

Administrative Procedures – Emergency Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” (CVR 04-000-001) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). Increased risk of exposure to the COVID-19 virus and protecting the economic wellbeing of members of the public.

I approve the contents of this filing entitled:

PUC Emergency Rule 2.600 COVID-19 Emergency Disconnection Rule

/s/ Anthony Z. Roisman, on 10/15/2020

(signature)

(date)

Printed Name and Title:

Anthony Z. Roisman, Chair VT Public Utility Commission

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)

Emergency Rule Coversheet

1. TITLE OF RULE FILING:

PUC Emergency Rule 2.600 COVID-19 Emergency
Disconnection Rule

2. ADOPTING AGENCY:

Vermont Public Utility Commission ("Commission" or "PUC")

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Steph Hoffman

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4th Floor, Montpelier,
VT 05620-2701

Telephone: 802 828 - 1187 Fax: 802 828 - 3351

E-Mail: steph.hoffman@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://puc.vermont.gov/about-us/statutes-and-rules>

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Ann Bishop

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4th Floor, Montpelier,
VT 05620-2701

Telephone: 802 828 - 1170 Fax: 802 828 - 3351

E-Mail: ann.bishop@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

30 V.S.A. § 209(b) and (c)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Title 30, Section 209 of the Vermont Statutes Annotated tasks the Commission with adopting rules that "regulate or prescribe the grounds upon which the [utility] companies may disconnect or refuse to reconnect service to customers" and "regulate and prescribe reasonable procedures used by [utility] companies in disconnecting or reconnecting services and billing customers in regard thereto." This emergency rule governs the grounds upon which and procedural requirements for utility companies may disconnect and reconnect customers.

8. CONCISE SUMMARY (150 WORDS OR LESS):

On October 16, 2020, the moratorium on gas, electric, and basic telephone disconnections will be lifted in order to encourage greater participation in the Vermont COVID-19 Arrearage Assistance Program that distributes federal funds. This emergency rule amends various procedural requirements to reduce or eliminate in-person contact between members of the public and utility staff to reduce the risk of exposure to the COVID-19 virus. This rule also provides enhanced consumer protections to customers who may be experiencing financial hardship due to COVID-19.

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

The rule is necessary to reduce or eliminate in-person contact between members of the public and utility staff to reduce the risk of exposure to the COVID-19 virus. This rule is also necessary to prevent additional financial strain on customers who may be experiencing financial hardship due to COVID-19.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule is not arbitrary as statute specifically tasks the Commission with rulemaking that addresses the procedural requirements for utility companies to disconnect and reconnect customers.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Gas, electric, water, and basic telephone utility companies; Vermont customers of those utilities; the Vermont Department of Public Service; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Economic impacts are difficult to quantify, however the Commission anticipates that a greater number of utility customers will apply for the Vermont COVID-19 Arrearage Assistance Program. As a result, eligible customers will experience a decrease in their outstanding utility bill arrearages and utilities will be paid for these arrearages. Additionally, some utilities will continue to provide service to customers who are unable to pay their bill but otherwise qualify for one of the exceptions listed in the rule.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

16. EMERGENCY RULE EFFECTIVE: 10/15/2020

17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL

(A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE):

04/13/2020

18. NOTICE OF THIS EMERGENCY RULE SHOULD NOT BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.

19. KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Vermont Public Utility Commission

Rules

Disconnection

Consumer Protection

Arrearage

Administrative Procedures – Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. **TITLE OF RULE FILING:**

PUC Emergency Rule 2.600 COVID-19 Emergency
Disconnection Rule

2. **ADOPTING AGENCY:**

Vermont Public Utility Commission ("Commission" or "PUC")

3. **TYPE OF FILING** (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **A NEW RULE** .

4. **LAST ADOPTED** (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

State of Vermont
Agency of Administration
Office of the Secretary
Pavilion Office Building
109 State Street
Montpelier, VT 05609-0201
www.aoa.vermont.gov

[phone] 802-828-3322
[fax] 802-828-3320

Susanne R. Young, Secretary

MEMORANDUM

TO: Jim Condos, Secretary of State

FROM: Kristin L. Clouser, ICAR Chair

DATE: October 16, 2020

RE: Emergency Rule Titled 'PUC Emergency Rule 2.600 COVID-19 Emergency Disconnection Rule' by the Public Utility Commission

**Kristin
Clouser**

Digitally signed by
Kristin Clouser
Date: 2020.10.16
15:18:29 -04'00'

The use of rulemaking procedures under the provisions of 3 V.S.A. §844 is appropriate for this rule. I have reviewed the proposed rule provided by the Public Utility Commission and agree that emergency rulemaking is necessary.

