May 21, 2024 ***Via Electronic Filing***

Holly Anderson, Clerk of the Commission
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: Public Comment - Case Nos. 17-4999-INV & 24-1080-RULE
Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service

Dear Ms. Anderson:

On behalf of Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC ("Comcast"), we are submitting public comments regarding the Commission's proposed changes to Rule 3.400, as filed with the Office of the Secretary of State. After reviewing the proposed changes, we believe there are inadvertent drafting errors in Rule 3.400, which pertains to disconnection of cable television service and non-residential electric, gas, and water service. Enclosed are clean and redline versions of Rule 3.400 with proposed corrections.

The proposed rules posting indicates Public Act No. 47, § 25a (2023 Vt., Bien. Sess.) is the legal authority for the changes to Rule 3.400. The cited provision of Act 47 directed the Commission to revise its rules concerning utility service disconnection for the purpose of promoting safety, the protection of property, and providing assistance to tenants.

Act 47 § 25a(a)(1) requires utilities to provide notice to the property owner of a residential or nonresidential rental property if utility service to the property has been disconnected, even if the tenant is the ratepayer. Act 47 § 25a(b) defines "utility service" as gas, electric, water, and wastewater service subject to the jurisdiction of the Public Utility Commission. Cable television service is not among the services the Legislature enumerated the definition of "utility service."

Yet proposed Rule 3.400 pertains to disconnection of non-residential electric, gas, and water service *and* cable television service. The proposed Rule 3.402(D), as currently drafted, would require cable television operators to provide notice to the property owner of a rental property if service has been disconnected. Similarly, the proposed Rule 3.403(G) would require a statement on cable television disconnection notices regarding notification to the property owner, if the customer is not the property owner.

These requirements are all inconsistent with Act 47 § 25a, which, again, does not impose them on cable service providers. They are also inconsistent with the federal privacy laws in 47 U.S.C. § 551(c) that prohibit disclosure of the personally identifiable information (PII) of cable customers to third parties without their consent. The fact that a customer has cable service with Comcast constitutes PII.

Even if cable operators were permitted to release customers' personal information to third parties without their consent, there is not a good reason to do so. Disruption of life/safety utility services can present a significant hazard to properties and potentially to tenants. For example, if the building owner is unaware that there is no heat in their building in February and the water remains on, pipes may burst. Disconnection of cable television service does not place properties or other tenants in jeopardy.

We believe these inconsistencies can be remedied by adding language to clarify that the proposed Rules 3.402(D) and 3.403(G) only apply to non-residential electric, gas, and water utilities, before the proposed Rules 3.200, 3.300, and 3.400 are adopted.

Sincerely,

Melissa R. Pierce

Melissa R. Pierce
Manager, Government & Regulatory Affairs
Comcast New England Region