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**State of Vermont
Public Utility Commission**

Charlene Dindo
Legislative Council
115 State Street
Montpelier, VT 05602
SENT ELECTRONICALLY

**RE: Rules 24-P016 and 24-P017, Vermont Public Utility Commission,
Amendments to Rules 3.300 and 3.400, Utility Disconnections**

August 1, 2024

Dear Ms. Dindo:

The Vermont Public Utility Commission (“Commission”) submits proposed amendments to Commission Rules 3.300 and 3.400, which govern the disconnection process for regulated utilities.

These proposed amendments are intended to implement changes to the utility disconnection process that were mandated by Act 47,¹ which requires the Commission to adopt rules that: (1) allow for remote disconnections of utility services; and (2) require utilities to provide notice of disconnections to owners of rental properties if utility service to the property has been disconnected. The Commission’s proposed rule amendments incorporate these legislative mandates and include other related updates and revisions to the rules that were proposed by the Vermont Department of Public Service (Department) and other interested parties.

The Commission’s proposed rulemaking follows a multi-year process, which included multiple workshops and rounds of written comments from the Department, affected utilities, and other interested entities. The filing materials include two orders from the Commission that summarize the rulemaking process and include the Commission’s response to various public comments and recommendations that were received throughout the rulemaking process. The filing materials also include copies of public comments received by the Commission and redline drafts showing all proposed revisions to Commission Rules 3.300 and 3.400.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Sincerely,

/s/ Daniel C. Burke

Daniel Burke

Encls.

¹ Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at 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 these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. 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 8/1/2024
(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 Minutes
- ☐ Copy of Comments
- ☐ Responsiveness Summary

1. TITLE OF RULE FILING:

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

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P017

3. ADOPTING AGENCY:

Vermont Public Utility Commission

4. 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>

5. 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

6. 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:

7. 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.).

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.

8. 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.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. **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.

15. 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.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

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.

17. 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.

18. 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.

19. A HEARING WAS HELD.

20. 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.

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:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

5/31/24

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.

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:

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, Case 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 within 30 days from the verifiable transmittal of the bill. The "due date" must be printed on the bill. Should the utility instead choose to establish delinquency as failure to tender payment by the "due date," that "due date" must be at least 30 days from transmittal of the bill.
- (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) 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 60 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 60 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.
- (C) To prevent unnecessary hardship or delay, to prevent injustice, or for other good cause, companies may petition the Commission for an extension of the filing requirement deadlines included in paragraphs (A) and (B) of this section.

3.407 Cable Television Service Exemptions

Utilities are not required to comply with requirements of Sections 3.402(D) and 3.403(G) of this rule for the disconnection of cable television services.

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.
- (C) Delinquency: ~~failure~~ Failure of the ~~ratepayer~~customer to tender payment for a valid bill ~~or charge~~ (1) within ~~thirty~~30 days from the verifiable transmittal of the postmark date of that bill ~~or charge~~, or (2) by a ". The "due date" at least thirty days after mailing, which shall" must be printed on the bill and which shall control in. Should the absenceutility instead choose to establish delinquency as failure to tender payment by the "due date," that "due date" must be at least 30 days from transmittal of the bill.
- (B)(D) Disconnection: The serving utility's intentional termination of a ~~postmark~~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~~Written notice of disconnection that is provided ~~or where to the context otherwise requires, notice shall mean written notice~~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~~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) 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;
- ~~(F)(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)~~ (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 ~~ratepayercustomer~~,
which ~~shall~~must include disconnection or interruption 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
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 ~~ratepayercustomer~~ 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'scustomer's~~ request when
the cause for disconnection of service has been removed, 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. 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~~60 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 60 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.

(C) To prevent unnecessary hardship or delay, to prevent injustice, or for other good cause, companies may petition the Commission for an extension of the filing requirement deadlines included in paragraphs (A) and (B) of this section.

3.407 Cable Television Service Exemptions

Utilities are not required to comply with requirements of Sections 3.402(D) and 3.403(G) of this rule for the disconnection of cable television services.

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

CASE NUMBERS 24-1079-RULE AND 24-1080-RULE

PROPOSED AMENDMENTS TO DISCONNECT
RULES 3.300 AND 3.400

May 22, 2024
7 p.m.

Public Hearing held before the Vermont Public
Utility Commission via Go To Meeting on May 22, 2024,
beginning at 7 p.m.

P R E S E N T

HEARING OFFICER: Daniel Burke
Staff Attorney

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802/800) 863-6067
E-mail: info@capitolcourtreporters.com

1 HEARING OFFICER BURKE: Good evening.
2 This is a public hearing for the Vermont Public
3 Utility Commission's proposed amendments to
4 Commission Rules 3.300 and 3.400 which govern the
5 requirements for utility disconnections. My name is
6 Daniel Burke. I'm a Staff Attorney at the Commission
7 and I have been appointed by the Commission to work
8 on the proposed rule amendments and conduct tonight's
9 public hearing.

10 The purpose of this evening's hearing is
11 to provide an opportunity to hear input from the
12 public and affected utilities regarding the
13 Commission's proposed amendments to Rules 3.300 and
14 3.400. The comments received at this hearing will be
15 considered by the Commission in preparing the final
16 drafts of the proposed rules that will be filed with
17 the Vermont Secretary of State. Members of the
18 public can also provide written comments on the
19 proposed rule amendments using the Commission's
20 online document management system ePUC or by direct
21 mail or e-mail. You can file your comments in ePUC
22 in Case Number 24-1079-RULE or 24-1080-RULE. You may
23 also send comments by mail or e-mail to the clerk of
24 the Commission. Contact information for the clerk is
25 available on the Commission's web site which is

1 www.puc.vermont.gov. You can also subscribe to the
2 case numbers I just read out for ePUC which means you
3 will receive an email notification of any future
4 action on the proposed rule amendments.

5 This public hearing is being transcribed
6 by a court reporter this evening. That transcript,
7 along with comments received by the Commission, will
8 become part of the Commission's public file so that
9 the Commission members, staff, parties in this case
10 can consider these comments.

11 Anybody who would like to speak this
12 evening would you please keep your camera on. If you
13 plan to just listen, please keep your camera off so
14 that will make it easier for us to see the person who
15 is speaking. I also will not mute anybody's
16 microphone so if you are a member of the public here
17 tonight and do not plan on speaking, please try to
18 remember to keep your microphone muted. If you would
19 like to make a public comment, either raise your hand
20 on your camera or unmute your microphone or use the
21 raise hand function and I will call on the
22 individuals to speak based on the order they appear
23 on my screen. Also when you begin making any public
24 comments please identify yourself by your first and
25 last name for the court reporter so that will appear

1 on our transcript, and I do see that there are
2 several individuals here this evening; some from the
3 Department of Public Service and some from -- some
4 names I recognize from affected utilities or
5 companies.

6 Are there any members of the public that
7 are here this evening that would like to make
8 comments on the proposed rules? Miss Emery? No.
9 Okay. Thank you. I saw your camera come on, but if
10 you don't want to make a comment, that is perfectly
11 fine as well. Are there any individuals from the
12 regulated utilities or companies that are present
13 this evening that would like to make comments? And I
14 do note, Melissa Pierce, you are here on behalf of
15 Comcast. I will note I did see the comments Comcast
16 filed in ePUC so those have been reviewed. Is there
17 anybody else that would like to make any comments
18 this evening? Seeing no hands or nobody turning
19 their cameras on what I will propose to do it's 7:04
20 right now. I will suggest that we go off the record
21 and wait until about 7:10 to see if any additional
22 members of the public or any affected utilities come
23 and would like to make comments, and so with that,
24 JoAnn, I think we can go off the record for now and I
25 will come back on the record at 7:10.

1 (Recess.)

2 HEARING OFFICER BURKE: We're back on
3 the record now. It is 7:10. It does not appear to
4 me any additional members of the public have come to
5 tonight's public hearing, but is there anybody else
6 that is still on the call that would like to make any
7 comments this evening? Hearing nothing, I would like
8 to thank everyone who is here for attending this
9 evening, and just for the affected parties the status
10 of the rule is under I think the Administrative
11 Procedures Act I think we have to wait another seven
12 calendar days after tonight's public hearing for
13 additional comments to come in. Then I will be
14 presenting any proposed changes to the Commission and
15 hopefully getting the final draft of the rules to the
16 Secretary of State and starting the LCAR process
17 within a couple weeks, and hopefully that will be
18 resolved over the summer and we'll have the rules
19 finalized over the summer as soon as practical after
20 that. That's all we had to discuss this evening.
21 Mr. Wing, you had your hand up.

22 MR. WING: I'm sorry. I might have
23 misheard you. Per the APA you said that you needed
24 to accept comments for how much longer?

