental and private agencies that may provide assistance to customers in paying their utility bills;
- (H) in the case of gas and electric utilities, an offer to arrange a monthly installment plan for the payment of future bills, provided, that such offer need not be made if the account is for service at premises not used as a principal residence;
- (I) in the case of gas and electric utilities, a statement that service to households with any member aged 62 or older must not be disconnected between November 1 and March 31 if outdoor temperatures are forecast to fall below 32 degrees Fahrenheit during a 48-hour period beginning at the anticipated time of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph and, if requested by the utility, furnishes reasonable proof of such qualification;
- (J) A statement that utility services may be disconnected remotely, or at the pole or premises without a visit to the premises;
- (K) A statement that the address, time, and date of disconnected utility services are reported to property owners, if the customer is not the property owner, when contact information for property owners is on file. Utilities must not use language in notices or messaging that could be construed as coercing payment by threatening to inform the landlord; and
- (L) any other information not inconsistent with the above and which has received prior approval of the Commission.

### **3.304 Winter Disconnections**

No gas or electric utility may disconnect service to any residential customer between November 1 and March 31 (inclusive), unless, in addition to complying with all other requirements of this rule, the utility has complied with the following:

- (A) The utility must make a reasonable attempt to orally contact the customer within 72 hours in advance of any planned disconnection. The utility may use alternative forms of communication such as text or email to satisfy the notice requirement. An additional contact (phone call, email, or SMS text message) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.
  - (1) The unavailability of a customer's telephone number excuses compliance with the requirement to attempt notification by telephone.
  - (2) A telephone call to a telephone not removed from service that results in a

busy signal or in any other condition preventing communication, or an unanswered call that has not been allowed to ring for at least 60 seconds, shall not count toward satisfaction of the requirement of this section.

- (3) When oral notification is given in compliance with this paragraph, in addition to giving the information required by Section 3.303, the utility must advise the customer or other responsible adult that oral notification is not required to be given in connection with any subsequent disconnection that may occur during the same winter season, unless the utility's tariffs provide otherwise, except as required by remote disconnection. For any intended remote disconnection, even if previous oral notice has been given, the utility must make an additional contact (phone call, email, or SMS text) within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.
- (B) If the utility is unable to reach the customer orally or does not receive confirmation of receipt of notice sent electronically via email or SMS text, the utility must make three additional attempts to contact the customer. These three attempts must be at least three hours apart. One attempt to reach the customer must be made between the hours of 5:30 p.m. and 9:30 p.m. Unanswered calls must be allowed to ring for at least 60 seconds. Calls resulting in a busy signal do not count as one of the three required attempts. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours; for example, after 5:00 p.m. or before 8:00 a.m.

If, after complying with the requirements of subparagraph (A), actual oral notification has not been given, then, at least 48 hours before disconnection is to occur, the utility must report to the Department of Public Service, in writing or by telephone, the customer's name, address and, if available, telephone number.

- (C) If the customer has been given actual oral notice during the current winter period with respect to a previous delinquency, compliance with subparagraphs (A) and (B) is not required, provided that the utility delivers or mails to the premises at which service is to be disconnected (with a copy mailed to the customer's billing address if different) a notice containing the information required by Section 3.303. Delivery is complete (1) if made by personal service, upon actual delivery to the customer at the customer's premises at least 48 hours before the disconnection, not counting Vermont holidays, and (2) in the case of notice by mail, by deposit of the notice at any United States post office, postage prepaid, at least four days before to disconnection, not counting days when the postal service does not make regular deliveries of mail. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection regardless of whether actual oral notice was given previously during the current winter period. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.
- (D) (1) Prior to disconnection during the winter period, the utility must confirm that outdoor temperatures, as predicted by a current National Weather Service (phone 802-862-2475 or on the internet at <https://www.weather.gov/btv/>) forecast for the Burlington, Vermont area, or by another weather service approved by the Public Utility Commission,

will not drop below 10 degrees Fahrenheit during a 48-hour period beginning between 7 a.m. and 10:00 a.m. on the anticipated date of disconnection. When temperatures are forecast to fall below 10 degrees Fahrenheit during that period, the utility is prohibited from performing disconnections.

- (2) Utility service to households with any member aged 62 or older must not be disconnected during the winter period if outdoor temperatures are forecast to fall below 32 degrees Fahrenheit during a 48-hour period beginning between 7:00 a.m. and 10:00 a.m. on the anticipated date of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph. The utility may require reasonable proof of such qualification.

### **3.305 Notice Under Repayment Plan**

- (A) Notwithstanding the provisions of 3.301(C), when a utility proposes to disconnect service because of a customer's failure to abide by the terms of a repayment plan it must deliver or mail to the address at which service is to be disconnected (with a copy mailed to the customer's billing address if different) a notice containing the information required by Sections 3.303(A)(1) and 3.303(B). If made in person, delivery must be effected at least 72 hours before disconnection; if the notice is mailed, it must be deposited in a United States post office at least five days before disconnection. In lieu of giving written notice, the utility may give notice orally, in person or by telephone, text, or email at least 72 hours prior to disconnection. Substantial compliance with a repayment plan established under Section 3.307(B) or Section 3.302(B)(6) is demonstrated if the customer has paid at least 75% of each agreed-upon payment as due.
- (B) The manner of notice provided for in subparagraph (A) must be sufficient, even in the case of disconnection by a gas or electric utility in the winter, provided that the utility has given oral notice of the information contained in Section 3.303 at the time the repayment plan was entered into and provided the terms of the repayment plan were reasonable. In addition to the requirements specified above, customers who are pending remote disconnection must be notified in writing via email or text within 48 hours of a pending remote disconnection. If a customer has not provided such contact information, a phone call must be made by utility staff within 48 hours of a pending remote disconnection. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours; for example, after 5:00 p.m. or before 8:00 a.m.
- (C) Disconnection resulting from failure to meet the terms of a repayment plan must occur only after the utility has issued notice in accordance with Section 3.305(A).

### **3.306 Time and Notice of Disconnection**

Disconnection of utility service must occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day when disconnected at a pole at or near the premises of the customer, specified on the notice of disconnection, or within four business days thereafter between April 1 and October 31 (inclusive), and within eight days thereafter between November 1 and March 31 (inclusive). However, if a company has available

personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 p.m. of a normal business day, the utility may disconnect service between the hours of 8:00 a.m. and 5:00 p.m. When service is disconnected remotely, it may only occur between the hours of 9:00 a.m. and 11:00 a.m. on a scheduled date of disconnection provided in the written notice as described previously.

When service is disconnected at the premises of the customer, which includes disconnection at a pole at or near the premises of the customer, the individual making the disconnection must immediately inform a responsible adult on the premises that service has been disconnected, or if no responsible adult is then present, such individual must leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected and what the customer has to do to have service restored.

### **3.307 Restoration of Service**

- (A) If service has been disconnected, the company must restore service within 24 hours upon the customer's request when the cause for disconnection of service has been removed, when an agreement has been reached between the customer and the company regarding the dispute that led to the disconnection, or when directed to do so by the Commission.
- (B) The company must restore service if the disconnected customer pays one-half of the delinquent bill, or a lesser negotiated amount, before restoration and enters into a repayment plan to pay the balance over a minimum period of three months, except that the utility is not obligated to enter into more than two plans of this type with a particular customer within a calendar year.
- (C) Restoration of service, to the extent feasible, must be done so as to avoid charging customers for overtime rates and other abnormal expenses.
- (D) A company must not require prepayment of any non-recurring charges associated with disconnection and restoration of service as a condition of restoration of service. Such charges must be paid within 30 days unless part of a repayment agreement.
- (E) Upon receipt of a physician's certificate, as defined in Section 3.301(D), the company must reconnect service as soon as possible, but in no event longer than 24 hours.