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

PUC Emergency Rule 2.600 COVID-19 Emergency
Disconnection Rule

2. ADOPTING AGENCY:

Vermont Public Utility Commission ("Commission" or "PUC")

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Gas, electric, water, and basic telephone utility companies; Vermont customers of those utilities; the Vermont Department of Public Service; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies

4. IMPACT ON SCHOOLS:

Economic Impact Analysis

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

This rule does not affect schools or taxpayers in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This rule does not create any additional costs for schools or taxpayers. If anything, the rule would help alleviate or mitigate potential costs.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No alternatives are currently being considered as this rule does not create any additional costs for local school districts.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

This rule does not affect small businesses in any particular way except to the extent that they are a customer of a utility who may be facing disconnection due to nonpayment of a utility bill. This rule does not create any additional costs for small businesses. If anything, the rule would help alleviate or mitigate potential costs.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

This rule does not impose any additional costs or burdens on small businesses. If anything, the rule would help alleviate or mitigate potential costs. The burden of compliance with or effect of these procedural changes is equivalent to, or less than, the burden imposed by the permanent disconnection procedure.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING

Economic Impact Analysis

SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Though difficult to quantify, the impact of not providing alternative procedures for disconnection or reconnection could be substantial as measured by increased exposure to the COVID-19 virus. Continuing in-person contact associated with various disconnection procedures increases the risk of exposure of COVID-19 between utility personnel and members of the public; such exposure could result in the spread of the virus, which has both a health and economic impact. Additionally, the protections implemented in this emergency rule help mitigate and alleviate potential costs that small businesses face as a financial result of the pandemic.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.*

This economic impact analysis is somewhat limited due to the necessity to act quickly in response to the COVID-19 virus pandemic. However, as indicated, the emergency rule is designed to help mitigate or alleviate the financial burden of addressing customer arrearages (and the potential impact of disconnection) by encouraging participation in state programs. The rule also balances the utilities' needs to receive payment on delinquent accounts.

Administrative Procedures – Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

PUC Emergency Rule 2.600 COVID-19 Emergency
Disconnection Rule

2. ADOPTING AGENCY:

Vermont Public Utility Commission ("Commission" or "PUC") Vermont
Public Utility Commission ("Commission" or "PUC")

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

No impact expected.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

No impact expected.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

No impact expected.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*

No impact expected.

7. CLIMATE: *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact expected.

Environmental Impact Analysis

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact expected.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

This environmental impact analysis is somewhat limited due to the necessity to act quickly in response to the COVID-19 virus pandemic. There is no environmental impact expected from the implementation of this emergency rule.

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

PUC Emergency Rule 2.600 COVID-19 Emergency
Disconnection Rule

2. ADOPTING AGENCY:

Vermont Public Utility Commission ("Commission" or "PUC")

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO
MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE
PROPOSED RULE:

Not applicable.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO
COMPLY WITH THAT STRATEGY:

The Commission will notify Vermont utilities. The Commission will also open a rulemaking case in its electronic filing system (ePUC). Notice will also be posted on the Commission's website where rules and statutes are posted.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND
ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE
DEVELOPMENT OF THE PROPOSED RULE:

Not applicable.

Clean
Text

2.600 COVID-19 EMERGENCY DISCONNECTION RULE

2.601 Purpose, Scope, and Period of Applicability

Due to the outbreak of the novel coronavirus, COVID-19, the Governor of Vermont declared a state of emergency. The state of emergency and the consequences of the pandemic persist. In response to the pandemic, the Commission ordered a moratorium on various utility disconnections. On October 16, 2020, the moratorium on gas, electric, and basic telephone disconnections will be lifted in order to encourage greater participation in the Vermont COVID-19 Arrearage Assistance Program that distributes federal funds. This emergency rule amends various procedural requirements to reduce or eliminate in-person contact between members of the public and utility staff to reduce the risk of exposure to the COVID-19 virus. This rule also provides enhanced consumer protections to customers who may be experiencing financial hardship due to COVID-19. This rule shall take effect on the date of its filing, and shall remain in effect for six months, or until the Commission withdraws it.

2.602 Amendments to Commission Rule 3.300 Relating to Disconnection of Residential Gas, Electric, and Water Service

All cross references in this rule refer to the language of the rule as modified by the emergency rule, if so modified.

