PROPOSED 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, 4th 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, 4th 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

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.

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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. 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

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:

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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. 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 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 <u>Disconnection Notice Form</u>

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.

~~(C)~~(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.

~~(D)~~(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 ~~ratepayer~~customer or upon order of the Commission, no utility ~~shall~~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 ~~ratepayer~~customer.

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

(B) Disconnection ~~shall~~is not ~~be~~ permitted if 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 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 ~~ratepayers~~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, ~~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~~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.