

numbers rise over the past several weeks. In turn, many public health experts are messaging that it will likely be sometime this summer before vaccines are widely distributed and freely available. These same health experts urge caution that the number of COVID-19 infections will rise further before dropping.

In view of these circumstances, and the challenging health and economic prospects they portend for Vermont, the Department has concluded there is renewed good cause for the PUC to reinstate the Moratorium. The Department is mindful that, unlike in March when the PUC first imposed the Moratorium, Vermonters who are struggling with their utility bills are now protected from abrupt and unwarranted disconnections under PUC Rule 3.300, which went into effect on November 1st and will continue these protections until the end of March 2021. The Department is further mindful that Green Mountain Power, which serves the vast majority of Vermonters, and Vermont Gas Systems have already represented on the record in this proceeding that they do not intend to disconnect any customers during the upcoming winter.¹

Still, given the pervasive and sustained nature of the public health risks and economic duress the pandemic continues to visit on the people in our state and across the nation, this extraordinary moment calls for the simplicity of clear and decisive action by the PUC to reinstate the Moratorium to prevent the disconnection of all utility services under the PUC's jurisdiction. Vermonters need clarity and confidence that they can keep the lights on, their homes warm, and their internet connections going as they navigate the strains of the pandemic.

The Department further recommends that the PUC particularly specify the sectors over which any moratorium order asserts jurisdiction: electric service, natural gas service, traditional landline telephone service.² In addition, the Department recommends that the PUC craft its order so as to co-terminate with whenever the Governor ultimately declares an end to the State of Emergency.

Finally, the Department wishes to assure the PUC that efforts are underway to address the imperative of preventing internet disconnections during the pandemic. Though federal law continues to say otherwise, it is now beyond obvious that broadband and cell service are necessary utility services that are essential for meeting basic, everyday needs, not to mention

¹ Docket 20-0703 PET, Order of October 8, 2020 at page 11.

² The Department has omitted reference to water companies because they are presently covered by an involuntary disconnection moratorium which was enacted via Section 9 of Act 92 of 2020, and which will remain in effect for the duration of the state of emergency.

their power to protect public health and welfare by facilitating telehealth, telecommuting, and remote learning. As the PUC well knows, state regulators lack the requisite legal authority to impose a moratorium on disconnecting internet service. That regulatory power is reserved exclusively to the Federal Communications Commission, which to date has exercised it by launching the “Keep America Connected” pledge for internet service providers. Though ISPs were quick to sign on to the pledge in March, it expired on June 30, 2020. To date, the Department has seen no sign of the pledge being renewed. Accordingly, the Department intends to engage directly with the FCC on this issue, and will robustly advocate for relief via any other avenue that may exist outside of the state regulatory process.

In closing, The Department would draw the PUC’s attention to the fact that Vermont utilities have stepped up in so many ways known and unknown to the public to assist their customers in these unprecedented times, thereby showing that the regulatory compact continues to hold and work for the benefit of Vermonters. The Department also wishes to acknowledge and thank the many legislators, community action groups, and other stakeholders such as Vermont Legal Aid for their attention, suggestions, and contributions as Vermont pulls together to temper the perils of the pandemic and help each other keep well and safe.

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