

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 24-1080-RULE

Proposed revisions to Vermont Public Utility Commission Rule 3.400	
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**VERMONT DEPARTMENT OF PUBLIC SERVICE COMMENTS
REGARDING THE PROPOSED REVISIONS TO PUBLIC UTILITY
COMMISSION RULE 3.400**

On February 5, 2024, the Vermont Public Utility Commission (“Commission”) issued an order notifying stakeholders that it would file draft proposals amending Rules 3.300 and 3.400 (to implement, **An act relating to housing opportunities for everyone**, Vermont Act No. 47 (S.100) of 2023, Sec. 25a. UTILITY DISCONNECTION; LANDLORD NOTIFICATION; PUBLIC UTILITY COMMISSION; RULEMAKING (“ACT 47”)) with the Vermont Interagency Committee on Administrative Rules (“ICAR”), and thereby begin a formal rulemaking to effect the requirements of Act 47. The Commission did so on February 8, 2024. After ICAR completed its review, the Commission filed the draft rules with the Vermont Secretary of State on April 12, 2024, per 3 V.S.A. § 838. On May 7, 2024, the Commission issued a memorandum requesting public comment on the proposed rules as part of this process.

The Department of Public Service (“Department”) hereby submits its comments and recommendations regarding the draft Rule 3.400.¹ The Department recommends replacing the draft language of the Commission’s definition of

¹ On May 21, 2024, Comcast of Vermont, LLC (“Comcast”) filed comments, in Case No. 17-4999-INV, noting that the Commission’s proposed Rule 3.400 applies to the cable television service provided by Comcast. The Department agrees with Comcast that Act 47 does not contemplate cable television service, and therefore supports Comcast’s recommendation that the Rule’s landlord notice provisions do not apply to cable television providers.

‘Delinquency’ provided in Section 3.401(C), in its entirety, with the following language:²

Delinquency: failure of the customer to tender payment for a valid bill within thirty days from the verifiable transmittal of the bill. The “due date” must be printed on the bill. Should the utility intend to have failure to tender payment by the “due date” establish delinquency instead, the “due date” must be at least 30 days from transmittal of the bill.

The Department proposes this substitution for several reasons. Chief among these is to bring the definition into closer conformity with the current definition, current practice, and most importantly, the current capabilities of the utilities’ billing methods and software. Various utilities have proffered and discussed multiple interpretations of this definition with the Department and this proposal is intended to remove any ambiguity or confusion. The Department understands that at least some utilities are unable to comply with the Commission’s proposed definition without time and additional expense to change their present capabilities (for example, some cannot print the transmittal date on the bill, but the transmittal date could be otherwise ascertained and verified – such as with an electronic signature or postmark).

The current definition of “Delinquency” in Section 3.401(B)³ provides that delinquency is established either by failure to pay within 30 days from a postmark,

² The Department proposes a corresponding replacement for the definition of “Delinquency” in Commission Rule 3.300, as provided in its filings in Case Nos. 24-1079-RULE and 17-4999-INV.

³ VERMONT PUBLIC UTILITY COMMISSION, *Rule 3.400: DISCONNECTION OF CABLE TELEVISION SERVICE AND NON-RESIDENTIAL ELECTRIC, GAS, AND WATER SERVICE* at 1, available at

or by a due date that is scheduled, as provided by the bill, to occur more than 30 days from mailing. In either event, delinquency is never established in less than 30 days from transmission. Thus, the proposed definition further clarifies confusion that stakeholders related to the Department regarding whether the “due date” or “transmission” were operative in establishing delinquency.

Moreover, the proposed definition arguably provides different timelines and treatment for electronic billing than other, more traditional, methods of transmission. Such a difference of treatment was not intended, is not required by Act 47, and could result in inequities. The Department’s proposed definition makes no distinction between the methods of transmission, provided that the transmission date is verifiable, per the definition in Section 3.401(G) of the Commission’s proposal, and that the due date is printed on the bill.

Thank you for the opportunity to comment, please do not hesitate to contact me with any questions or concerns.

Dated at Montpelier, Vermont this 31st day of May 2024.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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cc: ePUC Service List

https://puc.vermont.gov/sites/psbnew/files/doc_library/3400-disconnection-of-nonresidential-services.pdf.