The Commission amends Commission Rule 3.301(D) as follows. Physician's Certificate: a written statement by a duly licensed physician certifying that a ratepayer or resident within the ratepayer's household would suffer an immediate and serious health hazard by the disconnection of the company's service, or by failure to reconnect service, to that household. The certificate will be valid for 30 days, or the duration of the hazard, whichever is less, and may be renewed once. Use of a physician's certificate by a customer to prevent disconnection or to cause a reconnection is limited to four consecutive 30-day periods and shall not exceed six 30-day periods in any calendar year, except upon written order of the Commission.

The Commission amends Commission Rule 3.302(B) as follows. Exceptions. During a state of emergency, disconnection shall not be permitted if prohibited by law or Commission order. The following exceptions shall not apply to payment(s) of deposits, but shall apply to the general rule of this section. Disconnection shall not be permitted if:

- (1) the company bills at least as frequently as once every two months, and the delinquent bill or charge, or aggregate delinquent bills and charges, does not exceed \$50.00, provided that this exception may not be used for more than two billing cycles in one calendar year;
- (2) the only charges or bills constituting the delinquency are more than two years old;
- (3) the delinquency is due solely to a disputed portion of a charge that has been referred to the Commission by the ratepayer or the company, and the Commission has advised the company not to disconnect service;

- (4) the delinquency is due to a failure to pay a line extension, special construction charge, or other non-recurring charge, except that this exception shall not apply to reconnection charges or charges for personal visits to collect delinquent accounts;
- (5) the disconnection would represent an immediate and serious hazard to the health of the ratepayer or a resident within the ratepayer's household, as set forth in a physician's certificate furnished to the company. (Notice by telephone or otherwise that such certificate will be forthcoming will have the effect of receipt, provided that the certificate is in fact received within seven days.);
- (6) the ratepayer has not been given an opportunity to enter into (a) a reasonable repayment plan or, having entered into such a plan, has substantially abided by its terms in accordance with Section 3.305 (A); and (b) in the case of gas and electric utilities, a monthly installment plan for the payment of future bills; or
- (7) the ratepayer has submitted a complete Vermont COVID-19 Arrearage Assistance Program ("VCAAP") application to the Vermont Department of Public Service and the ratepayer is awaiting a determination or has been approved and the funds have not been distributed.

The Commission amends Commission Rule 3.302(C) as follows. If a ratepayer requests that service be disconnected, the electric, gas, or water company must ask whether a tenant resides in the dwelling. An electric, water, or gas company may not disconnect a dwelling at the request of a lessor, owner, or agent ("landlord") or because the landlord (as a customer) has failed to pay an overdue amount, if it has reason to believe the dwelling is rented and unless the utility gives notice as described below.

A company must make every reasonable attempt with respect to each potentially affected dwelling unit to deliver a notice ten days prior to the scheduled disconnection to at least one adult occupant of that dwelling unit or mail a notice to the tenant of that dwelling unit. In buildings where service to two or more units is to be disconnected because of a landlord's request or non-payment, the utility must also post the notice in a secure and obvious place in the affected building or buildings. The notice must, in addition to the applicable disclosures of Section 3.303, inform the tenant how service can be continued and must provide the website for the Vermont Community Action Agencies (<https://dcf.vermont.gov/partners/caps>) and the website (<https://vtlawhelp.org/how-we-can-help>), telephone number (1-800-889-2047), and business hours of Vermont Legal Aid (8:30 a.m. to 4:30 p.m. Monday through Friday except holidays), and a statement that Legal Aid can provide information on housing, rental assistance, and the COVID-19 pandemic. Notwithstanding the provisions of Section 3.301(C), a disconnection notice containing a newly established disconnection date shall be provided to the tenant at least ten days prior to the newly established disconnection date. If the disconnection is due to the failure of the landlord to pay an overdue amount, the landlord shall be responsible for usage during the additional ten-day notice period.

A utility must offer the tenant the opportunity either to obtain service in the tenant's name or to otherwise assume responsibility for further payment. If the building has a single master meter for the whole building, the utility must make arrangements where possible to

provide individual meters to separate dwelling units. Where the wiring and metering arrangements allow, the utility must provide service upon request of the tenant. The utility may not require the tenant to pay any of the bill owed to the utility by the landlord.

If the utility disconnects a household because it is not aware that the household is occupied by a tenant, and the landlord is responsible for payment of the utility bill, the utility must reinstate service upon notification from the tenant. Under such circumstances, the utility shall not require advance payment of any deposit, and the customer shall have the option of paying the deposit, if required, in three equal payments, with one half due in 30 days and one half due in 60 days.