### **3.308 Filing Requirements**

- (A) Within 30 days after the effective date of this rule, all companies subject to its provisions must submit to the Commission for its review a copy of the disconnection notice form described in Section 3.303.
- (B) All gas, electric, and telephone utilities subject to this rule must file monthly with the Commission, on a form provided by the Commission, a statement reporting the following information regarding residential service for the previous month: the number of bills forwarded to customers, the number of disconnection notices sent, the number of actual disconnections, the number of reconnections made within 15 days of disconnection, the number of repayment plans entered into, the number of repayment plans that were broken, and the dollar amount of

delinquencies for which disconnections were made.

- (C) Companies that fail to file information required in Section 3.308(B) within six months of the month being reported are precluded from disconnecting any residential customers.
- (D) Within 30 days of the effective date of revisions to this rule, each utility must file tariff amendments to ensure that they are consistent with the provisions of this rule.

### 3.300 DISCONNECTION OF RESIDENTIAL GAS, ELECTRIC, AND WATER SERVICE

#### 3.301 Definitions

For the purposes of this rule, the following definitions apply:

- (A) ~~Disconnection: deliberate interruption, limitation, or disconnection of utility service to a ratepayer by the serving utility, not including disconnection at the request of or with the permission of the ratepayer.~~
- (A) Aggregate Data: customer account information from which all identifying information has been removed such that the data or information cannot be associated with a given customer without extraordinary effort.
- (B) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other day, when the company's business offices are not open to the public, and any day preceding a day the company's business offices are not open to the public.
- ~~(B)~~(C) Delinquency: failure of the ratepayer/customer to tender payment for a valid bill or charge (1) ~~within thirty days of the postmark date of that bill or charge,~~ or (2) ~~for bills sent by mail, by a "due date" at least thirty~~30 days after mailing, which ~~"due date shall" must be printed on the bill,~~ or (2) ~~for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" must be included in the electronic transmission.~~
- (D) Disconnection: the serving utility's intentional termination of a customer's utility service by any methods such as remotely via advanced metering infrastructure or physically on premises or at the pole. Disconnection includes interruption or limitation of service but does not include cessation of service made at the request of or with the permission of the customer or interruptions of service that are necessary for maintenance or repairs conducted by the utility.
- ~~(C)~~(E) Notice: ~~except where otherwise provided or where the context otherwise requires, notice shall mean~~ written notice of disconnection that is delivered to the customer on a form approved by the Commission, ~~except where otherwise provided, or by electronic notice, mailed or delivered electronically transmitted~~ within ~~forty~~40 days after delinquency but not more than ~~twenty~~20 days, nor less than ~~fourteen~~14 days ~~prior to~~before the first date on which disconnection of service, ~~whether remote or on premises,~~ may occur. ~~Where~~ If payment has been made by a check or other instrument ~~which that~~ is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of the notice of dishonor may be deducted from the minimum number of days ~~prior to~~before disconnection that notice must be sent, but in no event may that minimum number of days be less than four.
- (F) Payment of a bill: receipt at the company's business office or authorized payment agency of cash or of a check or other instrument that is subsequently honored.
- ~~(D)~~(G) Physician's Certificate: a written statement by a duly licensed physician certifying that a ratepayer/customer or resident within the ratepayer's/customer's household would suffer an immediate and serious health hazard ~~by~~due to the disconnection of ~~the company's~~utility service, or by failure to reconnect service, to that household. The certificate will be valid for ~~thirty~~30 days, or the duration of the hazard, whichever is less, and may be renewed once. Use of a ~~physician's~~physician's certificate by a customer to prevent disconnection or to cause a reconnection is limited to two consecutive 30-day periods and ~~shall~~must not

exceed three 30-day periods in any calendar year, except upon written order of the Commission.

- ~~(E) Payment of a bill: receipt at the company's business office or authorized payment agency of cash or of a check or other instrument which is subsequently honored.~~
- ~~(F) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other day, when the company's business offices are not open to the public, and any day preceding the day the company's business offices are not open to the public.~~
- ~~(H) Transmit: an act of the utility to convey any document, bill, or notice to a customer. Transmittal may be accomplished through verifiable means such as postal mail, in-person visits, or electronic transfer. Electronic transfer may include email, text message, app click-through, and other routine electronic message platforms.~~

### **3.302 General Rule**

Except at the request of the ~~ratepayer~~customer or upon order of the Commission, no utility ~~shall~~may disconnect residential service of gas, electric, or water unless payment of a valid bill or charge is delinquent and notice of disconnection has been furnished to the ~~ratepayer~~customer, as provided in this rule.

- (A) Disconnections for Health or Safety Reasons. This rule ~~shall~~does not apply to any disconnection or interruption of service made necessary for reasons of health or safety of the ~~ratepayer~~customer or the general public.

(B) Exceptions. The following exceptions ~~shall do~~ not apply to payment(s) of deposits, but ~~shall must~~ apply to the general rule of this section. Disconnection shall is not be permitted if:

- (1) the company bills at least as frequently as once every two months, and the delinquent bill or charge, or aggregate delinquent bills and charges, do not exceed \$50.00, provided that this exception may not be used for more than two billing cycles in one calendar year;
- (2) the only charges or bills constituting the delinquency are more than two years old;
- (3) the delinquency is due solely to a disputed portion of a charge ~~which that~~ has been referred to the Commission by the ~~ratepayer customer~~ or the company, and the Commission has advised the company not to disconnect service;
- (4) the delinquency is due to a failure to pay a line extension, special construction charge, or other non-recurring charge except that this exception ~~shall does~~ not apply to reconnection charges, or charges for personal visits to collect delinquent accounts;
- (5) the disconnection would represent an immediate and serious hazard to the health of the ~~ratepayer customer~~ or a resident within the ~~ratepayer's customer's~~ household, as set forth in a ~~physician's physician's~~ certificate furnished to the company. (Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, ~~providing provided that~~ the certificate is in fact received within seven days.); or
- (6) the ~~ratepayer customer~~ has not been given an opportunity to enter into (a) a reasonable repayment plan or, having entered into such a plan, has substantially abided by its terms in accordance with Section 3.305 (A); and (b) in the case of gas and electric utilities, a monthly installment plan for the payment of future bills.

(C) Disconnection of Rental Units. If a ~~ratepayer customer~~ requests that service be disconnected, the electric, gas or water company must ask whether a tenant resides in the dwelling unit. An electric, water or gas company may not disconnect a dwelling unit at the request of a lessor, owner, or agent (~~“(“landlord”)”~~) or because the landlord (as a customer) has failed to pay an overdue amount, if it has reason to believe the dwelling is rented and unless the utility gives notice as described below.

A company must make every reasonable attempt with respect to each potentially affected dwelling unit to deliver a notice three days ~~prior to before~~ the scheduled disconnection to at least one adult occupant of that dwelling unit or mail a notice to the tenant of that dwelling unit. In buildings where service to two or more units is to be disconnected because of a ~~landlord's landlord's~~ request or non-payment, the utility must also post the notice in a secure and obvious place in the affected building or buildings.

The notice must, in addition to the applicable disclosures of Section 3.303, inform the tenant how service can be continued. Notwithstanding the provisions of Section 3.301(C), a disconnection notice containing a newly established disconnection date ~~shall must~~ be provided to the tenant at least ten days ~~prior to before~~ the newly established disconnection date. If the disconnection is due to the failure of the landlord to pay an overdue amount, the landlord ~~shall must~~ be responsible for usage during the additional ten-day notice period.

A utility must offer the tenant the opportunity either to obtain service in the tenant's name or to otherwise assume responsibility for further payment. If the building has a single master meter for the whole building, the utility must make arrangements

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where possible to provide individual meters to separate dwelling units.

Where the wiring and metering arrangements allow, the utility must provide service upon request of the tenant. The utility may not require the tenant to pay any of the bill owed to the utility by the landlord.