25 HEARING OFFICER BURKE: I think seven

1 calendar days. I would need to double-check that.

2 MR. WING: I'm pretty sure the order
3 issuing this invited written comments by the 31st.

4 HEARING OFFICER BURKE: Which is eight
5 calendar days.

6 MR. WING: Is that still in effect?

7 HEARING OFFICER BURKE: Yes. Whatever
8 is in the Commission's order would take effect. You
9 said the 31st?

10 MR. WING: I believe so.

11 HEARING OFFICER BURKE: Okay. Well that
12 would be eight calendar days from now so --

13 MR. WING: Okay.

14 HEARING OFFICER BURKE: It is in front
15 of the Commission. They do have a lot on their
16 docket right now, but hopefully I will have it in
17 front of them within a couple weeks.

18 MR. WING: Well the Department does not
19 have comments this evening. It may wish to make
20 comments by the written deadline.

21 HEARING OFFICER BURKE: I will bear that
22 in mind. Thank you, Alex. Thank you everyone. Have
23 a good evening and, JoAnn, we are all done so thank
24 you very much.

25 (Adjourned at 7:12 p.m.)

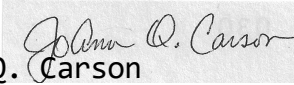
C E R T I F I C A T E

I, JoAnn Q. Carson, do hereby certify that
I recorded by stenographic means the public hearing re:
Case Numbers 24-1079-RULE and 24-1080-RULE via Go To
Meeting on May 22, 2024, beginning at 7 p.m.

I further certify that the foregoing
testimony was taken by me stenographically and thereafter
reduced to typewriting, and the foregoing six pages are a
transcript of the stenograph notes taken by me of the
evidence and the proceedings, to the best of my ability.

I further certify that I am not related to
any of the parties thereto or their Counsel, and I am in
no way interested in the outcome of said cause.

Dated at Burlington, Vermont, this 23rd day
of May, 2024.


JoAnn Q. Carson

Court Reporter

0 05402-0329 - 1:24 2 2024 [4] 1:9, 1:14, 7:6, 7:16 22 [3] 1:9, 1:14, 7:6 23rd - 7:15 24-1079-RULE [3] 1:3, 2:22, 7:5 24-1080-RULE [3] 1:3, 2:22, 7:5 3 3.300 [3] 1:5, 2:4, 2:13 3.400 [3] 1:5, 2:4, 2:14 31st [2] 6:3, 6:9 329 - 1:23 7 7 [3] 1:10, 1:14, 7:6 7:04 - 4:19 7:10 [3] 4:21, 4:25, 5:3 7:12 - 6:25 8 802/800 - 1:24 863-6067 - 1:24 A ability - 7:11 accept - 5:24 Act - 5:11 action - 3:4 additional [3] 4:21, 5:4, 5:13 Adjourned - 6:25 Administrative - 5:10 affected [4] 2:12, 4:4, 4:22, 5:9 Alex - 6:22 amendments [6] 1:4, 2:3, 2:8, 2:13, 2:19, 3:4 anybody's - 3:15 APA - 5:23 appear [3] 3:22, 3:25, 5:3 appointed - 2:7 attending - 5:8 Attorney [2] 1:18, 2:6 available - 2:25	B bear - 6:21 become - 3:8 begin - 3:23 beginning [2] 1:14, 7:6 behalf - 4:14 best - 7:11 BOX - 1:23 Burke [10] 1:18, 2:1, 2:6, 5:2, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21 Burlington [2] 1:24, 7:15 C calendar [4] 5:12, 6:1, 6:5, 6:12 camera [4] 3:12, 3:13, 3:20, 4:9 cameras - 4:19 Carson [2] 7:3, 7:19 case [5] 1:3, 2:22, 3:2, 3:9, 7:5 cause - 7:14 certify [3] 7:3, 7:7, 7:12 changes - 5:14 clerk [2] 2:23, 2:24 Comcast [2] 4:15, 4:15 comment [2] 3:19, 4:10 comments [18] 2:14, 2:18, 2:21, 2:23, 3:7, 3:10, 3:24, 4:8, 4:13, 4:15, 4:17, 4:23, 5:7, 5:13, 5:24, 6:3, 6:19, 6:20 Commission [11] 1:1, 1:14, 2:4, 2:6, 2:7, 2:15, 2:24, 3:7, 3:9, 5:14, 6:15 Commission's [6] 2:3, 2:13, 2:19, 2:25, 3:8, 6:8 companies [2] 4:5, 4:12 conduct - 2:8 consider - 3:10 considered - 2:15 Contact - 2:24 Counsel - 7:13 couple [2] 5:17, 6:17 court [4] 1:23, 3:6, 3:25, 7:20 D Daniel [2] 1:18, 2:6 Dated - 7:15 deadline - 6:20	Department [2] 4:3, 6:18 direct - 2:20 DISCONNECT - 1:4 disconnections - 2:5 discuss - 5:20 docket - 6:16 document - 2:20 double-check - 6:1 draft - 5:15 drafts - 2:16 E e-mail [3] 1:25, 2:21, 2:23 easier - 3:14 effect [2] 6:6, 6:8 eight [2] 6:4, 6:12 either - 3:19 email - 3:3 Emery - 4:8 ePUC [4] 2:20, 2:21, 3:2, 4:16 evening [12] 2:1, 3:6, 3:12, 4:2, 4:7, 4:13, 4:18, 5:7, 5:9, 5:20, 6:19, 6:23 evening's - 2:10 everyone [2] 5:8, 6:22 evidence - 7:11 F file [2] 2:21, 3:8 filed [2] 2:16, 4:16 final [2] 2:15, 5:15 finalized - 5:19 fine - 4:11 foregoing [2] 7:7, 7:9 front [2] 6:14, 6:17 function - 3:21 future - 3:3 G govern - 2:4 H hands - 4:18 hear - 2:11 hearing [19] 1:13, 1:18, 2:1, 2:2, 2:9, 2:10, 2:14, 3:5, 5:2, 5:5, 5:7, 5:12, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21 held - 1:13 hereby - 7:3 hopefully [3] 5:15, 5:17, 6:16 I identify - 3:24	Individuals [3] 3:22, 4:2, 4:11 info@capitolcour - 1:25 information - 2:24 input - 2:11 interested - 7:14 invited - 6:3 issuing - 6:3 J JoAnn [4] 4:24, 6:23, 7:3, 7:19 L LCAR - 5:16 listen - 3:13 longer - 5:24 M mail [2] 2:21, 2:23 making - 3:23 management - 2:20 means [2] 3:2, 7:4 Meeting [2] 1:14, 7:6 Melissa - 4:14 member - 3:16 members [5] 2:17, 3:9, 4:6, 4:22, 5:4 microphone [3] 3:16, 3:18, 3:20 mind - 6:22 misheard - 5:23 Miss - 4:8 mute - 3:15 muted - 3:18 N names - 4:4 needed - 5:23 nobody - 4:18 note [2] 4:14, 4:15 notes - 7:10 nothing - 5:7 notification - 3:3 numbers [3] 1:3, 3:2, 7:5 O OFFICER [9] 1:18, 2:1, 5:2, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21 online - 2:20 opportunity - 2:11 order [3] 3:22, 6:2, 6:8 outcome - 7:14 P p.m [4] 1:10, 1:14, 6:25, 7:6 P.O - 1:23	pages - 7:9 parties [3] 3:9, 5:9, 7:13 Per - 5:23 perfectly - 4:10 Pierce - 4:14 plan [2] 3:13, 3:17 please [4] 3:12, 3:13, 3:17, 3:24 practical - 5:19 preparing - 2:15 present - 4:12 presenting - 5:14 Procedures - 5:11 proceedings - 7:11 process - 5:16 propose - 4:19 proposed [9] 1:4, 2:3, 2:8, 2:13, 2:16, 2:19, 3:4, 4:8, 5:14 provide [2] 2:11, 2:18 public [20] 1:1, 1:13, 1:13, 2:2, 2:2, 2:9, 2:12, 2:18, 3:5, 3:8, 3:16, 3:19, 3:23, 4:3, 4:6, 4:22, 5:4, 5:5, 5:12, 7:4 purpose - 2:10 R raise [2] 3:19, 3:21 re - 7:4 receive - 3:3 received [2] 2:14, 3:7 Recess - 5:1 recognize - 4:4 record [4] 4:20, 4:24, 4:25, 5:3 recorded - 7:4 reduced - 7:9 regarding - 2:12 regulated - 4:12 related - 7:12 reporter [3] 3:6, 3:25, 7:20 REPORTERS - 1:23 requirements - 2:5 resolved - 5:18 reviewed - 4:16 rule [4] 2:8, 2:19, 3:4, 5:10 rules [7] 1:5, 2:4, 2:13, 2:16, 4:8, 5:15, 5:18 S screen - 3:23 Secretary [2] 2:17, 5:16 Seeing - 4:18 send - 2:23 Service - 4:3 seven [2] 5:11, 5:25 several - 4:2	site - 2:25 six - 7:9 sorry - 5:22 speak [2] 3:11, 3:22 speaking [2] 3:15, 3:17 staff [3] 1:18, 2:6, 3:9 starting - 5:16 State [3] 1:1, 2:17, 5:16 status - 5:9 stenograph - 7:10 stenographic - 7:4 stenographically - 7:8 subscribe - 3:1 suggest - 4:20 summer [2] 5:18, 5:19 system - 2:20 T taken [2] 7:8, 7:10 testimony - 7:8 thank [5] 4:9, 5:8, 6:22, 6:22, 6:23 thereafter - 7:8 thereto - 7:13 tonight - 3:17 tonight's [3] 2:8, 5:5, 5:12 transcribed - 3:5 transcript [3] 3:6, 4:1, 7:10 turning - 4:18 typewriting - 7:9 U unmute - 3:20 using - 2:19 utilities [4] 2:12, 4:4, 4:12, 4:22 utility [4] 1:1, 1:14, 2:3, 2:5 V Vermont [6] 1:1, 1:13, 1:24, 2:2, 2:17, 7:15 via [2] 1:14, 7:5 W wait [2] 4:21, 5:11 we'll - 5:18 We're - 5:2 web - 2:25 weeks [2] 5:17, 6:17 Whatever - 6:7 Wing [7] 5:21, 5:22, 6:2, 6:6, 6:10, 6:13, 6:18 wish - 6:19 within [2] 5:17,
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6:3, 6:20
www.puc.vermont.
- 3:1

