

such business processes. Several of the commentators stated that this ability to engage with its customers will assist with more people taking advantage of the financial assistance potentially available to its customers through the VCAAP. The prospect and need for such engagement is the main reason why the Department supports lifting the Moratorium.

VCAAP

The VCAAP was enacted into law on July 2, 2020 as part of Act 137. The program provided \$8 million in assistance to Vermont ratepayers that suffered economic hardship due to loss of income from the COVID-19 pandemic, and whose arrearages put them at risk for disconnection. In addition to the parameters established by the General Assembly in its appropriation language, these funds are also subject to federal mandates and guidance. Notably, the federal mandates require that all funds be disbursed by the end of December – and as we are approaching October – it is critical that utility customers be made aware that they can avail themselves of VCAAP funds quickly.

To establish a program to ensure that VCAAP funds are made available and are utilized, the Department has worked closely with the Agency of Digital Services, five Community Action Agencies, a third-party reviewer, a consultant and a software provider, and with utilities and service providers in four sectors. At the onset of the designing the program the Department worked with the utilities to determine customer needs relative to available funds and to ensure equitable distribution among consumers. The program development required three stages which included designing the application form and process, the mechanics for how the applications would be reviewed for eligibility, and the ultimate framework and standards for awarding and disbursing funds. As of yesterday, the three phases of the program were completed and operational, and the first checks have been disbursed. As of today, the Department can report the following:

- 3,455 applications from ultimate consumers have been successfully completed and submitted;
- 1,400 applications have been reviewed by utilities and have received or are due to receive awards;
- \$774,404 in funds have been deemed eligible for payment after utility reviews.

During the establishment of the program the utilities repeatedly conveyed that the success of the program would be closely linked to the duration of the Moratorium. As was reflected in many of the comments from the utilities, customer willingness to communicate with their provider has changed over the term of the Moratorium. Among other concerns, this has constrained and undercut the ability of the utilities to effectively work with their customers to encourage applications for, and effective use of money available through the VCAAP program. The Department is confident that when the Moratorium is lifted, it will act as an incentive for customers with COVID-19 related arrearages to engage with their utility. In turn, this will increase customers interest in seeking VCAAP funds.

The Commission has provided invaluable consumer protections through the Moratorium, and during that time Vermont has been able to establish an equitable program through the establishment of the VCAAP. At this time, the VCAAP is fully operational and lifting the Moratorium will enhance the utilization of VCAAP funds by those who most need them.

Funds appropriated to VCAAP but not used will be reviewed by the Agency of Administration in early December for potential re-allocation to other Coronavirus Relief Fund programs in Vermont.

Electric, Natural Gas and Jurisdictional Water Utility Submissions

Vermont has been recognized as a national leader for its response and management of the COVID-19 public health crisis. As a result of the measures taken in Vermont, the health crisis remains at a manageable level today. That said, as recent upticks in positive COVID-19 test results are occurring in nearby states and across the nation, prudent planning counsels that protections remain in place, most especially for vulnerable Vermonters.

The COVID-19 pandemic has been a slowly unfolding disaster for many Vermonters. There are significant economic concerns caused by the COVID-19, particularly for small businesses and the self-employed. Protecting the vulnerable and considering the economic impact to Vermont's small businesses in the current situation of uncertainty remains of paramount concern.

The Department made a filing in this docket in July that provided suggestions that utilities could consider implementing after the Moratorium is lifted by the Commission. The Department also requested a workshop during the pendency of this case. In the September 17 filings, several utilities responded in their filings responding to the Commission's questions, that they had already implemented many of the Department's July suggestions. Some rejected other Department suggestions as unwieldy or unnecessary, or said the practice was already in place during regular operations.

Commission Rule 3.300 and 3.400 govern involuntary disconnections. As discussed earlier, many Vermonters have amassed arrearages since the onset of the pandemic. Many of the utilities believe that the Moratorium has acted as a disincentive for some customers to avail themselves of available assistance through the VCAAP. While the Department supports lifting the Moratorium, the COVID-19 pandemic and the state of emergency continues. So long as a state of emergency declaration by the Governor remains in effect, the Department offers four temporary protections that are specific to this emergency and are intended to be one-time additions to the existing rules, to ensure that the most vulnerable Vermonters are protected during the state of emergency. The four protections are as follows:

