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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)

REQUEST TO REINSTATE THE TEMPORARY MORATORIUM

Petitioner Vermont Legal Aid, Inc. respectfully requests the reinstatement of the temporary halt of involuntary utility disconnections (the moratorium) during the state of emergency in Vermont because of the COVID-19 pandemic. The Commission granted Vermont Legal Aid’s original request for a disconnection moratorium in its order dated March 18, 2020. Subsequently, the Commission extended the moratorium, on several occasions, until October 15, 2020. Pursuant to its order entered October 8, 2020, the Commission announced that it would lift the moratorium, effective October 15, 2020, based on three important factors: 1) the utilities intended to work with customers to avoid disconnections; in fact, some utilities, such as Green Mountain Power and Vermont Gas Systems, pledged not to disconnect any customers during the upcoming winter; 2) ending the moratorium would help those customers who had fallen behind on their utility bills by encouraging those customers to apply for time-limited assistance from the Department of Public Service’s Vermont COVID-19 Arrearage Assistance Program (VCAAP) and to engage with their utilities to address their outstanding balances; and 3) the Commission ordered additional specific consumer protections to further shield customers from utility disconnections. See *Order Ending the Temporary Disconnection Moratorium and Ordering Protections for Utility Customers Facing Economic Hardships* at 11-13 (Oct. 8, 2020).

Petitioner now submits that those same factors support the reinstatement of the moratorium. Since October 15, the ground has shifted beneath the feet of Vermonters struggling to survive the COVID-19 pandemic. Indeed, the situation is now worse than it was in March 2020 when this Commission first ordered the moratorium. On October 15, 2020, there were 14 new cases of COVID-19 reported in Vermont. The state had reopened to accommodate fall foliage tourists. There was some confidence that the pandemic was under control, even if still dangerous.

Beginning in November, however, our worst fears have been realized, as the pandemic has taken a sharp turn for the worse. On November 13, 2020, Governor Phil Scott signed addendum 8 to Executive Order No. 01-20, issued pursuant to the state of emergency. The addendum, among other things, suspended all multiple household social gatherings in anticipation of the holiday season. Despite these new restrictions, the pandemic has raced ahead. On December 3, 2020, the Department of Health reported a record 181 new cases of COVID-19 in Vermont. See <https://www.nytimes.com/interactive/2020/us/vermont-coronavirus-cases.html> (last downloaded 12/11/2020). The Department has reported hundreds more since then, with an even 100 new cases reported on December 8, 2020.

Unfortunately, while the pandemic has worsened at a record rate, the possibility of relief for consumers made available through VCAAP is about to expire. The deadline for VCAAP applications is next Tuesday, December 15, 2020. Vermont has returned to a situation in which the public health crisis is so severe that any disconnection is unthinkable, given the health risks it would present, while the unique opportunities for consumers to access arrearage assistance or otherwise engage with their utilities have come and gone.

Thus, returning to the Commission's important factors, Petitioner contends that the fact that some utilities have chosen to abide by a self-imposed moratorium is not sufficient to prevent

serious consequences and certainly is not inconsistent with a comprehensive moratorium, given the unprecedented public health crisis in Vermont. All the regulated utilities now have had the opportunity to benefit from the assistance made available by the legislature in creating VCAAP and to engage with their customers. They should be in an improved financial position as a result. Further, though the possibility of disconnection might be relatively small, given the assurances provided by some of the larger utilities, that possibility remains sufficient to cause consumers experiencing economic hardship to engage in behaviors that are not safe for a pandemic, such as combining households. Quite simply, the availability of critical services should not be left to the discretion of private actors when the stakes are so high.

Second, to the extent that consumers needed to be “pushed” to access VCAAP by the absence of a moratorium, there will be no program to push them toward after the December 15 application deadline. It is worth noting that the terms of the VCAAP program devised by the Department of Public Service excluded from eligibility individuals on fixed incomes or whose arrearages were created prior to March 2020. Those individuals still remain subject to the threat of disconnection during a deadly pandemic. It also is worth noting that federal unemployment benefits will be expiring on December 26, 2020, with no replacement in sight. As a result, consumers who had been able to avoid arrearages until now may face them in the next month and have no ability to receive assistance because VCAAP has expired. They, too, would be subject to the threat of disconnection during a pandemic.

Finally, while the new emergency protections issued by the Commission may be of assistance to some consumers, they are insufficient in a situation where *any* disconnection threatens public health. If the new protections create a de facto moratorium, then why not simplify matters and reinstate the moratorium? Given the dire situation that all Vermonters face, one involuntary disconnection is too many. The latest guidance from the Governor is clear: the

mixing of households is to be avoided because of the escalating threat of spreading the coronavirus. Allowing the threat of disconnection to remain during this severe stretch of the pandemic will only encourage the mixing of households. Families who cannot afford their winter utility bills will seek warmth in the households of friends or family. Children who cannot access schooling online because they no longer have an internet connection will fall behind their peers. People who cannot wash their hands and keep their homes warm will move in with others or become homeless, further burdening the state's exhausted shelter capacity.

The pandemic is not over. Infections are rising, and much of the available financial assistance has run out. When first instated, the moratorium provided relief from involuntary disconnection for vulnerable Vermonters who have been impacted, financially and otherwise, by the COVID-19 pandemic. Today, Vermonters' health and wellness and economic security are under siege as they never have been before, even during the early days of this pandemic. The case could not be clearer that the temporary halt of involuntary utility disconnections must be reinstated immediately and continue through the duration of the state of emergency. Vermonters' lives depend on it.

Dated at Burlington, Vermont, this 11th day of December, 2020.

VERMONT LEGAL AID, INC.

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