If the utility disconnects a household because it is not aware that the household is occupied by the tenant, and the landlord is responsible for payment of the utility bill, the utility must reinstate service upon notification from the tenant. Under such circumstances, the utility ~~shall~~may not require advance payment of any deposit, and the customer ~~shall~~must have the option of paying the deposit, if required, in three equal payments, with one-third due in ~~fifteen~~15 days, one-third due in ~~thirty~~30 days and one-third due in ~~sixty~~60 days.

- (1) A utility must provide notice to the property owner of residential rental property if utility service to the property has been disconnected, even if the tenant is the customer, for the purpose of promoting safety, the protection of property, and aid to tenants.
  - (a) Utilities must retain contact information for property owners of residential rental locations. Property owners must contact the utility to provide their contact information, and it is the property owner's responsibility to contact the utility to maintain up-to-date contact information. Utilities must retain contact information provided by property owners of residential rental locations.
  - (b) Property owners may authorize an appropriate third-party representative for notice and provide such contact information as the utility deems necessary. However, utilities may not impose any significant paperwork burden. A utility may reasonably request proof of ownership such as a copy of a deed or tax bill if the property owner is not otherwise known to the utility.
- (2) A utility must provide notice to a property owner once by phone, text, or email before 3:00 p.m. on the day of disconnection of gas, electric, or water service to any residential property for which the property owner has provided contact information for such purposes.
  - (a) The notice must not include any personally identifiable information about the tenant at the disconnected location, or the tenant's account if the tenant is the customer, except that the utility may disclose information necessary to enable the property owner or other applicable third party to reconnect utility service to the property.
  - (b) A utility may not disclose, sell, or transfer any personally identifying individual or aggregate data to a landlord or third-party property manager without the consent of the customer, unless otherwise provided for by law.
  - (c) Customer information that is specifically prohibited from disclosure includes customer names, telephone numbers, personally identifying electricity or gas account numbers, usage, and personally identifying payment history.
- (3) A follow-up written notice of disconnection of service(s) must be mailed to the property owner of any residential unit property within two business days of disconnection of gas, electric, or water service if the property owner and/or property manager has provided contact information and has requested written

notice. This notice requirement may be satisfied if the utility contacts the property owner by phone or electronically via email or SMS text message if the property owner consents to electronic delivery. The written notice must include:

- (a) The title of a utility representative with whom the property owner may make an inquiry or complaint. The contact information and business hours of the company representative(s) must also be included.
- (b) The address, telephone numbers (including the toll-free number), website, email address, and business hours for the Department of Public Service, Consumer Affairs and Public Information Division ("CAPI"). A statement must be included which explains that CAPI can help customers negotiate with utilities or assist with filing a dispute with the Public Utility Commission.
- (c) The itemized fees that may be charged to the property owner for the restoration of service. If a deposit may be required for restoration of service, then the utility must provide an explanation of how the amount will be calculated.
- (d) The notice provided pursuant to subparagraph (2) above must inform the property owner of the option to receive a follow-up written notice and that the additional notice may be subject to a reasonable fee.

(D) Budget Billing Plans. Each gas and electric utility ~~shall~~must offer budget payment plans to a customer at a primary residence, as defined in PUC Rule 3.201 in accordance with the following:

- (1) The plan ~~shall~~must be designed to reduce fluctuations in the ~~customer's~~customer's bills due to seasonal patterns of consumption and seasonal rates.
- (2) A customer may elect to participate in the budget billing plan at any time of year. A budget payment plan ~~shall~~must be based on the ~~customer's~~customer's recent twelve-month consumption, adjusted for known changes, including anticipated length of occupancy. If twelve months of billing data are not available for the customer, then twelve months of billing data for the premises ~~shall~~must be used. If ~~twelve~~12 months of billing data are not available for the premises, then the utility ~~shall~~must estimate the future consumption over the next ~~twelve~~12-month period. Each plan ~~shall provide~~must ensure that bills clearly identify consumption and state the amounts that would be due without budget billing.
- (3) The monthly payment due ~~shall~~must not exceed one-twelfth of the annual estimated bill, or the estimated average monthly amount for customers who expect to be in a dwelling for less than one year, as defined in subsection (D) (2) of this section. Between three and six months after the payment plan is initiated, the utility ~~shall~~must compare the payment plan bill with projected energy consumption and ~~shall~~must make adjustments necessary to minimize under- or over-payment by the customer. Between six and nine months after the payment plan is initiated, the utility may compare the payment plan with the projected energy consumption and if the difference exceeds 10% of the estimated annual consumption, the utility may adjust the monthly payment amount. Additionally, the utility ~~shall~~must reconcile a ~~customer's~~customer's budget payment plan ~~twelve~~12 months after initiating the ~~customer's~~customer's plan and annually thereafter either on the anniversary of the initiation of the plan or at a set time of the year as filed in the ~~utility's~~utility's tariff. If the amount of the deficit

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- exceeds \$50, the customer ~~shall~~must have the option of paying any budget plan deficit in ~~twelve~~12 equal monthly installments during the ensuing 12 months.
- (4) Any customer who applies for the plan and has a delinquent balance ~~shall~~must have the right to pay the delinquency in an extended repayment plan concurrent with the budget plan.
  - (5) Any customer who applies for budget billing ~~shall~~must be informed in writing that any disputed terms or conditions for such a billing plan may be referred to the Consumer Affairs Division of the Department of Public Service. Notice to the customer ~~shall~~must include the ~~division's~~division's address and toll-free number.

- (E) Equal Treatment of Payments. A company ~~shall~~must treat all payments made by any person including the ~~ratepayer~~customer in the same manner unless the utility receives instructions to the contrary. ~~Payments shall~~must be applied toward the delinquent portion of the account before being applied to the current bill unless written instructions from the customer, a disputed bill, or payment arrangements require otherwise.
- (F) Household Rule. A company ~~shall~~must not disconnect or refuse service to a customer due to a delinquent bill owed by another person unless a person owing a delinquent bill, resulting from service to that household, resides in the same household.
- (G) Establishment of a Reasonable Repayment Plan. When establishing a reasonable repayment plan, the company ~~shall~~must consider the income and income schedule of the customer, if offered by the customer, the ~~customer's~~customer's payment history, the size of the arrearage and current bill, the amount of time and reason for the outstanding bill and whether the delinquency was caused by ~~unforeseen~~unforeseen circumstances.

### **3.303 Disconnection Notice Form**

The notice form required under Section 3.302 and defined in Section 3.301 ~~shall~~must contain the following information:

- (A) a statement that the ~~ratepayer's~~customer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless:
  - (1) the delinquency is paid in full by a certain date; or
  - (2) the ~~ratepayer~~customer enters into a reasonable agreement with the utility to pay the delinquency by means of a repayment plan; or
  - (3) the ~~ratepayer~~customer denies the existence of any delinquency in excess of \$50.00, submits the dispute to the Commission, and the Commission advises the utility not to disconnect service; or
  - (4) the ~~ratepayer~~customer presents to the utility (or gives actual notice that he or she will, within seven days, present to the utility) a statement from a duly licensed physician certifying that disconnection will result in an immediate and serious health hazard to the ~~ratepayer~~customer or to a resident within the ~~ratepayer's~~customer's household, provided that use of ~~physician's~~physician's certificate to prevent disconnection or to cause a reconnection is limited to two consecutive 30-day periods and ~~shall~~must not exceed three 30-day periods in any calendar year, except upon written order of the Commission;
- (B) the dates and times of day when the utility may disconnect service if the ~~ratepayer~~customer does not take appropriate action as described above;
- (C) a statement that the utility will negotiate a reasonable agreement for payment of the delinquency by means of a repayment plan and that if, after entering such negotiations, the ~~ratepayer~~customer does not believe the ~~utility's~~utility's terms to be reasonable, the ~~ratepayer~~customer may request the assistance of the Consumer Affairs Division of the Department of Public Service in conducting further negotiations;
- (D) the ~~name(s) or title(s), address(es), positions, addresses,~~ telephone ~~number(s)~~numbers and business hours of the company representatives with whom the ~~ratepayer~~customer may make any inquiry or complaint, and a statement that