Y

yourself - 3:24



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,

A handwritten signature in black ink that reads "Melissa R. Pierce". The signature is written in a cursive, flowing style.

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

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://public.service.vermont.gov>

This document was electronically filed using ePUC.

May 31, 2024

Ms. Holly R. Anderson, Clerk
Vermont Public Utility Commission
112 State Street, Floor 4
Montpelier, Vermont 05620

Re: Case No. 17-4999-INV – Investigation into PUC Rule 3.300, Disconnection of Residential Electric, Gas and Water Service; Commission Rule 3.200, Ratepayer Deposits for Gas, Electric, and Water Service; and Commission Rule 3.400, Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service

Dear Ms. Anderson:

On May 31, 2024, the Department of Public Service (“Department”) filed comments and recommendations in the formal rulemakings Case Nos. 24-1079-RULE (regarding proposed revisions to Rule 3.300) and 24-1080-RULE (regarding proposed revisions to Rule 3.400), which are intended to implement the requirements of **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”).

Because this proceeding concerns these rules, the Department has also filed copies of its comments and recommendations from those cases in the above captioned proceeding, for the convenience and reference of stakeholders.

State of Vermont
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
<http://public.service.vermont.gov>

Previously, the Department and others recommended that the Vermont Public Utility Commission (“Commission”) continue to consider a comprehensive revision to Rules 3.300 and 3.400 (as most recently proposed by the Department’s draft comprehensive Rule proposal) once the Act 47 requirements are implemented. On page 7 of its February 5, 2024, order in this case, the Commission indicated that it would open a new proceeding to consider comprehensive revisions to Rules 3.300 and 3.400 after the formal Act 47 rulemaking has completed.

After consideration, and upon receiving feedback from various stakeholders, the Department recommends that the Commission defer the consideration of a comprehensive disconnection rule until petitioned by the Department, to afford all an opportunity some time to gain experience from implementing the Act 47 rule changes, once complete, before further revising the rules.

Thank you for your attention and consideration, please do not hesitate to contact me with questions or concerns.

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

/s/ Alex Wing
Alexander Wing, Special Counsel
Department of Public Service
112 State Street
Montpelier, VT 05620-2601
(802) 828-4011
alexander.wing@vermont.gov

cc: ePUC Service List



Community is at the Heart of VPPSA.

Vermont Public Power Supply Authority

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May 31, 2024

Filed Via ePUC

Ms. Holly Anderson, Clerk
Vermont Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2071

**VPPSA Response to Proposed Rulemaking Proceedings
Case No. 24-1079-RULE and Case No. 24-1080-RULE
Proposed Revisions to PUC Rules 3.300 & 3.400**

On May 7, 2024, the Vermont Public Utility Commission (PUC) issued its memorandum announcing the rulemaking proceedings under Case No. 24-1079-RULE and 24-1080-RULE governing PUC Rules 3.300 and 3.400 which govern utility disconnections¹. The Memorandum issued notice of a Public Workshop, held on Wednesday, May 22, 2024 and established a deadline for written comments on Friday, May 31, 2024.

The proposed Rule Revisions were discussed at-length and for several years under [Case No. 17-4999-INV](#), an investigative proceeding to consider revisions to Rules 3.300, 3.200, and 3.400. The Case Log and docket history demonstrates a lengthy and disputed investigative proceeding, including recent collaborative efforts by both the Department of Public Service (PSD) and the state's Distribution Utilities

¹ See PUC Memorandum with initial proposed rules, including Notice of Public Workshop and written comments filing deadline in [Case No. 24-1079-RULE](#) and [Case No. 24-1080-RULE](#).

(DUs) to seek consensus on appropriate and practical revisions to a fully regulated business operations process that ensures adequate payment for delivery of services to customers. On November 17, 2023, the PUC Ordered a Public Workshop which highlighted a need to "...prioritize meeting the requirements of, Vermont Act No. 47 (S.100) of 2023 *An act relating to housing opportunities for everyone* (see: Sec. 25a. UTILITY DISCONNECTION; LANDLORD NOTIFICATION; PUBLIC UTILITY COMMISSION; RULEMAKING), by the Act's deadline of January 1, 2024.²"

The Vermont Public Power Supply Authority ("VPPSA") has participated in the Commission's informal and now formal rulemaking process and incorporates its comments within related to both Case No. 24-1079-RULE (Vermont PUC Rule 3.300) and 24-1080-RULE (Vermont PUC Rule 3.400). In particular, VPPSA has specific proposed edits to changes to the definition(s) of Delinquency, proposed language to clarify and honor the legislative intent of Act 47's requirements related to Landlord Notice of Disconnections, requests explicit definitions of allowable information disclosures to landlord or property owners, and seeks explicit determination on the PUC's expectations around implementing these proposed revisions, revisions which substantially alter major business operations, including core operational technologies such as billing and customer information systems.

VPPSA, as an instrumentality of the State of Vermont, is dedicated to supporting and advancing the interests of its eleven (11) municipally owned electric

² See [PSD Recommendations re Act 47 Implementation, filed December 15, 2023 under Case No. 17-4999-INV](#).

utilities, including the customers and communities they serve.³ In aggregate, VPPSA's member utilities serve over 30,000 customers in 50 communities across Vermont in some of the most economically underprivileged and rural areas in the state, including several federally recognized Disadvantaged Communities through the U.S. Council on Environmental Equity's Climate and Economic Justice Screening Tool (CEJST).⁴

Proposed Revisions to 3.301 Definitions

VPPSA objects to the change in definition of "Delinquency". Requiring a "due date" at least 30 days after mailing is not practical. Such a change would either require a rolling due date which would move the due date 7 days forward in 6-months' time OR it would require utilities to bill their customers before the previous invoice was due. Both scenarios are likely to create confusion for our customers and create barriers to effectively budgeting household income and expenses.

VPPSA proposes, instead of changing the definition completely that the Rule removes the distinction between postmark or electronic transmittal date as follows:

3.301(C) Delinquency: *Failure of the customer to tender payment for a valid bill or charge within thirty days of the postmark date or electronic transmittal of that bill or charge, which "due date" must included either on the bill, or in the electronic transmission.*

3.401(C) Delinquency: *Failure of the customer to tender payment for a valid bill or charge within thirty days of the postmark date or electronic transmittal of*

³ VPPSA Member Utilities include Barton Village; Village of Enosburg Falls; Hardwick Electric Department; Village of Jacksonville; Village of Johnson; Ludlow Electric Light Department; Lyndon Electric Department; Morrisville Water & Light; Northfield Electric Department; Village of Orleans; and Swanton Village.

⁴ See [Climate and Economic Justice Screening Tool published Nov. 22, 2022](#).

that bill or charge, which “due date” must included either on the bill, or in the electronic transmission.

