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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)

JOINT REQUEST TO CONTINUE THE TEMPORARY MORATORIUM

Petitioner Vermont Legal Aid, Inc. now joins with Vermont Public Interest Research Group (VPIRG) and respectfully requests a continuation of the temporary halt of involuntary utility disconnections (the temporary moratorium) in Vermont due to the COVID-19 pandemic. The current temporary moratorium ends on June 30, 2021. Specifically, Vermont Legal Aid and VPIRG request that the moratorium be extended again until August 31, 2021, to allow adequate time for the programs that will provide financial assistance to customers with account arrearages to become accessible and available for all utility customers. The State of Vermont has received federal funds and is in the process of designing and implementing programs to distribute those funds to assist people harmed by the economic fallout from COVID-19, and to protect these vulnerable Vermonters from disconnection. Unfortunately, these programs are not yet in place and accessible. If disconnections occur before the programs can accept and process applications, the goal of preventing disconnection will be thwarted. For this reason, we request that the temporary moratorium be extended at least until the end of August.

The Public Utility Commission (the Commission) extended the moratorium to June 30, 2021 for the same reasons it relied on in extending the moratorium in its March 29, 2021 order.

In its March 29, 2021 order, the Commission stated:

Parties supporting the extension of the moratorium argue that Vermont will soon receive federal, pandemic-related financial assistance. However, they acknowledge that it is unclear when that assistance will arrive and how much of it may be earmarked for utilities or their ratepayers to resolve outstanding balances. Given this uncertainty, these entities argue that ending the moratorium now makes no sense. They argue that it is preferable to adopt a course that maintains the moratorium until the funding situation is clarified so that customers can receive financial assistance to resolve their outstanding balances rather than lose utility service because of those outstanding balances.

Utilities opposing the extension of the moratorium argue that utility customers with past due balances are not inclined to work with utility companies to resolve their arrearages while the Commission's moratorium is in place. Alternatively, they argue that customers are much more likely to work with utilities and address their outstanding arrearages when there is no disconnection moratorium in place. They claim that the possibility of having utility service disconnected is a strong motivator for customers to work with utilities to resolve outstanding, past-due customer balances.

After considering these arguments, we find that maintaining the moratorium and waiting to see how federal financial assistance is allocated is the preferable option, as both the Department and Vermont Legal Aid point out. We saw with the Vermont COVID-19 Arrearage Assistance Program ("VCAAP") that federal financial assistance for utility customers is an effective way to resolve outstanding utility balances.¹ The assistance helps the customers reduce or eliminate past-due balances, and it ensures that utilities recoup significant amounts of money owed to them.

March 29, 2021 Order at 4-5.

The circumstances surrounding the most recent extension of the moratorium have not changed, and likely will not change by June 30, 2021. This is because of the lengthy delays in setting up the relief programs. Unfortunately, over the past two months, it has not been possible for the State of Vermont to quickly set up and commence operation of the utility assistance

¹ VCAAP successfully distributed roughly \$8 million in late 2020 to Vermont utilities and their customers to address outstanding utility balances. See <https://publicservice.vermont.gov/content/vermont-covid-19-arrearageassistance-program-0>.

programs envisioned by the Commission in its March Order. There are currently two major financial assistance programs envisioned for utility assistance--one for renters and one for homeowners. Eligible renters must apply through the Vermont Emergency Rental Assistance Program (VERAP), housed within the Vermont State Housing Authority (VSHA). The VERAP utility application went live last week. However, according to the Department of Public Service website, it is anticipated that it will take 30-40 days to process payment on each completed application. See <https://vtutilityhelp.com/> (last visited June 10, 2021). As of this date, most of the rental assistance applications completed, some dating back to April, have not yet received payment. More importantly, because of difficulties with the rollout of the application, most eligible renters have not yet even applied for assistance.

Homeowners will have the opportunity to apply for utility assistance to the Housing Assistance Fund (HAF) through the Vermont Housing Finance Agency (VHFA). The HAF application for utilities is not yet live, meaning homeowners still have no avenue even to apply for utility assistance. Our best estimate is that the HAF utility application will be available in late summer.

Although the websites for VERAP and the Department of Public Service currently provide that eligible renters may apply for utility assistance, there remain significant barriers to completing an application. Most critical is that there is still no paper application available for those customers without internet service. The online application can be difficult to navigate for those without internet service, with disabilities or who are unfamiliar with technology. The community action agencies charged with assisting Vermonters in navigating the online VERAP application and the HAF program have limited capacity.

Last fall, the utilities observed that service shut offs “motivated” customers to apply for assistance. The current situation is entirely different. First, homeowners cannot even apply for assistance yet. Second, while the current extension to June 30, 2021 will provide some amount of time for renters and homeowners to apply for relief, it simply is not likely that a renter who applies for assistance today will receive assistance before the end of the month when the current moratorium expires.

If the moratorium expires on June 30, 2021, renters and homeowners could receive notice and be involuntarily disconnected before even having had their application acted upon, or a chance to apply for and receive assistance. Vermont Legal Aid already has been contacted by one homeowner currently being threatened with disconnection by a regulated utility. This is not simply a matter of customers failing to engage with their providers and address their arrearages—it is a result of delay in implementation of the arrearage assistance programs on the part of the State of Vermont. It would be bitterly ironic if the moratorium were discontinued and, without a paper VERAP application, customers could not access the online-only application because their electric service had been disconnected. Moreover, many Vermonters live in rural counties with poor cell phone service. If their landline is disconnected, they cannot call the community action agency to help with an application.

Continuing the moratorium without knowing precisely when both renters and homeowners will have access to assistance is undeniably frustrating for everyone. However, the fact remains that, as of this writing, these programs are not yet fully accessible. As we have said previously, we sincerely appreciate the patience and goodwill shown by the regulated utilities during the moratorium. Still, given the situation, we urge the Commission to extend the

moratorium to August 31, 2021 to allow time for people to access these funds without risking widespread shut offs of thousands of customers across Vermont.

Finally, we note that, in addition to extending the moratorium in its last order, the Commission requested covered utilities “to file with the Commission, **no later than June 15, 2021**, detailed descriptions of how they will engage with customers to resolve outstanding, past-due balances after the temporary moratorium ends and how they will address terminations of service for nonpayment going forward.” The Commission also directed other parties to file recommendations, objections, and comments by June 15. May 24, 2021 Order at 2. We respectfully request that the Commission enter an interim order allowing other interested parties **until June 30th** to respond to the utilities’ plans for customer re-engagement and outreach.

Dated at Burlington, Vermont, this 11th day of June, 2021.

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