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~~Amended effective: 1/2/90~~  
~~Amended effective: 7/21/06~~

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telephone calls made from within Vermont for such purposes may be made collect  
or toll-free;

~~purposes may be made collect or toll free;~~

- (E) the address, telephone numbers, including the toll-free number, and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice as to negotiations with utilities, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;
- (F) the itemized ~~cost~~fees that may be charged to the ~~ratepayers~~customer for the disconnection process including, those for notice, disconnection, collection, and later-restoration of service ~~and, if, No fees may be charged for remote disconnections. Fees may be charged for notice of disconnection to landlords or appropriate third parties, such as property managers. If~~ a deposit may be required for restoration of service, an explanation of how the amount will be calculated must also be provided;
- (G) in the case of gas and electric utilities, if disconnection is to occur between November 1 and March 31, ~~(inclusive,)~~ a list as annually compiled and distributed by the Department of Public Service, of the names, addresses and telephone numbers of governmental and private agencies ~~which~~that may provide assistance to ~~ratepayers~~customers in paying their utility bills;
- (H) in the case of gas and electric utilities, an offer to arrange a monthly installment plan for the payment of future bills, provided, that such offer need not be made if the account is for service at premises not used as a principal residence; ~~and~~
- (I) in the case of gas and electric utilities, a statement that service to households with any member aged 62 or older ~~shall~~must not be disconnected between November 1 and March 31 if outdoor temperatures are forecast to fall below 32 degrees Fahrenheit during a 48-hour period beginning at the anticipated time of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph and, if requested by the utility, furnishes reasonable proof of such qualification; ~~and~~
- (J) A statement that utility services may be disconnected remotely, or at the pole or premises without a visit to the premises;
- (K) A statement that the address, time, and date of disconnected utility services are reported to property owners, if the customer is not the property owner, when contact information for property owners is on file. Utilities must not use language in notices or messaging that could be construed as coercing payment by threatening to inform the landlord; and
- (~~J~~)L) any other information not inconsistent with the above and which has received prior approval of the Commission.

### 3.304 Winter Disconnections

No gas or electric utility may disconnect service to any residential ~~ratepayer~~customer between November 1 and March 31, ~~(inclusive,)~~ unless, in addition to complying with all other requirements of this rule, the utility has complied with the following:

- (A) ~~the utility shall make reasonable attempts to give the ratepayer actual oral notice of the information required by Section 3.303. If actual oral notice has not been given in any other manner, reasonable attempts shall consist of at least the following: three-telephone calls made at least three hours apart to a telephone number provided by the~~

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Amended effective: 1/2/90  
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~~ratepayer for this purpose or, if no such number has been provided, to the ratepayer's number as it appears in the telephone directory or as obtained from directory assistance, and a personal visit to the premises at which service is provided. Actual oral notice given by one of these methods (telephone calls or personal visit) eliminates the need for further attempts by any other method.~~

- ~~(1) The notice required by this paragraph may be given to either the ratepayer or to another responsible adult at the premises where service is to be disconnected.~~

~~(2) If actual oral notification has not otherwise been given, at least one of the telephone calls made to comply with this section shall be placed between the hours of 5:30 P.M. and 9:30 P.M. on a business day.~~

(A) The utility must make a reasonable attempt to orally contact the customer within 72 hours in advance of any planned disconnection. The utility may use alternative forms of communication such as text or email to satisfy the notice requirement. An additional contact (phone call, email, or SMS text message) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.

(1) The unavailability of a customer's telephone number excuses compliance with the requirement to attempt notification by telephone.

~~(3)(2)~~ A telephone call to a telephone not removed from service ~~which~~that results in a busy signal or in any other condition preventing communication, or an unanswered call ~~which~~that has not been allowed to ring for at least 60 seconds, shall not count toward satisfaction of the requirement of this section.

~~(4) The unavailability of a ratepayer's telephone number shall excuse compliance with the requirement to attempt notification by telephone.~~

~~(5) If no responsible adult is at the premises when a personal visit made in compliance with this paragraph occurs, a notice containing the information required by Section 3.303 shall be left in a secure and conspicuous place.~~

~~(6)(3)~~ When oral notification is given in compliance with this paragraph, in addition to giving the information required by Section 3.303, the utility ~~shall~~must advise the ~~ratepayer~~customer or other responsible adult ~~as the case may be~~, that oral notification is not required to be given in connection with any subsequent disconnection ~~which~~that may occur during the same winter season, unless the ~~utility's~~utility's tariffs provide otherwise, except as required by remote disconnection. For any intended remote disconnection, even if previous oral notice has been given, the utility must make an additional contact (phone call, email, or SMS text) within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.

(B) If the utility is unable to reach the customer orally or does not receive confirmation of receipt of notice sent electronically via email or SMS text, the utility must make three additional attempts to contact the customer. These three attempts must be at least three hours apart. One attempt to reach the customer must be made between the hours of 5:30 p.m. and 9:30 p.m. Unanswered calls must be allowed to ring for at least 60 seconds. Calls resulting in a busy signal do not count as one of the three required attempts. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours; for example, after 5:00 p.m. or before 8:00 a.m.

If, after complying with the requirements of subparagraph (A), actual oral notification has not been given, then, at least 48 hours before disconnection is to occur, the utility ~~shall~~must report to the Department of Public Service, in writing or by telephone, the ~~ratepayer's~~customer's name, address and, if available, telephone number. ~~The utility shall be prepared to provide a description of the observations of the person who attempted to give oral notice by personal visit as to whether the premises appear to be occupied.~~

~~(B)(C)~~ If the ~~ratepayer~~customer has been given actual oral notice during the current winter period with respect to a previous delinquency, compliance with

subparagraphs (A) and (B) ~~shall~~<sup>is</sup> not ~~be~~ required, provided that the utility ~~shall deliver~~<sup>delivers</sup> or ~~mail~~<sup>mails</sup> to the premises at which service is to be disconnected (with a copy mailed to the ~~ratepayer's~~<sup>customer's</sup> billing address if different) a notice containing the information required by Section 3.303. Delivery is complete (1) if made by personal service, upon actual delivery to the ~~ratepayer or his~~<sup>customer at the customer's</sup> premises at least 48 hours ~~prior to~~<sup>before</sup> the disconnection, not counting Vermont holidays, and (2) in the case of notice by mail, by deposit of the notice at any United States post office, postage prepaid, at least four days ~~prior to~~<sup>before</sup> disconnection, not counting days when the postal service does not make regular deliveries of mail. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection regardless of whether actual oral notice was given previously during the current winter period. One of these contacts must be made outside of typical business hours—for example, after 5:00 p.m. or before 8:00 a.m.