Proposed Language of Section 3.301 & Section 3.401 Definitions (Filed with ICAR)

3.301(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.*

3.401 (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.*

Current Language of Section 3.301 & Section 3.401 Definitions (Amended effective: 7/21/06)

3.301 (B) Delinquency: *failure of the ratepayer to tender payment for a valid bill or charge (1) within thirty days of the postmark date of that bill or charge, or (2) by a “due date” at least thirty days after mailing, which date shall be printed on the bill.*

3.401 (B) Delinquency: *failure of the ratepayer to tender payment for a valid bill or charge (1) within thirty days of the postmark date of that bill or charge, or (2) by a “due date” at least thirty days after mailing, which shall be printed on the bill and which shall control in the absence of a postmark.*

Proposed Revisions to Section 3.302

During the 2023 Legislative Session, Act 47 was meant to ensure equitable housing opportunities to all, but as enacted, it encompasses mandates that create unintended consequences and complicated requirements for those individuals it was designed to support. According to the Vermont Department of Housing and

Community Development (DHCD)'s summary⁵, Section 25a of Act 47 aka the "HOME Act of 2023" calls for:

§25a - Utility Disconnection & Landlord Notification Rulemaking: Directs the Public Utilities Commission (PUC) to revise rules regarding utility service disconnections to require utilities to notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer. This would include water and sewer services provided by municipality, fire district, or private company. Also allows remote disconnect by utility. Draft legislation that incorporates the rules is due January 1, 2024.

The proposed revisions of Section 3.302(C)(1) Disconnection of Rental Units clearly states the purpose of property owner notice is "...promoting safety, the protection of property, and aid to tenants." It can be reasonably inferred the property owner notice is most applicable during the heating months when severe temperatures can create substantial plumbing or structural damage from loss of heat, particularly where only electric heating systems exist.

VPPSA proposes the following revisions to Section 3.302(C)(1) Disconnection of Rental Units to better align with actual risk to property, safety, or tenants:

3.302(C)(1) During the applicable Winter Disconnection period identified under Section 3.304, 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.

⁵ See Vermont Agency of Commerce and Community Development (ACCD), [Vermont HOME Act of 2023, Act 47 \(S.100\) Memorandum](#) (dated June 28, 2023).

Explicit Definition of Allowable Disclosures Under Section 3.302(C)(2)(a)

The complex web of data privacy and consumer protection rules for all businesses, including utilities to protect and defend customers' personally identifiable information from unauthorized users is a mandate VPPSA members strongly uphold.

While the PUC's legislative mandate appears limited under §25a to simply notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer, there are a host of personal privacy and customer/consumer protection implications for a utility disclosing an individual's financial circumstances or ability to pay, ultimately identifiable through the service address. Already Vermont has a number of landlord responsibility and tenant protection rules and regulations, notwithstanding the added considerations around data privacy and consumer protections under fair credit reporting and monitoring rules.

To that end, VPPSA strongly implores the PUC to leave no room for ambiguity on what does and does not constitute PII under these rule revisions and explicitly define the boundaries of allowable information to be disclosed by the utility to a landlord or property owner. For a property owner to "...reconnect utility service to the property" as required under Section 3.302(C)(2)(a), the Rule should explicitly identify what information CAN be disclosed to enable reconnection.

Extended Timeline for Implementation and Rules' "Effective Date"

VPPSA's member utilities remain committed to providing safe, reliable and affordable service to the customers and communities they serve. It is however, important to stress, that implementing new data collection, retention, and notification requirements proposed under Section 3.302(C)(1); 3.302(C)(2) and 3.302(C)(3) and the corresponding sections in 3.400 will require a more generous "Effective Date" deadline to reach compliance. The revisions proposed under Section 3.302 will require a robust outreach and engagement campaign for property owners, landowners, and tenants to ensure adequate and accurate data collection. The proposed rule requirements may also have a significant impact on the utility's existing customer data collection processes, procedures for handling Personally Identifiable Information (PII), and, depending on implementation methods, may also require time-consuming and/or costly upgrades to customer information (CIS) and/or billing systems, including processes regarding landlord notices for the disconnection of a tenant-named electrical service.

We would like to bring to your attention and emphasize that the implementation of these new requirements necessitates significant changes to our business processes affecting customer applications for service, and internal billing systems. Affecting these changes in a careful and thoughtful manner is crucial to fulfilling customer expectations.

Given the complexity of these changes to ensure compliance, the potential impact on our customers, and to maintain the high quality of service our members' communities and customers receive, it is in the best interest of all stakeholders to ensure a thorough and precise implementation timeline. Therefore, we respectfully suggest and request that the PUC consider an extended timeline to meet compliance of these proposed rule revisions.

This extended timeline request is not intended to delay the process, but rather is a necessary measure to ensure that utilities can meet the new requirements effectively and efficiently, without disrupting delivery of service, inconveniencing customers, or creating undue burden on landlords or property owners. While the PUC's investigative proceeding has been underway for several years, the expedited timeframe under which the current rule revisions have been drafted and proposed in the formal rulemaking process - to meet the Act's legislative mandate - creates an environment prone to error or ill-conceived implementation.

Again, the extended timeline for rule revisions to take effect is necessary to deliver on customer value and meet statutory intent that, (1) prevents unnecessary confusion or customer conflict through robust outreach and engagement for customer/landlord data collection and retention; (2) carefully and thoughtfully analyzes processes, procedures, tools and resources to meet current and future capabilities or compliance requirements; (3) to support thoughtful, sustainable, and

cost-effective investments of ratepayer funds, including valuable staff time and resources.

In conclusion, VPPSA's proposed revisions will ensure clarity that meets the intent and purpose of establishing a new Property Owner disconnection notice requirement in both Rules 3.300 and 3.400. While VPPSA's proposed revisions within these comments more directly address Rule 3.300, the same concerns and edits should be transferrable to Rule 3.400, where appropriate.

VPPSA appreciates the PUC considering our proposed revisions and if there are any questions will be available for discussion.

Respectfully submitted,

/s/

Sarah E. Braese, Assistant General Manager
Vermont Public Power Supply Authority
P.O. Box 126, 5195 Waterbury-Stowe Rd.
Waterbury Center, VT 05677
(802) 882-8509
sbraese@vppsa.com

May 31, 2024

Re: Comments on Draft 3.300 Rule Changes 24-1079-Rule

Dear Mr. Burke:

Vermont Electric Cooperative (VEC) and Washington Electric Cooperative (WEC) support the speedy adoption of these draft rule changes to facilitate remote notice and disconnection processes. We appreciate the effort that has been put into these changes that will help us to keep our field staff safe. Frankly, we will be glad to see this update made as soon as possible, in advance of an avoidable and potentially tragic incident in the field. The draft changes will also help to modernize notice and system processes which will result in cost savings to Co-op members.

We do have a few minor suggestions for your consideration as you move to adopt a final rule.

- 1. Landlord Contact Information. Delete the first sentence of 3.302 (C) (1) (a).** The requirement for utilities to retain provided landlord contact information is covered in the last sentence of that paragraph, and the last sentence is clearer that the landlord is responsible for providing the information.

~~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.

- 2. Follow up written notice. Delete 3.302 (C) (3).**

The new requirement to mail the property owner a follow-up written notice of disconnection of services within two business days, if they have requested written notice, adds unnecessary cost and workload to the utility that we have no mechanism to recoup. It is our opinion that the landlord will receive adequate notification due to the new same day notification requirement in 3.302 (C)(2). Moreover, it could be confusing due to the time delay for the landlord to receive a mailed notice after the tenant has already re-established service. We recommend that the initial notification to the landlord on the day of disconnection be implemented and if this system is not working well the rule can be updated to add a mailed notification.

- 3. 3.303 Disconnection fees.**

The draft rule specifies that fees may not be charged for remote disconnection. VEC does not support this provision and believes fair fees should be able to be approved in utility tariffs so costs are not shifted to other co-op ratepayers.



4. 3.304 Winter Disconnections. Notification Timeframe and Sequence.

We recommended changing the initial notification timeframe in (A) from 72 hours to 96 hours in advance of any planned disconnection. This will provide opportunity for earlier notice to the member.

(A) The utility must make a reasonable attempt to orally contact the customer within ~~72~~ 96 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.

(A) (3) is not clear that if we are to remote disconnect, and need to make an additional contact call within 24 hours, that this additional call does not need to be made outside of typical business hours. A call outside of typical business hours would already be required under (A). We recommend that (A)(3) read instead:

.....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.~~

The timing sequence in (B) is not entirely clear to us, and might have conflicting direction. We recommend the first part of (B) be changed to read as follows:

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, with one of these attempts ~~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~~ One of these three contact attempts (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.....~~

Thank you very much for your consideration.



