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**State of Vermont
Public Utility Commission**

MEMORANDUM

From: Holly R. Anderson, Clerk of the Commission *HRA*
Re: PUC Case Number 24-1080-RULE- Proposed revisions to Vermont Public Utility
Commission Rule 3.400
Date: October 7, 2024

On September 5, 2024, the Legislative Committee on Administrative Rules approved the final proposed version of Rules 24-1080-RULE- Proposed revisions to Vermont Public Utility Commission Rule 3.400. No changes were made to the rule as the result of the LCAR process.

The final adopted rule was filed with the Secretary of State on September 19, 2024.

The adopted rule has an effective date of October 4, 2024.

Adopted 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 9/18/2024_____
(signature) (date)

Printed Name and Title:

Edward McNamara, Chair, Vermont Public Utility Commission

RECEIVED BY: _____

- ☐ Coversheet
- ☐ Adopting Page
- ☐ Clean text of the rule (Amended text without annotation)
- ☐ Letter regarding changes to the final proposed

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

24P 017

3. ADOPTING AGENCY:

Vermont Public Utility Commission

4. 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:

5. 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.).

6. THE FILING HAS NOT CHANGED SINCE THE FILING OF THE FINAL
PROPOSED RULE.

7. THE AGENCY HAS NOT INCLUDED WITH THIS FILING A LETTER
EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER
AND SECTION WHERE APPLICABLE, INCLUDING CHANGES IN ECONOMIC
IMPACT.

8. THE LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
DID NOT OBJECT TO THE FINAL PROPOSAL.

9. PROCEDURAL HISTORY OF ADOPTION:

ICAR Filing: 2/8/2024

Proposal Filed with Office of the Secretary of State: 4/12/2024

Notices Posted Online: 4/17/2024

Notices Published in the Newspapers of Record: 4/25/2024

A Hearing WAS Held.

Hearings Held (*PLEASE USE ADDITIONAL SHEETS TO PROVIDE THE DATE, TIME, AND LOCATION OF ALL HEARINGS, IF THIS FORM IS INSUFFICIENT TO LIST ALL HEARINGS HELD*):

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:

Deadline for Public Comment: 5/31/24

Final Proposal —

Filed with Secretary of State: 08/02/2024

Filed with LCAR: 08/02/2024

Dates of LCAR Review: 09/05/2024, , , ,

Adopted Rule —

Filed with Secretary of State: 09/19/2024

Filed with LCAR: 09/19/2024

10. EFFECTIVE DATE: 10/4/2024

(A RULE MAY TAKE EFFECT 15 DAYS AFTER ADOPTION IS COMPLETE OR AT A LATER TIME PROVIDED IN THE TEXT OF THE RULE SEE 3 V.S.A. §845(d) FOR DETAILS).

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).

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.