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**STATE OF VERMONT**  
**PUBLIC UTILITY COMMISSION**

Docket No. 20-0703-PET

Vermont Legal Aid Request for Moratorium on     )  
Utility and Telecommunications Shutoffs During     )  
State of Emergency                                     )

**COMMENTS ON EXTENDING DISCONNECTION MORATORIUM, TO WHOM AN  
EXTENSION SHOULD APPLY, AND CONSUMER PROTECTION**

On September 3, 2020, the Public Utility Commission (“Commission”) issued an order requesting comments on extending the temporary moratorium on certain utility disconnections (“the moratorium”) beyond September 30, 2020, on whether any extension should apply to the same group of utilities covered by the moratorium, and on what consumer protections should be in place at the end of the moratorium. Vermont Legal Aid now provides the following comments in response to the Commission’s Order.

**I. The Moratorium Must Be Extended.**

The moratorium has provided relief from involuntary disconnection for vulnerable Vermonters who have been impacted, financially and otherwise, by the COVID-19 pandemic. Equally importantly, it is a necessary public health measure that plays a significant role in fighting the spread of the coronavirus. Vermonters must have electricity and hot running water to wash their hands and clean their homes. Families need reliable broadband access to work remotely, as well as educate their children while the school districts implement hybrid learning

models. During a global pandemic, there simply should not be any service terminations, and the goal of Commission policy should be to prevent disconnections.

If the moratorium ends, and utilities resume disconnection of services, people will be forced to leave their homes. Some families will need to join households or shelters, living in more crowded spaces and heightening the risk of transmission of the virus. Other families will simply become homeless, right before winter sets in. If families cannot maintain social distancing and cannot keep themselves clean and sanitary, it will be incredibly difficult to stop the spread of this deadly virus. It was for this reason that the Centers for Disease Control and Prevention (CDC) issued a national moratorium on evictions until January 1, 2021. *See* 85 Fed. Reg. 55292 (Sept. 4, 2020). Vermont, of course, also has its own eviction moratorium that prevents displacement of renters, even in situations where the failure to pay rent is undisputed, until 30 days after the termination of the State of Emergency declared by Governor Phil Scott. *See* Vermont Law S.333,

<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT101/ACT101%20As%20Enacted.pdf> (last visited 9/16/2020).

The Governor's State of Emergency was just extended through October 15, 2020.

[https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%205%20TO%20AMENDED%20AND%20RESTATED%20EXECUTIVE%20ORDER%2001-20\\_0.pdf](https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%205%20TO%20AMENDED%20AND%20RESTATED%20EXECUTIVE%20ORDER%2001-20_0.pdf) (last visited 9/16/2020).

It would be bitterly ironic for renters protected by both state and federal eviction moratoria to be driven out of their residences by the shut-off of vital utility services.

Accordingly, we propose that the Commission order a moratorium that is co-extensive with

S.333. That is, like the eviction moratorium set forth in S.333, the moratorium would terminate 30 days after the termination of Governor Scott's State of Emergency.

As of this writing, it is not clear how many consumers have been able to access the \$8 million in arrearage relief funding made available by the legislature through the Department of Public Service. However, it would not make sense for the moratorium to end prior to the end of the arrearage assistance program in December. As noted in the Commission's order, those grant funds should help mitigate the arrearage debt burden being carried by consumers and utilities. Thus, Vermonters should have every opportunity to access those funds before the application period closes in December. It makes little sense to allow the threat of disconnection and end the moratorium when there are still several more months to request assistance.

It is our goal – a goal that we believe is shared by all the parties to this matter – that the arrearage program be used as extensively as possible. We also believe these funds should primarily benefit the neediest customers most at risk of homelessness, and the public health risks associated with being homeless during a pandemic. The State of Vermont took drastic steps to avoid a massive homelessness crisis at the beginning of the pandemic. Hundreds of Vermonters living in shelters and on the streets were housed in motels around the state to prevent a catastrophic public health crisis in our communities. Allowing disconnections of vital utilities, thus risking more Vermonters leaving their residences and crowding into other homes, opened shelters or motels, would undo much of that effort. It would also place an unnecessary burden on the General Assistance Program, which is working tirelessly to get people out of motels and into more stable housing.

The best way to ensure that as many consumers access the program as possible is to have a simple application; one that is easy to understand and easy to fill out. The Department and

service providers should make all possible efforts to identify the neediest residential customers with the largest arrearages. We believe that streamlining the program wherever possible is a critical element to the Commission's resolution of the other two questions posed by in its request for comments: what utilities should be covered, and what consumer protections should be put in place as the moratorium is lifted.

## **II. No Utility Should Be Excluded From the Moratorium.**

It is difficult to imagine a principled means of excluding covered utilities from an extension of the moratorium. In our view, the current focus should be on eliminating as many arrearages among residential customers as possible, focusing on the most vulnerable first. While it may be that some utilities have access to additional sources of arrearage assistance (for example, Green Mountain Power has a program for low-income customers funded through rates) or may have higher percentages of residential clients with arrearages, those circumstances suggest the need for adjustments to the arrearage assistance program, not to the moratorium.

As we have stated in prior comments, having a moratorium in place allows time for providers to identify residential customers who might be most in need of the Vermont Arrearage Assistance Program, and facilitate their enrollment in the program. For example, customers who have made use of the Fuel Assistance program in the past two years might be identified and contacted as likely candidates for arrearage assistance. Indeed, Vermont Legal Aid would support efforts to identify residential accounts in arrears and provide arrearage assistance to those accounts based on the utilities' applications on behalf of those customers, in much the same way that the Rental Housing Stabilization Program funded by the legislature permits both landlords and tenants to apply for assistance with back rent. *See* RHSP- Program Summary, <https://www.vsha.org/wp/wp-content/uploads/2020/09/RHSP-Program-Summary-9.3.20.pdf> (last

visited 9/17/20). Allowing utilities to apply in bulk would simplify the process further, as long as funds received were properly attributed to the residential accounts with arrearages.

The Commission also should consider adjusting the requirement that an applicant's income be directly affected by COVID-19. Many of the most vulnerable Vermonters are older citizens living on fixed incomes from Social Security. Although the amount of their income has not changed, they experience higher costs of living right now due to the virus. They are both more vulnerable to the virus itself and facing an increase in their cost of living due to higher prices for food and food delivery to their homes (to reduce potential exposure to the virus), short supplies of essential items, and the closure of lower-cost restaurants and food outlets. The Commission should take into account these vulnerable Vermonters, and ensure their participation in the program.

### **III. Consumers Should Be Protected From Disconnections Even After the Moratorium Expires.**

The best way to protect consumers from disconnections after the moratorium is lifted is to address their arrearages with funds available right now. Residential customers with arrearages should not be disconnected until all efforts have been made to identify them and all the \$8 million in arrearage assistance funds have been allocated. We support all efforts to ensure that the most vulnerable Vermonters have access to arrearage assistance funds.

Beyond the arrearage assistance program, we believe that the post-moratorium landscape should not be a return to pre-pandemic business as usual. Any residential customers with remaining arrearages after the lifting of a moratorium should be put on a reasonable payment plan to keep them connected. Twelve- and 24-month plans should be available. In addition, the

enrollment processes into consumer assistance programs must be streamlined. For example, any individual who self-certifies that they receive benefits from any state or federal means-tested program should be eligible for assistance and automatic enrollment. The current pandemic has highlighted some of the ways in which suffering is visited on the most vulnerable Vermonters, we should take every opportunity to reduce that suffering.

Dated at Burlington, Vermont, this 17<sup>th</sup> day of September, 2020.

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