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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)

RESPONSE TO UTILITIES' COMMENTS AND REQUEST TO CONTINUE THE
TEMPORARY MORATORIUM

Petitioner Vermont Legal Aid, Inc. respectfully requests a continuation of the temporary halt of involuntary utility disconnections (the moratorium) during the state of emergency in Vermont due to the COVID-19 pandemic. The Commission granted Vermont Legal Aid's request to reinstate the moratorium in its order dated December 22, 2020. In doing so, the Commission requested that regulated utilities file information on their arrearages and levels of payment agreements on or before March 1, 2021. They have now done so. Petitioner now responds to those comments in the aggregate and contends that those comments, in the context of the current situation in Vermont, support the continuation of the moratorium.

Even while vaccinations are administered, Vermonters still need the assurance of safe, healthy housing to survive the remaining months of this pandemic., While public health will improve, the information provided by the regulated utilities provides a stark reminder of the economic difficulties Vermonters still face.. A review of the total arrearages owed to five large utilities in Vermont – Burlington Electric Department, Green Mountain Power Vermont Electric Cooperative, Vermont Gas Systems, and Washington Electric Co-op – shows significant increases in the arrearages owed over the past year. The difference between total arrearages owed to these utilities has ballooned from \$3.9 million in early 2020 to \$16.1 million at the end

of 2020 (even with \$8.5 million paid out through VCAAP). The arrearages continued to rise to \$18.8 million in early 2021, representing a total increase of \$14.8 million among these utilities alone. This is not surprising, given the widespread economic devastation of this pandemic, nor is it unique among the regulated utilities. Collectively, all utilities have seen an increase in arrearages since the beginning of 2021.

Fortunately, the Vermont legislature recently allocated significant Emergency Rental Assistance (ERA) funds from the December stimulus bill to utility arrearage assistance for renters. In addition, more funding will be available from the American Rescue Plan Act (ARPA), signed into law by President Biden four days ago. The ARPA includes, among other things, an additional \$4.5 billion for the Low-Income Home Energy Assistance Program (LIHEAP) and \$10 billion nationally to help homeowners (\$50 million to be available to Vermonters) facing hardships such as unpaid utility bills. While these significant sources of funds will be available soon, they are not yet available to renters and homeowners in Vermont to assist them in paying their utility arrearages. Indeed, ERA funds are not available to Vermont homeowners at all under the statutory language. Moreover, it currently is not known how renters will apply for ERA funds in Vermont, nor is any ARPA funding expected to be available for several weeks. Finally, some homeowners who received forbearance on their mortgage payments now are facing the end of that 12-month grace period, thus adding to the increasing arrearages for both utilities and mortgages

Accordingly, it would serve no useful purpose to allow the current moratorium to lapse on March 31, 2021. We have argued previously that the involuntary disconnection moratorium should be tied to the Governor's State of Emergency and made co-extensive with the legislature's eviction moratorium, and we renew that argument now. The ERA, in particular, links the process of determining eligibility for rental assistance to eligibility for utility arrearage assistance – so

much so that there may be a joint application developed to administer the two parts of the program together. At this time, there simply is no way to know precisely when the state will have in place the infrastructure required to responsibly distribute the assistance on its way from the federal government or how long that will take. We do know that the assistance is coming. Rather than continuing the moratorium in repeated small increments, this Commission should take a more rational approach--one that connects this moratorium to the state of emergency. Doing so would provide a clear end date to both consumers and utilities.

We sincerely appreciate the patience and goodwill shown by the regulated utilities during the moratorium. A lot has been asked of them, but no more than has been asked of landlords and financial institutions. With greater availability of the vaccines and large financial recovery programs being implemented soon, we are very close to beginning to emerge from this pandemic. According to the Department of Health, a quarter of the Vermont population has received at least one vaccination shot, and the Governor recently loosened some restrictions on social gatherings. We simply need more time and patience to see this through. Keeping the utilities on saves lives and protects public health. Continuing the temporary halt of involuntary utility disconnections until the end of the state of emergency will help us get there.

Dated at Burlington, Vermont, this 15th day of March, 2021.

VERMONT LEGAL AID, INC.

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