- (~~C~~) (1) Prior to disconnection during the winter period, the utility ~~shall~~<sup>must</sup> confirm that outdoor temperatures, as predicted by a current National Weather Service (phone ~~802-862-2475~~) or on the internet at <https://www.weather.gov/btv/> forecast for the Burlington, ~~Vt.,~~<sup>Vermont</sup> area, or by another weather service approved by the Public Utility Commission, will not drop ~~under~~<sup>below</sup> 10 degrees Fahrenheit during a 48-hour period beginning between 7 a.m. and 10 (D) ~~:00~~<sup>:00</sup> a.m. on the anticipated date of disconnection. When temperatures are forecast to fall below 10 degrees Fahrenheit during ~~the winter~~<sup>that</sup> period, the utility is prohibited from performing disconnections.
- (2) Utility service to households with any member aged 62 or older ~~shall~~<sup>must</sup> not be disconnected during the winter period if outdoor temperatures are forecast to fall

~~below 32 degrees Fahrenheit during a 48-hour period beginning between 7:00 a.m. and 10:00 a.m. on the anticipated date of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph. The utility may require reasonable proof of such qualification under this subparagraph.~~

### 3.305 Notice Under Repayment Plan

(A) Notwithstanding the provisions of 3.301(C), when a utility proposes to disconnect service because of a ~~ratepayer's customer's~~ failure to abide by the terms of a repayment plan it ~~shall~~must deliver or mail to the address at which service is to be disconnected (with a copy mailed to the ~~ratepayer's customer's~~ billing address if different) a notice containing the information required by Sections 3.303(A)(1) and 3.303-(B). If made in person, delivery ~~shall~~must be effected at least 72 hours ~~prior to~~before disconnection; if the notice is mailed, it ~~shall~~must be deposited in a United States post office at least five days ~~prior to~~before disconnection. In lieu of giving written notice, the utility may give notice orally, in person or by telephone, ~~text, or email~~ at least 72 hours prior to disconnection. Substantial compliance with a repayment plan established under Section 3.307(B) or Section ~~3.302(B)(6) is demonstrated if the customer has paid at least 75% of each agreed-upon payment as due.~~

~~3.302 (B) (6) shall be demonstrated if the customer has paid at least 75 percent of each agreed-upon payment as due.~~

(B) The manner of notice provided for in subparagraph (A) ~~shall~~must be sufficient, even in the case of disconnection by a gas or electric utility in the winter, provided that ~~such the~~ utility ~~shall have~~has given oral notice of the information contained in Section 3.303 at the time the repayment plan was entered into and provided the terms of the repayment plan were reasonable. ~~In addition to the requirements specified above, customers who are pending remote disconnection must be notified in writing via email or text within 48 hours of a pending remote disconnection. If a customer has not provided such contact information, a phone call must be made by utility staff within 48 hours of a pending remote disconnection. An additional contact (phone call, email, or text) must be made within 24 hours of a pending remote disconnection. One of these contacts must be made outside of typical business hours; for example, after 5:00 p.m. or before 8:00 a.m.~~

(C) Disconnection resulting from failure to meet the terms of a repayment plan ~~shall~~must occur only after the utility has issued notice in accordance with Section 3.305(A).

### 3.306 Time and Notice of Disconnection

Disconnection of utility service ~~shall~~must occur only between the hours of 8:00 ~~A.M.~~a.m. and 2:~~00~~

~~P.M.~~p.m. of the business day ~~when disconnected at a pole at or near the premises of the customer, specified on the notice of disconnection, or within four business days thereafter between April 1 and October 31, (inclusive), and within eight days thereafter between November 1 and March 31, (inclusive, provided, however).~~ ~~However,~~ if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 ~~p.m. of a normal business day, the utility may disconnect service between the hours of 8:00 a.m. and 5:00 p.m. When service is disconnected remotely, it may only occur between the hours of 9:00 a.m. and 11:00 a.m. on a scheduled date of disconnection provided in the written notice as described previously.~~

~~P.M. of a normal business day, the utility may disconnect service between the hours of 8:00 A.M. and 5:00 P.M.—~~

When service is disconnected at the premises of the ~~ratepayer~~customer, which ~~shall~~

~~include~~includes disconnection at a pole at or near the premises of the ratepayercustomer, the individual making the disconnection ~~shall~~must immediately inform a responsible adult on the premises that service has been disconnected, or if no responsible adult is then present, such individual ~~shall~~must leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected and what the ratepayercustomer has to do to have service restored.

### **3.307 Restoration of Service**

(A) If service has been disconnected, the company ~~shall within twenty-four hours must~~ restore service within 24 hours upon the ratepayer'scustomer's request when the cause for disconnection of service has been removed ~~or~~, when an agreement has been reached between the ratepayercustomer and the company regarding the dispute ~~which~~that led to the disconnection, or when directed to do so by the Commission.

- (B) The company ~~shall~~must restore service if the disconnected customer pays one-half of the delinquent bill, or a lesser negotiated amount, before restoration and enters into a repayment plan to pay the balance over a minimum period of three months, except that the utility is not obligated to enter into more than two plans of this type with a particular customer within a calendar year.
- (C) Restoration of service, to the extent feasible, ~~shall~~must be done so as to avoid charging ~~ratepayers~~customers for overtime rates and other abnormal expenses.
- (D) A company ~~shall~~must not require prepayment of any non-recurring charges associated with disconnection and restoration of service as a condition of restoration of service. Such charges ~~shall~~must be paid within ~~thirty~~30 days unless part of a repayment agreement.
- (E) Upon receipt of a ~~Physician's Certificate~~physician's certificate, as defined in Section 3.301(D), the company ~~shall~~must reconnect service as soon as possible, but in no event longer than 24 hours.

### **3.308 Filing Requirements**

- (A) Within ~~thirty~~30 days after the effective date of this rule, all companies subject to its provisions ~~shall~~must submit to the Commission for its review a copy of the disconnection notice form described in Section 3.303.
- (B) All gas, electric, and telephone utilities subject to this rule ~~shall~~must file monthly with the Commission, on a form provided by the Commission, a statement reporting the following information regarding residential service for the previous month: the number of bills forwarded to ~~ratepayers~~customers, the number of disconnection notices sent, the number of actual disconnections, the number of reconnections made within 15 days of disconnection, the number of repayment plans entered into, the number of repayment plans that were broken, and the dollar amount of delinquencies for which disconnections were made.
- (C) Companies that fail to file information required in Section 3.308(B) within six months of the month being reported ~~shall~~be precluded from disconnecting any residential customers.
- (D) Within ~~120~~30 days of the effective date of revisions to this rule, each utility ~~shall~~must file tariff amendments to ensure that they are consistent with the provisions of this rule.

## Proposed Filing - Coversheet

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. Publication of notices will be charged back to the promulgating agency.

\*\*\*\*\*

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

\*\*\*\*\*

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service**

\_\_\_\_\_/s/ Edward McNamara\_\_\_\_\_, on 4/11/24  
(signature) (date)

**Printed Name and Title:**

Edward McNamara, Chair, Vermont Public Utility Commission

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Filing Confirmed



1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Daniel C. Burke, Esq.

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-1173 Fax: 802-828-3352

E-Mail: dan.burke@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://epuc.vermont.gov/?q=node/64/127248>

4. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Ann Bishop

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-2358 Fax: 802-828-3352

E-Mail: ann.bishop@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

**7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

Act 47, Section 25a requires that the Public Utility Commission "revise its rules concerning utility service disconnection to: (1) require that a utility provide notice to the property owner of residential or nonresidential rental property if utility service to the property has been disconnected, even if the tenant is the ratepayer; and (2) allow a utility to disconnect utility service remotely." The proposed rule amends the Public Utility's Commission existing rule on utility disconnections to incorporate these requirements.

Title 30, Section 209 of the Vermont Statutes Annotated tasks the Commission with adopting rules that "regulate or prescribe the grounds upon which the [utility] companies may disconnect or refuse to reconnect service to customers" and "regulate and prescribe reasonable procedures used by [utility] companies in disconnecting or reconnecting services and billing customers in regard thereto." The proposed amendments govern the procedural requirements for utility disconnections.

**8. CONCISE SUMMARY (150 WORDS OR LESS):**

The proposed amendments bring the Public Utility Commission's disconnection rules into alignment with Act 47 to allow for remote disconnections and require utilities to contact owners of rental properties when conducting a disconnection. Disconnections governed by this rule relate to the non-voluntary termination of utility service because of delinquency or non-payment. The rule amendments also modernize the disconnection notification process by allowing utilities to contact affected customers with SMS text messages and emails instead of only telephone calls.

**9. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rule complies with a legislative mandate and is designed to reduce the cost of utility disconnections, promote the safety of utility employees that conduct disconnections, and protect property.

**10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED IN 3 V.S.A. § 801(b)(13)(A):**

The proposed rule amendments are intended to implement Act 47's legislative mandate. The proposed amendments were developed after soliciting feedback and conducting a public workshop with interested parties, including the Vermont Department of Public Service and affected utilities.