Andrea Cohen, Government Relations
Vermont Electric Cooperative



Louis Porter, General Manager
Washington Electric Cooperative



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**State of Vermont
Public Utility Commission**

Charlene Dindo
Legislative Council
115 State Street
Montpelier, VT 05602
SENT ELECTRONICALLY

**RE: Rules 24-P016 and 24-P017, Vermont Public Utility Commission,
Amendments to Rules 3.300 and 3.400, Utility Disconnections**

August 1, 2024

Dear Ms. Dindo:

The Vermont Public Utility Commission (“Commission”) submits proposed amendments to Commission Rules 3.300 and 3.400, which govern the disconnection process for regulated utilities.

These proposed amendments are intended to implement changes to the utility disconnection process that were mandated by Act 47,¹ which requires the Commission to adopt rules that: (1) allow for remote disconnections of utility services; and (2) require utilities to provide notice of disconnections to owners of rental properties if utility service to the property has been disconnected. The Commission’s proposed rule amendments incorporate these legislative mandates and include other related updates and revisions to the rules that were proposed by the Vermont Department of Public Service (Department) and other interested parties.

The Commission’s proposed rulemaking follows a multi-year process, which included multiple workshops and rounds of written comments from the Department, affected utilities, and other interested entities. The filing materials include two orders from the Commission that summarize the rulemaking process and include the Commission’s response to various public comments and recommendations that were received throughout the rulemaking process. The filing materials also include copies of public comments received by the Commission and redline drafts showing all proposed revisions to Commission Rules 3.300 and 3.400.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Sincerely,

/s/ Daniel C. Burke

Daniel Burke

Encls.

¹ Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-4999-INV

Investigation into Commission Rule 3.300, Disconnection of Residential Electric, Gas and Water Service; Commission Rule 3.200, Ratepayer Deposits for Gas, Electric, and Water Service); and Commission Rule 3.400, Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service	
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Case No. 24-1079-RULE

Proposed revisions to Vermont Public Utility Commission Rule 3.300	
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Case No. 24-1080-RULE

Proposed revisions to Vermont Public Utility Commission Rule 3.400	
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Order entered: 08/01/2024

**ORDER RE AMENDMENTS TO BE FILED WITH
LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES**

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) addresses comments filed on the Commission’s proposed amendments to Commission Rules 3.300 and 3.400. The Commission also notifies the participants to these proceedings that the Commission will file its final proposed amendments to Rules 3.300 and 3.400 with the Legislative Committee on Administrative Rules (“LCAR”). Redlined and clean copies of the Commission’s proposed rule filings with LCAR will also be uploaded to ePUC together with this order.

II. BACKGROUND

Case No. 17-4999-INV was initially opened by the Commission on November 22, 2017, with the intent of exploring issues and concerns related to Commission Rule 3.300, which governs the disconnection of residential electric, gas, and water services. The Commission

solicited comments from the Vermont Department of Public Service (the “Department”), affected utilities, various non-profit organizations, and other interested parties. The Commission subsequently received numerous rounds of written comments and proposed rule drafts from interested parties and expanded the scope of this proceeding to include Commission Rule 3.400, which governs the disconnection process for cable television and non-residential electric, gas, and water service. The Commission held multiple workshops leading to the consideration of a draft rule proposed by the Department that would have significantly overhauled Rules 3.300 and 3.400.

However, the onset of the COVID-19 pandemic necessitated an immediate change to the utility disconnection process. The Commission issued a series of emergency orders that affected the requirements and obligations for utility disconnections, including a temporary moratorium on all utility disconnections.¹ The Commission also promulgated a series of emergency rules that temporarily superseded some requirements from Commission Rules 3.300 and 3.400 to reflect the realities of the pandemic response. During the emergency rules’ operation, this proceeding was suspended.

In the fall of 2022, as the Commission’s pandemic-related emergency disconnection orders and rules were set to expire, the Commission re-started this proceeding and solicited comments from the participants about how their experiences of operating under the emergency disconnection rules could provide helpful context and data for permanent revisions to Rules 3.300 and 3.400. The Department submitted an updated draft of the proposed overhaul of Rules 3.300 and 3.400, which led to additional rounds of written comments among the participants.

Then, in the spring of 2023, the Legislature enacted Act 47, which included a requirement that the Commission amend its rules to: (1) allow utilities to disconnect service remotely and (2) require utilities to provide notice to the property owner of residential or non-residential rental property if utility service to the property has been disconnected.²

¹ See *Vermont Legal Aid request for moratorium on utility and telecommunications shutoffs during State of Emergency*, Case No. 20-0703-PET, Orders of 3/18/20, 4/23/20, 5/28/20, 7/30/20, 9/23/20, 10/8/20, 12/22/20, and 6/4/21.

² Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

Following the enactment of Act 47, the Commission held a workshop and solicited additional comments from the participants. The workshop was attended by the Department and representatives of:

- Vermont Gas Systems, Inc.;
- Green Mountain Power Corporation (“GMP”);
- Vermont Public Power Supply Authority;
- Vermont Electric Cooperative (“VEC”);
- Washington Electric Cooperative (“WEC”);
- City of Burlington Electric Department (“Burlington Electric”);
- Hyde Park Electric;
- Swanton Village, Inc. Electric Department;
- Village of Morrisville Water and Light Department;
- Stowe Electric Department;
- Village of Enosburg Falls, Inc. Electric Light Department;
- Barton Village, Inc. Electric Department;
- Vermont Public Power Supply Authority (“VPPSA”); and
- Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC (“Comcast”).

Following the workshop, on December 15, 2023, the Department filed with the Commission proposed revisions to Commission Rules 3.300 and 3.400 that would implement the requirements of Act 47. The Department also commented that it “intends these proposals to be interim changes and strongly recommends that further comprehensive revisions to the rules . . . be finalized after those required by Act 47.”³

GMP, VEC, WEC, and Burlington Electric filed comments in response to the Department’s proposed rule amendments. The commenters supported most of the Department’s proposed rule amendments, though they highlighted several areas of disagreement and concern. The Department filed a reply to the utilities’ comments and made additional revisions to its proposed rule amendments.

³ Department’s December 15, 2023, Comments at 2.

On February 5, 2024, the Commission issued an order in Case No. 17-4999-INV addressing the participants' numerous written comments. The Commission also circulated drafts of the proposed revisions to Rules 3.300 and 3.400 and informed the participants that it intended to start the formal rulemaking process for the rule amendments required by Act 47 under the Vermont Administrative Procedures Act. The Commission explained that this was an interim rulemaking to implement the changes in Act 47.

On February 8, 2024, the Commission submitted its rulemaking documents to the Interagency Committee on Administrative Rules ("ICAR") to revise Rules 3.300 and 3.400 and opened Case Nos. 24-1079-RULE and 24-1080-RULE for the formal rulemaking proceedings.

On February 23, 2024, ICAR completed its review of the Commission's proposed revisions to Rules 3.300 and 3.400.

On April 12, 2024, the Commission filed its proposed revisions to Rules 3.300 and 3.400 with the Vermont Secretary of State.

On May 21, 2024, Comcast filed comments on the proposed amendments to Rule 3.400.

On May 22, 2024, the Commission held a remote public hearing for the proposed rule amendments. The public hearing was attended by representatives of the Department and various public utilities, but the Commission did not receive any comments from members of the public during the hearing.

On May 31, 2024, the Department, VEC, and VPPSA filed comments on the proposed rule amendments.

III. DISCUSSION OF COMMENTS

As noted above, the Commission received written comments from the Department, VEC, VPPSA, and Comcast in response to the proposed amendments to Rules 3.300 and 3.400 that were filed with the Vermont Secretary of State. The participants' comments are addressed below.

Department

- (i) Rules 3.301(C) and 3.401(C) (Definition of "Delinquency")

The Department recommends that the Commission revise the definition of “Delinquency” included in Sections 3.301(C) and 3.401(C) of the proposed rules. Specifically, the Department recommends that the Commission adopt the following definition for the term “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 states that this proposed definition will better align with current utility practices and the capabilities of the utilities’ billing methods and software. The Department also states that compliance with the definition of “Delinquency” that was included in the proposed rule filed with the Secretary of State may cause some utilities to incur unnecessary, additional expense as a result of having to change their billing capabilities. The Department further represents that its proposed definition is based on conversations and feedback that it received from affected utilities.

We agree that the Department’s proposed new definition for the term “Delinquency” is preferable to the definition that we included in our initial proposed rule revisions. We recognize that this definition is better aligned with current utility practices and will reduce potential compliance costs for affected utilities without affecting the underlying substance of the proposed rule. Therefore, we will adopt the Department’s proposed definition of “Delinquency” and revise our proposed amendments to Rules 3.300 and 3.400 accordingly. We have, however, made some minor changes to the language in the final sentence of the definition to improve the clarity of the definition. Our final sentence of the definition will read “[s]hould the utility instead choose to establish delinquency as failure to tender payment by the ‘due date,’ that ‘due date’ must be at least 30 days from transmittal of the bill.”

