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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)

MOVANTS' REPLY IN SUPPORT OF JOINT REQUEST TO CONTINUE THE
TEMPORARY MORATORIUM

Petitioner Vermont Legal Aid, Inc. again joins with Vermont Public Interest Research Group (VPIRG) and submits this reply in support of 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. We seek an extension until August 31, 2021 so that both customers and utility service providers can receive the full benefit of the arrearage assistance funds now available.

We have reviewed the responses of the regulated utilities regarding how they would proceed following the end of the moratorium. What is most noteworthy about them is the lack of consistency in how they anticipate working with customers who have applied for the Vermont Emergency Rental Assistance Program for Utilities (VERAP-U). VERAP-U assists customers living in rental housing by providing payments for up to twelve months of service, either for account arrearages or prospectively for future service. If the customer meets the program eligibility criteria, they can receive payment for service back to April 1, 2020.

Some providers simply say they will return to pre-pandemic practices, with no mention of informing customers about or assisting them with the VERAP-U application process. Many of the providers mention working on payment plans with customers. Some will halt disconnection activities if the customer has a pending VERAP-U application and is awaiting payment. Others, such as Green Mountain Power and Vermont Gas, have promised not to engage in collection activity until September. Unfortunately, only a few seem to understand the complexities of working with customers who are eligible for VERAP-U. As noted by Green Mountain Power, the focus should be on utilizing available state and federal assistance to reduce balances, prior to implementing payment arrangements. *See* GMP Comments submitted on June 14, 2021 at 4.

In our previous filing with the Commission, we noted that VERAP-U began taking applications during the first week of this month and that the Department of Public Service's website states that customers should anticipate 30-40 days before their providers will receive payment. Accordingly, if the Commission allows the moratorium to end on June 30, 2021, it will be almost impossible for any customer to have their account arrearage paid prior to the potential re-commencement of collection activities.¹ Further, allowing the moratorium to end and collection activities to resume without allowing enough time for applications to be processed almost certainly will mean that some customers will enter into payment plans and forego available federal assistance. In this way, some providers may actually have to wait longer to receive payment in full for their customers' arrearages – for example, if the customer chooses a

¹ It is worth noting that this morning, Liam Elder Connors reported on Vermont Public Radio that only 16% of the 3,072 rental assistance applications submitted since April have received funds.: <https://www.vpr.org/post/vermont-tenants-are-still-waiting-assistance-end-eviction-bans-draw-closer> The Department of Public Service can only issue VERAP-U payments after an application has been approved through the rental assistance portal.

6-month payment plan instead of risking disconnection by waiting 40 days for payment in full through VERAP-U. It is hard to see how this will be helpful to ratepayers or the state economy.

Even if all providers took the most helpful approach to customers seeking to apply for VERAP-U, they could not overcome some of the barriers to successfully completing an application that currently exist. First, as of this writing, there is no paper application available. Thus, despite the requirements of Title II of the Americans with Disabilities Act, 42 USC § 12131 et seq., individuals with disabilities who are unable to access the online application have no means of applying for the program. Second, despite the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., there currently is no application or application assistance available for those customers with limited English proficiency. Quite simply, standing up a new program is hard, and it takes time. We ask that the Commission acknowledge this by extending the moratorium through the end of August so that these barriers can be addressed.

Finally, as was noted in our previous filing, there simply is no program available yet for homeowners with utility arrearages. None of the regulated utilities have said that they can distinguish between the accounts of renters and homeowners. As a result, all the well-intentioned outreach and forbearance promised by some of the covered utilities for those who have filed VERAP-U applications will be unavailing to homeowners. No amount of customer engagement engendered by the end of the moratorium will provide homeowners with access to a program that does not yet exist.

For all the foregoing reasons, it simply does not make sense to have the regulated utilities returning to disconnection activities at this time. Extending the moratorium until August 31, 2021 will give rental customers a realistic chance to apply for VERAP-U and have payments issued and will allow time for the program for homeowners to be established. Not doing so will

unnecessarily subject some customers to disconnection despite their good faith attempts to secure arrearage assistance. We hope the Commission will recognize, as we emerge from the pandemic this summer, that there are tens of millions of dollars available to make Vermont landlords and utility service providers whole. If we are patient, that should be more than enough to avoid leaving anyone behind.

Dated at Burlington, Vermont, this 22nd day of June, 2021.

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