**11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:**

Gas, electric, water, and basic telephone utility companies; Vermont customers of those utilities; the Vermont Department of Public Service; the Vermont Housing Authority; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies.

**12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

The proposed rule will have minimal economic impact, but it is expected to produce cost savings for affected utilities by eliminating the need for utility employees to physically travel to service locations to complete utility disconnections for delinquent payment. It will also reduce costs for utility customers by prohibiting utilities from charging fees for remote disconnections.

**13. A HEARING IS SCHEDULED .**

**IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.**

**14. HEARING INFORMATION**

**(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).**

**IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.**

Date: 5/22/2024

Time: 07:00 PM

Street Address:

Zip Code:

URL for Virtual: <https://meet.goto.com/153663157>

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

---

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

---

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 5/31/24

16. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Public Utility Commission

Rules

Disconnection

Consumer Protection

Arrearage

Landlord notification of utility disconnection

## Adopting Page

### Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU  
BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF  
THE LAST ADOPTION FOR THE EXISTING RULE*):

Log No. 06-020; Disconnection of Cable Television  
Service and Non-Residential Electric, Gas, and Water  
Service, July 21, 2006 (30-000-3400).

## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service**

### 2. ADOPTING AGENCY:

Vermont Public Utility Commission

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

(1) Cable television, natural gas, electric, and water utilities subject to Public Utility Commission jurisdiction. The authorization to conduct remote disconnections will reduce utilities' costs by eliminating the need to send an employee to customers' premises to complete disconnections for delinquent

payments. The requirement to provide notice to property owners and landlords of a disconnection will cause new administrative costs for the utilities, but the rule allows utilities to adopt fee schedules to offset those costs.

(2) Utility customers. The proposed rule will benefit customers affected by disconnections because it prohibits utilities from collecting fees for remote disconnections.

(3) Property Owners and Landlords. The proposed rule will help to protect against damage to rental properties that might be caused by utility disconnections. By requiring utilities to implement systems to provide notice to rental property owners in the event of a disconnection, the property owners can take action to prevent catastrophic property damage that could result from utility disconnections, such as frozen pipes.

#### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

This amended rule does not affect schools or taxpayers in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This amended rule does not create any additional costs for schools or taxpayers. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

#### 5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No alternatives are currently being considered because this rule does not create any additional costs for local school districts.

#### 6. IMPACT ON SMALL BUSINESSES:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

Otherwise, this amended rule does not affect small businesses in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This amended rule does not create any additional costs for small businesses. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

**7. SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The rule amendments require property owners to provide up-to-date contact information to regulated utilities in order to receive notices of utility disconnections at their rental properties. The burden associated with this requirement is expected to be de minimis.

**8. COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

As explained above, the amended rule would help alleviate or mitigate potential costs. The burden of compliance with or effect of these procedural changes is equivalent to, or less than, the burden imposed by the disconnection procedure that is being amended.

**9. SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Commission relied on its experience in regulating utilities and overseeing the disconnection requirements embedded in the existing disconnection rules. It also solicited feedback from the Vermont Department of Public Service and affected utilities, reviewed multiple rounds of written comments, and conducted a public workshop with affected parties.

## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

Allowing utilities to conduct remote disconnections is expected to result in minor reductions to greenhouse gas impacts. Using remote disconnections will reduce the number of vehicle trips and truck rolls that are necessary for on-premises disconnections.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No impact anticipated.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact anticipated.
6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact anticipated.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
The rule amendments will have a minor impact on reducing greenhouse gases and emissions associated with vehicle trips that will not be necessary for remote disconnections.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No impact anticipated.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*  
The Commission relied on its regulatory expertise and information provided by the Vermont Department of Public Service and affected utilities through their written comments and participation in the workshop process in formulating the proposed rule amendments.

## Public Input Maximization Plan

### Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Commission has maximized and will continue to maximize public input on the proposed rule amendments by contacting and engaging as many potentially interested persons, entities, and organizations as possible, both in a pre-rulemaking format to best inform the proposed amendments, and in a formal rulemaking format, through public hearings and written comments before and after the filing of the proposed rule with the Secretary of State.

To date, the Commission has conducted several rounds of written comments and three different public workshops in considering and developing amendments to its disconnection rules.

Once the proposed rule is filed with the Secretary of State, the Commission intends to circulate the proposed amendments to the persons and entities that have actively participated in the development of the rule amendments so far. The Commission will schedule one or

## Public Input

more public hearings as needed and will solicit at least two rounds of comments, one before and one after an initial public hearing.

The Commission will also post notice of the formal rulemaking on its website and will distribute a memorandum from the Clerk of the Commission to the Commission's stakeholder email distribution list. The Commission will also update the open rulemaking case in its electronic filing system (ePUC). The Commission has two cases open in ePUC regarding this rulemaking, Cae Nos. 17-4999-INV and 24-1080-RULE.

#### **4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:**

To date, the following persons and organizations have participated in workshops or provided comments that assisted in developing the proposed rule amendments: the Vermont Department of Public Service; Green Mountain Power Corporation; Washington Electric Cooperative, Inc.; Vermont Electric Cooperative, Inc.; Vermont Gas Systems, Inc.; Vermont Legal Aid; Vermont Public Power Supply Authority; City of Burlington Electric Department; Village of Hyde Park Electric Department; Swanton Village, Inc. Electric Department; Village of Morrisville Water and Light Department; Town of Stowe Electric Department; Village of Enosburg Falls, Inc. Electric Light Department; Barton Village, Inc. Electric Department; and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC.

The Commission expects these persons and entities to continue to participate during the formal rulemaking process and welcomes participation by any additional interested persons and entities.

**3.400 DISCONNECTION OF CABLE TELEVISION SERVICE AND NON-RESIDENTIAL ELECTRIC, GAS, AND WATER SERVICE****3.401 Definitions**

The following definitions apply to Rule 3.400:

- (A) Aggregate Data: customer account information from which all identifying information has been removed such that the data or information cannot be associated with a given customer without extraordinary effort.
- (B) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other time, or the day before such time, when a company's business offices are not open to the public.
- (C) Delinquency: failure of the customer to tender payment for a valid bill or charge (1) for bills sent by mail, by a "due date" at least 30 days after mailing, which "due date" must be printed on the bill, or (2) for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" must be included in the electronic transmission.
- (D) Disconnection: the serving utility's intentional termination of a customer's utility service by any methods such as remotely via advanced metering infrastructure or physically on premises or at the pole. Disconnection includes interruption or limitation of service but does not include cessation of service made at the request of or with the permission of the customer or interruptions of service that are necessary for maintenance or repairs conducted by the utility.
- (E) Notice: written notice of disconnection that is provided to the customer on a form approved by the Commission, except where otherwise provided, or by electronic notice, mailed or electronically transmitted within 40 days after delinquency but not more than 20 days, nor less than 14 days, prior to the first date on which disconnection of service, whether remote or on premises, may occur. If payment has been made by a check or other instrument that is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of the notice of dishonor may be deducted from the minimum number of days before the disconnection that notice must be sent, but in no event may that minimum number of days be less than four.
- (F) Payment of Bill: receipt at the company's business office or authorized payment agency of cash or of a check or other instrument that is subsequently honored.
- (G) Transmit: an act of the utility to convey any document, bill, or notice to a customer. Transmittal may be accomplished through verifiable means such as postal mail, in-person visits, or electronic transfer. Electronic transfer may include email, text message, app click-through, and other routine electronic message platforms.

**3.402 General Rule**

Except at the request of the customer or upon order of the Commission, no utility may disconnect cable television service or non-residential gas, electric, or water service unless payment of a valid bill or charge is delinquent as defined herein and notice of disconnection has been provided previously to the customer.