- Reasonable payment arrangements should be offered for nonresidential and residential customers alike and should be available for up to 12 months duration, and may be up to 24 months duration.
- Customers who have broken a payment arrangement must be provided a conventional notice of disconnection, a utility may not disconnect rapidly with only 72 hours-notice for a broken payment arrangement (3.305 Notice Under Repayment Plan).
- Residential only -- Suspend requirement for door knocks for the duration of the state of emergency, but for no less time than the upcoming heating season and require an additional phone contact. (Rule 3.306)
- Residential only -- Increase the number of physician's certificates that may be used by a customer to prevent disconnection or to cause a reconnection from two to four consecutive 30-day periods, and which shall not exceed six (increased from three) 30-day periods in any calendar year, except upon written order of the Commission. (Rule 3.301)

All of the utility submissions of September 17 indicate that the utilities are making commendable efforts to work with their customers and that they understand the challenges they are facing through these unprecedented times.¹ The Department understands that as a general rule, each utility maintains a relationship with its own customer, and they are likely in the best position to work with their customers – and to help those customers manage their arrearages, enter repayment plans, and avail themselves of VCAAP funds. That said, all utilities are not similarly situated, and some have more flexibility than others based upon size and financial position.

As such, consumers across Vermont may experience dissimilar consumer protections depending upon which service territory they reside. It is for that reason that after the Moratorium is lifted, and until such time as the Governor lifts the state of emergency, that the four additional consumer protections be implemented.

Telecommunications Utility Submissions

Vermont’s telecommunications provider community commendably voluntarily signed on to certain consumer protections recommended by the Federal Communications Commission at the beginning of the pandemic. Commission Rule 7.600 establishes what a utility must do if it intends to involuntarily disconnect a customer. Utilities may offer enhanced consumer protections at their discretion, in accordance with their tariffs and general business practices.

The Department recommends that telecommunications companies resume business collection, disconnection, and payment arrangement activities in accordance with their filed and approved tariffs, and consistent with Rule 7.600 on October 16, 2020. The Department provides as feedback the suggestion that telecommunications carriers could increase the number of times that a customer may avoid disconnection due to a medical emergency to no more than six times (current rule is three times) and for no more than four (current rule is two times) consecutive 30-day periods in any 12 month period (Rule 7.623 Medical Emergency).

¹ Attached to this filing is a brief synopsis of the filings submitted by the utilities.

The Department appreciates the opportunity to provide these comments. Further, the Department notes that every participant to this proceeding has worked diligently toward a unified goal of helping vulnerable Vermonters through this unprecedented crises.

Dated at Montpelier, Vermont this 25th day of September, 2020.

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Attachment to DPS Comments on Moratorium

1. Vermont Gas – Plans to follow or has already established in its business practices the consumer protections suggested by the Department and plans to voluntarily suspend disconnections for a period of time. This plan does not seem to extend protections to its nonresidential customers.
2. Hyde Park – Plans to follow or has already established in its business practices many of the consumer protections suggested by the Department. This plan does extend protections to its nonresidential customers but does not waive late fees, nor accept payment of current amount due to forestall disconnection of service, nor suspend increases to budget billing payments.
3. Green Mountain Power – Plans to follow or has already established in its business practices the consumer protections suggested by the Department and plans to voluntarily suspend disconnections for a period of time.
4. Stowe Electric -- Plans to follow or has already established in its business practices many of the consumer protections suggested by the Department. This plan does extend protections to its nonresidential customers but does not accept payment of current amount due to forestall disconnection of service, nor suspend increases to budget billing payments.
5. Vermont Electric Cooperative – Plans to offer some additional consumer protections including voluntary suspension of disconnections for a period of time. This plan does extend protections to its nonresidential customers but does not accept payment of current amount due to forestall disconnection of service, nor suspend increases to budget billing payments. Further VEC plans to suspend some charges temporarily. VEC indicates it is open to making accommodations on a case by case basis.
6. Washington Electric – Maintains that it has already established in its business practices many of the consumer protections suggested by the Department and that others are unwieldy, unwarranted, or unnecessary. This plan does extend protections to its nonresidential customers but does not accept payment of the current amount due to forestall disconnection of service, nor suspend increases to budget billing payments. WEC indicates it is unlikely to resume disconnection activities until winter rules resume, thereby affording significant protections to vulnerable Vermonters.
7. Burlington Electric -- Plans to follow or has already established in its business practices the consumer protections suggested by the Department and plans to voluntarily suspend disconnections for a period of time.

Attachment to DPS Comments on Moratorium

8. Vermont Public Power Supply Authority -- Maintains that some member utilities may implement many of the consumer protections suggested by the Department and emphasizes member intentions to work with customers to collect past due balances.