VEC

(i) Rule 3.302(C)(1)(a) (Retention of contact information)

VEC requests that we change our proposed amendment to Rule 3.302(C)(1)(a) to remove a redundant requirement regarding the utilities’ obligation to retain property owners’ contact information. We agree with VEC that the first sentence in Rule 3.302(C)(1)(a) is superfluous.

Therefore, we have removed this sentence in our proposed rule amendment. We have also made the corresponding change to Rule 3.402(D)(1).

(ii) Rule 3.302(C)(3) (Written follow-up notice)

VEC recommends that the Commission remove the requirement from proposed Rule 3.302(C)(3) that utilities must provide a follow-up written notice of disconnection of services within two business days (if a landlord requests to receive written notice). VEC argues that this requirement adds unnecessary cost and workload.

The Commission addressed and responded to this same issue in its February 5, 2024, order. As we noted in that order, this requirement will apply only if there is an express request from the property owner. We also clarified that the utilities may impose a reasonable fee to recover any cost associated with the notice. VEC has not presented any new or additional information that causes us to reconsider our previous determination on this section of the proposed rule. Therefore, we will not adopt VEC's requested change to proposed Rule 3.302(C)(3).

(iii) Rule 3.303(F) (Prohibition on fees for remote disconnections)

VEC states that it continues to oppose the prohibition on utilities collecting fees for remote disconnections that is included in proposed Rule 3.303. The Commission addressed this issue in detail in its February 5, 2024, order. VEC has not presented any new or additional information that would cause us to reconsider our previous determination on this issue.

Therefore, we decline to remove the provision from proposed Rule 3.303 that states that "no fees may be charged for remote disconnections."

(iv) Rule 3.304 (Notification and timeframes for winter disconnections)

VEC requests that the Commission change the initial notification timeframe in proposed Rule 3.304(A) from 72 hours to 96 hours. VEC asserts that this proposed revision will provide an opportunity for earlier notice to its affected members. VEC also requests several changes to the language included in proposed Rules 3.304(A) and (B) regarding the sequencing of notices that must be provided to customers under these sections of the rule.

We find VEC's request to be reasonable and likely in the best interests of affected customers. Therefore, we have revised proposed Rule 3.304(A) to include a 96-hour

requirement. We have also made revisions to proposed Rules 3.304(A) and (B) to clean up and clarify the sequencing of the required notices.

VPPSA

(i) Rules 3.301(C) and 3.401(C) (Definition of “Delinquency”)

VPPSA requests that the Commission revise the definition of “Delinquency” included in proposed Rule 3.301(C). As discussed above, we have decided to adopt the Department’s proposed language for the definition of “Delinquency.” Although the Department’s proposed language does not perfectly overlap with VPPSA’s definition, we find that the Department’s proposal addresses many of the issues identified by VPPSA in its comments, including issues regarding billing software, postmarks, and electronic transmittal.

(ii) Rule 3.302 (Notice to landlords)

VPPSA recommends that the Commission limit the required landlord notice to the winter disconnection period. In support of this request, VPPSA states that the underlying intent of Act 47 and the proposed landlord notice requirements are grounded in safety and the protection of property and tenants. VPPSA asserts that it “can be reasonably inferred the property owner notice is most applicable during the heating months when severe temperatures can create substantial plumbing or structural damage from loss of heat, particularly where only electric heating systems exist.”⁴ Based on this argument, VPPSA proposes that the Commission limit the landlord notice requirements to the winter disconnection period.

We decline to adopt VPPSA’s proposed limitation on the landlord notification. First, we find that limiting this requirement to only the heating season may be cumbersome to implement and create potential confusion for affected property owners. Second, although the risk of property damage from loss of electricity may be most acute during winter months, we recognize that damage or harm could also result from loss of electric service during warmer months. For example, sump pumps, security systems, and most modern telephonic equipment may not function without electric service. We also do not find that Act 47 so limited this requirement. Accordingly, we decline to adopt VPPSA’s recommend revision to this section of the rule.

⁴ VPPSA’s May 31, 2024, Comments at 5.

(iii) Rule 3.302(C)(2)(a) (Allowable disclosures)

VPPSA raises general concerns about data privacy and consumer protection in relation to the landlord notification requirements included in proposed Rule 3.302(C)(2)(a), which provides that the landlord 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.”

With respect to this provision, VPPSA does not propose any recommended changes. Instead, it requests that the Commission “leave no room for ambiguity on what does and does not constitute PII under these rule revisions and explicitly define the boundaries of allowable information to be disclosed by the utility to a landlord or property owner.”⁵

We share VPPSA’s concerns about privacy and protecting personally identifiable information. We note that proposed Rule 3.302(C)(2)(a) expressly prohibits the utilities from including any personally identifiable information regarding the tenant in a notice to the landlord. We feel that the proposed rule, as written, achieves a necessary degree of privacy protection while still implementing Act 47’s underlying mandate. Our expectation, which is expressly built into the rule as an unambiguous requirement, is that utilities will not disclose tenants’ personally identifiable information to landlords.

Because the landlord notification process is a new requirement, and we recognize that there is a diverse array of rental properties throughout Vermont, we find that it would be counter-productive to implement a proscriptive list of actions that can be taken to allow for proper landlord notification. However, after gaining more experience with this process, the Commission will plan to revisit this issue in future amendments to Rule 3.300.

(iv) Rule 3.308 (Timing of implementation)

VPPSA also raises concerns about the feasibility of the proposed implementation deadlines included in proposed Rule 3.308. VPPSA states that adopting and adhering to the new processes included in proposed Rules 3.300 and 3.400 will require outreach and engagement plans as well as communications with property owners. VPPSA also states that the new

⁵ *Id.* at 6.

requirements may require time-consuming upgrades to its customer information and billing software systems. VPPSA, therefore, requests that the Commission extend the timeline for implementing the requirements of Rule 3.300 and 3.400, though VPPSA does not propose a specific extension.

Proposed Rules 3.308 and 3.406, as filed with the Secretary of State, require utilities to file updated disconnection forms and necessary tariffs within 30 days of the effective date of the rules. In light of VPPSA's comments, we have decided to extend this deadline to 60 days. Consistent with Commission Rule 2.107,⁶ we have also added new paragraphs to both proposed rules that will allow utilities to petition the Commission for extensions of the deadlines for filing revised disconnection notices and tariffs if necessary "[t]o prevent unnecessary hardship or delay, to prevent injustice, or for other good cause."

Comcast

In its comments, Comcast highlights that Section 25a(b) of Act 47 limits the definition of "utility service" to gas, electric, water, and wastewater service subject to the jurisdiction of the Commission. Comcast, therefore, requests that cable television providers be exempted from the proposed landlord notification requirements that would be included in Rule 3.400. In its comments, the Department stated that it did not object to Comcast's comments and request for cable companies to be exempt from the landlord notification requirements.

We agree with Comcast that cable television providers were not included within Act 47's mandates. Therefore, we have revised our proposed revisions to Rule 3.400 to include a new Section 3.407 that exempts cable television providers from the landlord notification requirements.

IV. CONCLUSION

We appreciate the thoughtful and insightful comments that we have received from the Department, utilities, and other participants throughout this extended rulemaking investigation. The Commission will upload final copies of all materials filed with LCAR in ePUC and keep

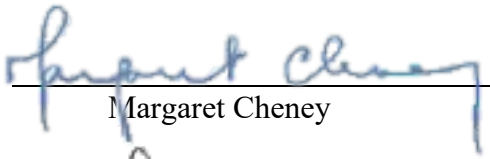
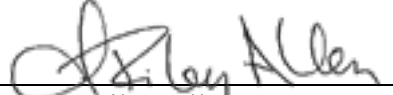
⁶ Commission Rule 2.107 provides that "[t]o prevent unnecessary hardship or delay, to prevent injustice, or for other good cause, the Commission may waive the application of a rule under such conditions as it may require, unless precluded by the rule or by statute."

participants updated on the final elements of the rulemaking process for the proposed amendments to Rules 3.300 and 3.400.

We also note that the Department's cover letter to its May 31, 2024, comments recommends that the Commission withhold opening a follow-on proceeding to consider more comprehensive revisions to Rules 3.300 and 3.400 that were recommended by various participants to this proceeding. The Department states that after receiving feedback from affected parties, the Commission should defer opening a new rulemaking proceeding until after the utilities and other affected entities gain meaningful experience from implementing the Act 47 rule changes. We agree with the Department's recommendation, and therefore will withhold opening a follow-on rulemaking until after the utilities and other affected entities have more experience implementing the Act 47 requirements.

SO ORDERED.

Dated at Montpelier, Vermont, this 1st day of August, 2024.