- (A) This rule does not apply to any disconnection or interruption of services made necessary for reasons of health or of safety of the customer or the general public.
- (B) Disconnection is not permitted if the delinquency is due solely to a disputed portion of a charge that has been referred to the Commission by the customer or the utility, and the Commission has advised the utility not to disconnect service.
- (C) Any utility may elect, at its option, to offer an extended repayment plan for delinquent bills and/or a budget plan for future bills to customers covered by this rule.
- (D) A utility must provide notice to the property owner of a rental property if utility service to the property has been disconnected, even if the tenant is the customer, for the purpose of promoting safety, protection of property, and aid to tenants.
  - (1) Utilities must retain and manage contact information for property owners of rental locations. Property owners must contact the utility to provide their contact information, and it is the property owner's responsibility to contact the utility to maintain up-to-date contact information. Utilities must retain contact information provided by property owners of rental locations.
  - (2) Property owners may authorize an appropriate third-party representative for notice and provide such contact information as the utility deems necessary. However, utilities may not impose any significant paperwork burden. A utility may reasonably request proof of ownership such as a copy of a deed or tax bill if the property owner is not otherwise known to the utility.
  - (3) A utility must provide notice to a property owner once by phone, text, or email before to 3:00 p.m. on the day of disconnection of gas, electric, or water utility service to any rental property for which the property owner has provided contact information for such purposes.
    - (a) The notice must not include any personally identifiable information about the tenant at the disconnected location, or the tenant's account if the tenant is the customer, except that the utility may disclose information necessary to enable the property owner or other applicable third party to reconnect utility service to the property.
    - (b) A utility may not disclose, sell, or transfer any personally identifying individual or aggregate data to a landlord or third-party property manager without the consent of the customer, unless otherwise provided by law.
    - (c) Customer information that is specifically prohibited from disclosure includes customer names, telephone numbers, personally identifying

electricity or gas account numbers, usage, and personally identifying payment history.

- (4) A follow-up written notice of disconnection of service(s) must be mailed to the property owner of any rental property within two business days of disconnection of gas, electric, or water service if the property owner and/or property manager has provided contact information and has requested written notice. This notice requirement may be satisfied if the utility contacts the property owner by phone or electronically via email or SMS text message if the property owner consents to electronic delivery. The written notice must include:
- (a) The title of a utility representative with whom the property owner may make an inquiry or complaint. The contact information and business hours of the company representative(s) must also be included.
  - (b) The address, telephone numbers (including the toll-free number), website, email address, and business hours for the Department of Public Service, Consumer Affairs and Public Information Division (“CAPI”). A statement must be included which explains that CAPI can help customers negotiate with utilities or assist with filing a dispute with the Public Utility Commission.
  - (c) The itemized fees that may be charged to the property owner for the restoration of service. If a deposit may be required for restoration of service, then the utility must provide an explanation of how the amount will be calculated.
  - (d) The notice provided pursuant to subsection (3) above must inform the property owner of the option to receive a follow-up written notice.

### **3.403 Disconnection Notice Form**

The notice form required under Section 3.402, and defined in Section 3.401, must contain at least the following information:

- (A) a statement that the customer’s account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless: (1) the delinquency is paid in full by a certain date; (2) the customer submits any disputed portion of the charge to the Commission and the Commission orders the utility not to disconnect service; or (3) if the utility offers an extended repayment plan for delinquent bills, the customer enters into such a plan;
- (B) the dates and times of day when the utility may disconnect service if the customer does not take any of the actions as described in Section 3.403(A) above;
- (C) the positions, addresses, telephone numbers and business hours of company representatives with whom the customer may discuss the delinquency or to whom the customer may make an inquiry or complaint;
- (D) the address, telephone numbers, including the toll-free number, and business hours

of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;

- (E) The itemized fees that may be charged to the customer for the disconnection process, including those for notice, disconnection, collection, and restoration of service. No fees may be charged for remote disconnection of electric, natural gas, or water service. Fees may be charged for notice of disconnection to landlords or appropriate third parties, such as property managers. If a deposit may be required for restoration of service, an explanation of how the amount will be calculated must also be provided; and
- (F) A statement that utility services may be disconnected remotely, or at the pole or premises without a visit to the premises;
- (G) A statement that the address, time, and date of disconnected utility services are reported to property owners, if the customer is not the property owner, when contact information for property owners is on file. Utilities must not use language in notices or messaging that could be construed as coercing payment by threatening to inform the landlord; and
- (H) any other information not inconsistent with the above and which has received prior approval of the Commission.

#### **3.404 Time and Notice of Disconnection**

Disconnection of utility service must occur only between the hours of 8:00 a.m. and 2:00 p.m. of the business day when disconnected at a pole at or near the premises of the customer, specified on the notice of disconnection, or within four business days thereafter. However, if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 p.m. of a normal business day, the utility may disconnect service between the hours of 8:00 a.m. and 5:00 p.m. When service is disconnected remotely, it may only occur between the hours of 9 a.m. and 11 a.m. on a scheduled date of disconnection provided in the written notice as described previously.

When service is disconnected or interrupted at the premises of the customer, which must include disconnection or interruption at a pole at or near the premises of the customer, the individual making the disconnection must immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, must leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the customer has to do to have service restored.

#### **3.405 Restoration of Service**

If service has been disconnected or interrupted, the company must restore service within 24 hours upon the customer's request when the cause for disconnection of service has been removed, when an agreement has been reached between the customer and the company regarding the dispute that led to the disconnection, or when directed to do so by the Commission. Restoration of service, to the extent feasible, must be done so as to avoid charging customers for overtime wages and other unusual expenses.

**3.406 Filing Requirements**

- (A) Within 30 days after the effective date of this rule, all utilities subject to its provisions must submit to the Commission for its review a copy of its disconnection notice form.
  
- (B) Within 30 days of the effective date of revisions to this rule, each utility must file tariff amendments to ensure that they are consistent with the provisions of this rule.

**3.400 DISCONNECTION OF CABLE TELEVISION SERVICE AND NON-RESIDENTIAL ELECTRIC, GAS, AND WATER SERVICE**

**3.401 Definitions**

The following definitions apply to Rule 3.400:

- ~~(A) Disconnection: deliberate interruption or disconnection of utility service to a ratepayer by the serving utility, not including disconnection at the request of or with the permission of the ratepayer.~~
- ~~(A) Aggregate Data: customer account information from which all identifying information has been removed such that the data or information cannot be associated with a given customer without extraordinary effort.~~
- ~~(B) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other time, or the day before such time, when a company's business offices are not open to the public.~~
- ~~(B)(C) Delinquency: failure of the ~~ratepayer~~customer to tender payment for a valid bill or charge (1) ~~within thirty days of the postmark date of that bill or charge,~~ or (2) ~~for bills sent by mail, by a "due date"~~ at least ~~thirty~~30 days after mailing, which ~~shall~~"due date" ~~must~~ be printed on the bill ~~and which shall control,~~ or (2) for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" ~~must be included in the absence of a postmark~~electronic transmission.~~
- ~~(D) Notice: ~~except where otherwise provided~~Disconnection: the serving utility's intentional termination of a customer's utility service by any methods such as ~~remotely via advanced metering infrastructure or physically on premises or where the context otherwise requires, notice shall mean at the pole.~~ Disconnection includes interruption or limitation of service but does not include cessation of service made at the request of or with the permission of the customer or interruptions of service that are necessary for maintenance or repairs conducted by the utility.~~
- ~~(E)(E) Notice: written notice of disconnection that is provided to the customer on a form approved by the Commission, ~~except where otherwise provided, or by electronic notice,~~ mailed or ~~delivered~~electronically transmitted within ~~forty~~40 days after delinquency; but not more than ~~twenty~~20 days, nor less than ~~fourteen~~14 days—~~seven if the ratepayer has failed to abide by the terms of an extended repayment plan~~—, prior to the first date on which disconnection of service. ~~Where, whether remote or on premises, may occur.~~ If payment has been made by a check or other instrument ~~which~~that is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of the notice of dishonor may be deducted from the minimum number of days ~~prior to before the~~ disconnection that notice must be sent, but in no event may that minimum number of days be less than four.~~
- ~~(F)(F) Payment of Bill: receipt at the ~~company's~~company's business office or authorized payment agency of cash or of a check or other instrument ~~which~~that is subsequently honored.~~
- ~~(E) Business Days: Monday through Thursday, excluding Vermont legal holidays and any other time, or the day before such time, when the Company's business offices are not open to the public.~~

(G) Transmit: an act of the utility to convey any document, bill, or notice to a customer. Transmittal may be accomplished through verifiable means such as postal mail, in-person visits, or electronic transfer. Electronic transfer may include email, text message, app click-through, and other routine electronic message platforms.

### **3.402 General Rule**

Except at the request of the ratepayercustomer or upon order of the Commission, no utility shallmay disconnect cable television service or non-residential gas, electric, or water service unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the ratepayercustomer.

- (A) This rule shalldoes not apply to any disconnection or interruption of services made necessary for reasons of health or of safety of the ratepayercustomer or the general public.
- (B) Disconnection shallis not be permitted if the delinquency is due solely to a disputed portion of a charge whichthat has been referred to the Commission by the ratepayercustomer or the utility, and the Commission has advised the utility not to disconnect service.
- (C) Any utility may elect, at its option, to offer an extended repayment plan for delinquent bills and/or a budget plan for future bills to ratepayerscustomers covered by this rule.

- (D) A utility must provide notice to the property owner of a rental property if utility service to the property has been disconnected, even if the tenant is the customer, for the purpose of promoting safety, protection of property, and aid to tenants.
- (1) Utilities must retain and manage contact information for property owners of rental locations. Property owners must contact the utility to provide their contact information, and it is the property owner's responsibility to contact the utility to maintain up-to-date contact information. Utilities must retain contact information provided by property owners of rental locations.
  - (2) Property owners may authorize an appropriate third-party representative for notice and provide such contact information as the utility deems necessary. However, utilities may not impose any significant paperwork burden. A utility may reasonably request proof of ownership such as a copy of a deed or tax bill if the property owner is not otherwise known to the utility.
  - (3) A utility must provide notice to a property owner once by phone, text, or email before to 3:00 p.m. on the day of disconnection of gas, electric, or water utility service to any rental property for which the property owner has provided contact information for such purposes.
    - (a) The notice must not include any personally identifiable information about the tenant at the disconnected location, or the tenant's account if the tenant is the customer, except that the utility may disclose information necessary to enable the property owner or other applicable third party to reconnect utility service to the property.
    - (b) A utility may not disclose, sell, or transfer any personally identifying individual or aggregate data to a landlord or third-party property manager without the consent of the customer, unless otherwise provided by law.
    - (c) Customer information that is specifically prohibited from disclosure includes customer names, telephone numbers, personally identifying electricity or gas account numbers, usage, and personally identifying payment history.
  - (4) A follow-up written notice of disconnection of service(s) must be mailed to the property owner of any rental property within two business days of disconnection of gas, electric, or water service if the property owner and/or property manager has provided contact information and has requested written notice. This notice requirement may be satisfied if the utility contacts the property owner by phone or electronically via email or SMS text message if the property owner consents to electronic delivery. The written notice must include:
    - (a) The title of a utility representative with whom the property owner may make an inquiry or complaint. The contact information and business hours of the company representative(s) must also be included.
    - (b) The address, telephone numbers (including the toll-free number), website, email address, and business hours for the Department of Public Service, Consumer Affairs and Public Information Division ("CAPI"). A statement must be included which explains that CAPI can help customers negotiate with utilities or assist with filing a dispute with the Public Utility Commission.

(c) The itemized fees that may be charged to the property owner for the restoration of service. If a deposit may be required for restoration of service, then the utility must provide an explanation of how the amount will be calculated.

(d) The notice provided pursuant to subsection (3) above must inform the property owner of the option to receive a follow-up written notice.

### 3.403 **Disconnection Notice Form**

The notice form required under Section 3.402, and defined in Section 3.401, ~~shall~~must contain at least the following information:

- (A) a statement that the ~~ratepayer's~~customer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless: (1) the delinquency is paid in full by a certain date; (2) the ~~ratepayer~~customer submits any disputed portion of the charge to the Commission and the Commission orders the utility not to disconnect service; or (3) if the utility offers an extended repayment plan for delinquent bills, the ~~ratepayer~~customer enters into such a plan;
- (B) the dates and times of day when the utility may disconnect service if the ~~ratepayer~~customer does not take any of the actions as described in Section 3.403(A) above;
- (C) the ~~names or~~ positions, addresses, telephone numbers and business hours of company representatives with whom the ~~ratepayer~~customer may discuss the delinquency or to whom the ~~ratepayer~~customer may make an inquiry or complaint;
- (D) the address, telephone numbers, including the toll-free number, and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;
- ~~(E) The~~(E) The itemized ~~cost~~fees that may be charged to the ~~ratepayer~~customer for the disconnection process, including those for notice, disconnection, collection, and later restoration of service ~~and, if. No fees may be charged for remote disconnection of electric, natural gas, or water service. Fees may be charged for notice of disconnection to landlords or appropriate third parties, such as property managers. If a deposit may be required for restoration of service, an explanation of how the amount will be calculated~~ must also be provided; and
- ~~(F) A statement that utility services may be disconnected remotely, or at the pole or premises without a visit to the premises;~~
- ~~(E)~~(G) A statement that the address, time, and, date of disconnected utility services are reported to property owners, if the customer is not the property owner, when contact information for property owners is on file. Utilities must not use language in notices or messaging that could be construed as coercing payment by threatening to inform the landlord; and
- ~~(F)~~(H) any other information not inconsistent with the above and which has received prior approval of the Commission.

### 3.404 **Time and Notice of Disconnection**

Disconnection of utility service ~~shall~~must occur only between the hours of 8:00 ~~A.M.~~a.m. and 2:00

~~P.M~~ p.m. of the business day when disconnected at a pole at or near the premises of the customer, specified on the notice of disconnection, or within four business days thereafter; ~~provided, however.~~ However, if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 ~~P.M~~p.m. of a normal business day, the utility may disconnect service between the hours of 8:00 ~~A.M~~a.m. and 5:00 ~~P.M~~p.m. When service is disconnected remotely, it may only occur between the hours of 9 a.m. and 11 a.m. on a scheduled date of disconnection provided in the written notice as described previously.

When service is disconnected or interrupted at the premises of the ~~ratepayer~~customer, which ~~shall~~must include disconnection or interruption at a pole at or near the premises of the ~~ratepayer~~customer, the individual making the disconnection ~~shall~~must immediately inform a responsible adult on the premises that service has been disconnected or interrupted, or if no responsible adult is then present, ~~shall~~must leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ~~ratepayer~~customer has to do to have service restored.

### 3.405 Restoration of Service

If service has been disconnected or interrupted, the company ~~shall within twenty-four hours must~~ restore service within 24 hours upon the ~~ratepayer's~~customer's request when the cause for disconnection of service has been removed, when an agreement has been reached between the ~~ratepayer~~customer and the company regarding the dispute ~~which that~~ led to the disconnection, or when directed to do so by the Commission. Restoration of service, to the extent feasible, must be done so as to avoid charging customers for overtime wages and other unusual expenses.

~~Commission. Restoration of service, to the extent feasible, shall be done so as to avoid charging ratepayers for overtime wages and other abnormal expenses.~~

**3.406 Filing Requirements**

- (A) Within ~~thirty~~30 days after the effective date of this rule, all utilities subject to its provisions ~~shall~~must submit to the Commission for its review a copy of its disconnection notice form.

- (B) Within 30 days of the effective date of revisions to this rule, each utility must file tariff amendments to ensure that they are consistent with the provisions of this rule.