 _____	)	
Edward McNamara	)	PUBLIC UTILITY
	)	
 _____	)	COMMISSION
Margaret Cheney	)	
	)	
 _____	)	OF VERMONT
J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: August 1, 2024

Attest: 
_____ Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 17-4999-INV - SERVICE LIST

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STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 17-4999-INV

Investigation into Commission Rule 3.300, Disconnection of Residential Electric, Gas and Water Service; Commission Rule 3.200, Ratepayer Deposits for Gas, Electric, and Water Service); and Commission Rule 3.400, Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service	
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Order entered: 02/05/2024

**ORDER RE AMENDMENTS TO BE FILED WITH
INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES**

I. INTRODUCTION

In this Order, the Vermont Public Utility Commission (“Commission”) notifies the participants that it will begin the formal rulemaking process by filing draft proposed rules with the Vermont Interagency Committee on Administrative Rules for amendments to Commission Rules 3.300 and 3.400. The Commission is also providing the participants with clean and redline copies of the rule amendments.

II. BACKGROUND

This case was initially opened by the Commission on November 22, 2017, with the intent of exploring issues and concerns related to Commission Rule 3.300, which governs the disconnection of residential electric, gas, and water services. The Commission solicited comments from the Vermont Department of Public Service (the “Department”), affected utilities, various non-profit organizations, and other interested parties. The Commission subsequently received numerous rounds of written comments and proposed rule drafts from interested parties and expanded the scope of this proceeding to also include Commission Rule 3.400, which governs the disconnection process for cable television and non-residential electric, gas, and water service. The Commission held multiple workshops leading to the consideration of a draft rule proposed by the Department that would have significantly overhauled Rules 3.300 and 3.400.

However, the onset of the COVID-19 pandemic in early 2020 necessitated an immediate change to the utility disconnection process. The Commission issued a series of emergency orders that affected the requirements and obligations for utility disconnections, including a temporary moratorium on all utility disconnections.¹ The Commission also promulgated a series of emergency rules that temporarily superseded some requirements from Commission Rules 3.300 and 3.400 to reflect the realities of the pandemic response, which resulted in the suspension of this proceeding.

In the fall of 2022, as the Commission's pandemic-related emergency disconnection orders and rules were to expire, the Commission re-initiated this proceeding and solicited comments from the participants about how their experiences of operating under the emergency disconnection rules could provide helpful context and data for permanent revisions to Rules 3.300 and 3.400. The Department submitted an updated draft of the proposed overhaul of Rules 3.300 and 3.400, which led to additional rounds of written comments among the participants.

Then, in the spring of 2023, the Legislature enacted Act 47, which included a requirement that the Commission amend its rules to: (1) allow utilities to disconnect service remotely and (2) require utilities to provide notice to the property owner of residential or non-residential rental property if utility service to the property has been disconnected.²

Following the enactment of Act 47, the Commission held a workshop and solicited additional comments from the participants. The workshop was attended by the Department and representatives of:

- Vermont Gas Systems, Inc.;
- Green Mountain Power Corporation ("GMP");
- Vermont Public Power Supply Authority;
- Vermont Electric Cooperative, Inc. ("VEC");
- Washington Electric Cooperative, Inc. ("WEC");
- City of Burlington Electric Department ("Burlington Electric");
- Village of Hyde Park Electric Department;

¹ See *Vermont Legal Aid request for moratorium on utility and telecommunications shutoffs during State of Emergency*, Case No. 20-0703-PET, Orders of 3/18/20, 4/23/20, 5/28/20, 7/30/20, 9/23/20, 10/8/20, 12/22/20, and 6/4/21.

² Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

- 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.

Following the workshop, on December 15, 2023, the Department filed proposed revisions to Commission Rules 3.300 and 3.400 that would implement the requirements of Act 47. The Department also commented that it “intends these proposals to be interim changes and strongly recommends that further comprehensive revisions to the rules . . . be finalized after those required by Act 47.”³

GMP, VEC, WEC, and Burlington Electric filed comments in response to the Department’s proposed rule amendments. The commenters supported most of the Department’s proposed rule amendments, though they highlighted several areas of disagreement and concern. The Department filed a reply to the utilities’ comments and made additional revisions to its proposed rule amendments.

III. DISCUSSION

We recognize that there is still significant disagreement about whether and how to implement the broader changes to Commission Rules 3.300 and 3.400 that the Department has proposed. Generally, however, the participants in this rulemaking proceeding have come to substantial agreement regarding the changes to Commission Rules 3.300 and 3.400 necessitated by Act 47. As such, we have decided to proceed with interim changes to Commission Rules 3.300 and 3.400 to comply with the directives of Act 47. As part of today’s Order, we circulate our proposed revisions to Commission Rules 3.300 and 3.400 that implement the requirements of Act 47, which will be formally filed with the Vermont Interagency Committee on Administrative Rules to commence the formal rulemaking process under the Vermont Administrative Procedures Act.

³ Department’s December 15, 2023, Comments at 2.

However, we agree with the Department that the Commission should continue to consider the broader, more comprehensive changes to these rules that the participants have discussed throughout this proceeding. Based on feedback from the participants received at the workshop and in their written comments, we understand that the participants desire additional time and more workshops to discuss these broader changes, some of which remain the source of significant disagreement among the participants. Therefore, following the completion of the formal rulemaking process for the adoption of the amendments to Commission Rules 3.300 and 3.400 that are the subject of this Order, we will close this case and open a new rulemaking case in ePUC to address proposals for more comprehensive revisions to Rules 3.300 and 3.400. The remainder of this Order addresses the participants' outstanding disagreements with the Department's proposed rule amendments to implement the Act 47 requirements.

A. Written Notice to Property Owners (Rule 3.302(C))

The Department's proposed rule regarding notice to property owners and landlords of a disconnection involves a two-step process. Property owners would be contacted by 3:00 p.m. on the day of the disconnection and then receive written notice of the disconnection from the utility in the mail following the disconnection. The utilities recommend that the Commission remove the Department's proposal to provide a written notice in the mail after the disconnection has occurred. They argue that this notice will create additional expense and potentially lead to confusion because any notice sent through the mail likely will not be received until several days after service was disconnected, during which time the customer may have been reconnected. In the alternative, the utilities recommend that the property owners be allowed to "opt-in" to receiving written notices and that the utilities be allowed to satisfy this requirement with a phone call or electronic communication.

Having considered the parties' comments, we have decided to partially incorporate the Department's recommendation. We will include a requirement to provide a follow-up written notice of the disconnection to the property owner, but only if such notice is requested by the property owner. In other words, the property owner must opt-in to receive the written notices. The revised rule also makes clear that the follow-up notice requirement can be satisfied with a

telephone call or email. The rule also allows the utility to impose a reasonable fee for the follow-up notice.

B. Receipt of Email or Text Notifications During Winter Disconnection Period (Rule 3.304)

The Department's proposed rule would modernize the oral notice requirements that apply during the winter disconnection period by allowing the utilities to provide notice via SMS text messages or email communications to utility customers. Under the Department's proposal, the use of SMS texts or email would satisfy the notice requirement only if the utility obtains confirmation of receipt of the SMS text message or email from the customer.

The utilities support the use of SMS text and email notice, but they object to the requirement that they must obtain confirmation of delivery of the notice. They argue that it is impractical to obtain such confirmation because confirmation receipts are generally controlled by the users' devices or email settings.

We agree that it is important to update the rule to reflect modern communication technologies. Therefore, we will incorporate the Department's recommendation that the oral notice that has traditionally been required in the winter disconnection period can be satisfied with an SMS text message or email. We also share the Department's concern about ensuring that the electronic message is actually delivered and received by the utility customer. Therefore, we adopt a slightly modified version of the Department's recommendation. Although we will not mandate that the utility receive confirmation of delivery and receipt of an email or SMS text notification, we will require that 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.⁴ This approach is consistent with the Department's proposal, provides the utilities with flexibility in providing notice, and largely falls back on the existing rule's notice requirements where text or email notice cannot be confirmed. This approach also creates an incentive for utilities to attempt to obtain delivery confirmation from their customers if they choose to use text or email notifications while still allowing them more flexibility than under the current rule.

⁴ Proposed Commission Rule 3.304(B).

C. Timing of Remote Disconnection (Rule 3.306 and 3.404)

The Department's proposed rule would allow remote disconnections only between 9:00 a.m. and 11:00 a.m. In support of this proposal, the Department asserts that it "specifically kept this window short to afford consumers with as much time as possible to address reconnection and engage with needed support services during the business day."⁵ GMP seeks a broader time period to conduct remote disconnections and requests that the deadline "be extended to 1:00 PM in order to allow utilities to better time scheduled disconnections to spread call volume and account for availability of team members."⁶

We have decided to adopt the Department's proposal to limit remote disconnections to a period between 9:00 a.m. and 11:00 a.m. We agree with the Department that it is important to afford affected customers ample opportunity to address a disconnection during business hours. Allowing for remote disconnections should substantially improve the utilities' efficiency in completing the disconnection process. The benefits of that improved efficiency should also flow through to customers who are affected by the disconnection process. Because this change will significantly streamline the disconnection process, we agree with the Department that it is appropriate to limit remote disconnections to a period between 9:00 a.m. and 11:00 a.m. However, we anticipate revisiting this requirement when we consider broader changes to Rule 3.300 and 3.400 in the near future and have better data on remote disconnections from the utilities.

D. Fees for Remote Disconnections (Rule 3.303 and 3.400)

The Department's proposed rule would prohibit utilities from charging fees for remote disconnections. Burlington Electric, VEC, and WEC oppose this requirement. Burlington Electric asserts that it "will still have administrative expenses associated with such disconnections."⁷ VEC and WEC similarly state that "[r]easonable fees should be allowed to fairly cover the administrative costs involved with managing these processes so that costs are not unnecessarily shifted to other utility members."

⁵ Department's December 29, 2023, Comments at 4.

⁶ GMP's December 22, 2023, Comments at 3.

⁷ Burlington Electric's December 22, 2023, Comments at 1.

We are not persuaded that the utilities should be allowed to charge a fee for remote disconnections. Although we recognize that there will be administrative functions associated with the remote disconnection process, we anticipate that the transition to remote disconnections will result in considerable cost savings in comparison to on-premises disconnections. Removing the cost to have an employee physically travel to a customer's premises and manually shut off service supports eliminating the disconnection fee, which serves as an additional barrier for affected customers to restore service and pay down any outstanding balance. Therefore, we have decided to adopt the Department's recommendation to prohibit fees for remote disconnections.

Although we have adopted the Department's proposed prohibition on remote disconnection fees, we expect to revisit this issue in the follow-up proceeding that considers more substantial changes to Rules 3.300 and 3.400.

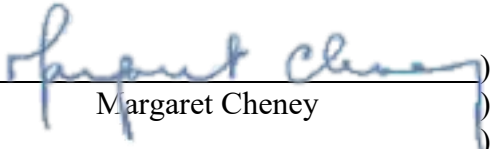
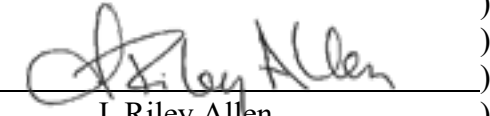
IV. CONCLUSION

The Commission thanks all participants for their thoughtful comments and insights throughout the informal portion of this rule amendment process. The Commission intends to file the attached version of the proposed amendments to Commission Rule 3.300 and 3.400 with the Interagency Committee on Administrative Rules and then the Secretary of State as soon as practicable. Please note that we have also made minor, non-substantive revisions to sections of the rules not addressed by the participants.

Further comments and participation in the proposed amendment of Rules 3.300 and 3.400 will follow the formal rulemaking procedures described in the Vermont Administrative Procedure Act. Upon completion of the formal rulemaking process for the amendments discussed in this Order, the Commission will open a new proceeding to address more comprehensive revisions to Rules 3.300 and 3.400.

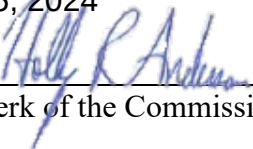
SO ORDERED.

Dated at Montpelier, Vermont, this 5th day of February, 2024.

	)	PUBLIC UTILITY COMMISSION OF VERMONT
Margaret Cheney	)	
	)	
	)	
	)	
J. Riley Allen	)	

OFFICE OF THE CLERK

Filed: February 5, 2024

Attest: 
Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 17-4999-INV - SERVICE LIST

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INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: February 23, 2024, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Nicole Dubuque, Jared Adler (voted on the 1st two rules only then exited meeting at 1:55 PM), Natalie Weill (did not vote)

Minutes By: Melissa Mazza-Paquette

- 1:01 p.m. meeting called to order, welcome and introduction of newest Committee member Natalie Weill who will begin voting at the next ICAR meeting.
- Review and approval of [minutes](#) from the January 8, 2024 meeting.
- No additions/deletions to agenda.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
 - 1) Aboveground Storage Tank Rules, Agency of Natural Resources, Department of Environmental Conservation, page 2
 - 2) Unused Drug Repository Rule, Agency of Human Services, Department of Health, page 3
 - 3) Improved Tracking of Workplace Injuries and Illnesses, Vermont Department of Labor, page 4
 - 4) Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health, page 5
 - 5) Rule 3.300 Disconnection of Residential Gas, Electric and Water Service, Vermont Public Utility Commission, page 6
 - 6) Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission, page 7
- Other business:
 - Diane will create draft public guidance for the Committee's review at a future meeting to aid those filing proposed rules.
- Next scheduled meeting is Monday, March 11, 2024 at 2:00 p.m.
- 3:02 p.m. meeting adjourned.

Presented By: Anna Bourakovsky and Andrew Youngs

Motion made to accept the rule by Sean Brown, seconded by Diane Sherman, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Submit an updated rule that highlights changes noted at the beginning of the meeting distinguishing between new and existing installations (*received after the ICAR 02/23/24 meeting*).
2. Proposed Filing – Coversheet:
 - a. #8: Reword to include the full scope of changes including the strict requirements, etc.
 - b. #12: Provide an executive summary to align with the Economic Impact Analysis.
3. Public Input:
 - a. #3: Provide additional upcoming outreach such as the towns and the newsletter process referenced during the meeting.

Note from the Teams chat from the office of the Secretary of State: “Just as an fyi, the APA Portal at <https://secure.vermont.gov/SOS/rules/> does include a subscription tool where users may choose from multiple criteria and will be notified of any postings matching their selected criteria.”

Presented By: Brendan Atwood

Motion made to accept the rule by John Kessler, seconded by Nicole Dubuque, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #10: Include the “how” as required.
2. Economic Impact Analysis:
 - a. Include any relevant data, costs and/or information pertaining to new hires to administer the program.
 - b. #3: Correct spelling “emdicine”.
 - c. #9: Describe how the analysis was conducted and identifying the source of information.
3. Environmental Impact Analysis, #9: Include more detail.
4. Public Input Maximization Plan:
 - a. #3: Include positive impacts, such as those to health, economic and environmental.
 - b. #4: Change “Aide” to “Aid”.
 - c. Consider reaching out to others who might be interested in this proposed rule, such as community members and those involved in solid waste.

Presented By: Dan Whipple and Karl Hayden

Motion made to accept the rule by Sean Brown, seconded by John Kessler, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet, #10: Include information pertaining to the loss of jurisdiction to the federal government; or staying in compliance with our state plan.
2. Economic Impact Analysis:
 - a. Align with the Proposed Filing – Coversheet and include specific economic impacts.
 - b. Clarify numbers are national from the Federal Registry.
 - c. Clarify costs/breakdown.
 - d. #6: Clarify any level of increased reporting requirements.
 - e. #3: Include the estimated costs and benefits anticipated.
3. Environmental Impact Analysis, #9: Complete.
4. Public Input Maximization Plan:
 - a. #3 and #4: Include who (#4) and how (#3) you are publicizing in Vermont, including outreach to all entities, such as Vermont employers, League of Cities and Towns, etc.
5. Incorporation by Reference:
 - a. #5: Include physical office address.
 - b. #6: Note the adoption of OSHA amendments, clarifying reference pertaining to OSHA vs VOSHA.
 - c. *FYI: Although it must be as stringent, modifications can be made to what's being incorporated.*

Presented By: Natalie Weill

Motion made to accept the rule by Nicole Dubuque, seconded by Jen Mojo, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #11: Reach out to the Vermont Agency of Agriculture, Food & Markets.
 - b. #12: Clarify if there are any economic impacts to others.
2. Public Input Maximization Plan:
 - a. #3: Include all outreach.
 - b. Add ‘, Food & Markets’ to ‘Vermont Agency of Agriculture’.

Presented By: Dan Burke

Motion made to accept the rule by John Kessler, seconded by Nicole Dubuque, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Include descriptive details of what’s being referenced after ‘disconnections’.
 - b. #11: Include a period at the end of the sentence.
2. Adopting Page, #4: Contact the Office of the Secretary of State for assistance finding the log #.

Proposed Rule: Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission

Presented By: Dan Burke

Motion made to accept the rule by John Kessler, seconded by Nicole Dubuque, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Include descriptive details of what’s being referenced after ‘disconnections’.
2. Adopting Page, #4: Contact the Office of the Secretary of State for assistance finding the log #.