The Commission amends Commission Rule 3.302(G) as follows. When establishing a reasonable repayment plan, the company shall consider the income and income schedule of the customer, if offered by the customer, the customer's payment history, the size of the arrearage and current bill, the amount of time and reason for the outstanding bill, and whether the delinquency was caused by unforeseen circumstances. A reasonable repayment plan shall, at a minimum, provide the customer with 12 months to complete repayment of a delinquent balance unless the customer requests a shorter timeframe.

The Commission amends Commission Rule 3.303 as follows. Disconnection Notice Form. The notice form required under Section 3.302 and defined in Section 3.301 shall contain the following information:

- (A) a statement that the ratepayer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless:
 - (1) the delinquency is paid in full by a certain date; or
 - (2) the ratepayer enters into a reasonable agreement with the utility to pay the delinquency by means of a repayment plan; or
 - (3) the ratepayer denies the existence of any delinquency in excess of \$50.00, submits the dispute to the Commission, and the Commission advises the utility not to disconnect service; or
 - (4) the ratepayer presents to the utility (or gives actual notice that he or she will, within seven days, present to the utility) a statement from a duly licensed physician certifying that disconnection will result in an immediate and serious health hazard to the ratepayer or to a resident within the ratepayer's household, provided that use of a physician's certificate to prevent disconnection or to cause a reconnection is limited to four consecutive 30-day periods and shall not exceed six 30-day periods in any calendar year, except upon written order of the Commission;
- (B) the dates and times of day when the utility may disconnect service if the ratepayer does not take appropriate action as described above;
- (C) a statement that the utility will negotiate a reasonable agreement for payment of the delinquency by means of a repayment plan and that if, after entering such negotiations, the ratepayer does not believe the utility's terms to be reasonable, the ratepayer may

- request the assistance of the Consumer Affairs Division of the Department of Public Service in conducting further negotiations;
- (D) the name(s) or title(s), address(es), telephone number(s), and business hours of the company representatives with whom the ratepayer may make any inquiry or complaint, and a statement that telephone calls made from within Vermont for such purposes may be made collect or toll free;
 - (E) the address, telephone numbers (including the toll-free number), and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice as to negotiations with utilities, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;
 - (F) while the VCAAP is accepting applications, the website and phone number for the VCAAP as well as a notice that ratepayers who have submitted a complete application and are awaiting a determination or have been approved and the funds have not been disbursed are exempt from disconnection;
 - (G) the itemized cost that may be charged to the ratepayer for disconnection, collection, and later restoration of service and, if a deposit may be required for restoration of service, an explanation of how the amount will be calculated;
 - (H) in the case of gas and electric utilities, if disconnection is to occur between November 1 and March 31 (inclusive), a list as annually compiled and distributed by the Department of Public Service of the names, addresses and telephone numbers of governmental and private agencies that may provide assistance to ratepayers in paying their utility bills;
 - (I) in the case of gas and electric utilities, an offer to arrange a monthly installment plan for the payment of future bills, provided that such offer need not be made if the account is for service at premises not used as a principal residence;
 - (J) in the case of gas and electric utilities, a statement that service to households with any member aged 62 or older shall not be disconnected between November 1 and March 31 if outdoor temperatures are forecast to fall below 32 degrees Fahrenheit during a 48-hour period beginning at the anticipated time of disconnection, provided that the account holder furnishes advance written notice to the utility that the household qualifies under this paragraph and, if requested by the utility, furnishes reasonable proof of such qualification; and
 - (K) any other information not inconsistent with the above that has received prior approval of the Commission.

The Commission waives the requirement of “a personal visit to the premises at which service is provided” contained in Commission Rule 3.304(A) and referenced in its subdivisions.

The Commission amends Commission Rule 3.305 as follows.

- (A) When a utility proposes to disconnect service because of a ratepayer’s failure to abide by the terms of a repayment plan, it shall deliver or mail to the address at which service is to be disconnected (with a copy mailed to the ratepayer’s billing address, if different)

a notice containing the information required by Sections 3.303, except (A)(2), (C), (I). In lieu of giving written notice, the utility may give notice orally, by telephone, but the content of the oral notice shall contain all information required in written notice. The timing of disconnection must follow the minimum requirements of Section 3.301(C). Substantial compliance with a repayment plan established under Section 3.307(B) or Section 3.302(B)(6) shall be demonstrated if the customer has paid at least 50 percent of each agreed-upon payment as due.

- (B) [Redacted.]
- (C) Disconnection resulting from failure to meet the terms of a repayment plan shall occur only after the utility has issued notice in accordance with Section 3.305(A).

The Commission amends Commission Rule 3.306 as follows. Disconnection of utility service shall occur only between the hours of 8:00 A.M. and 2:00 P.M. of the business day, specified on the notice of disconnection, or within four business days thereafter between April 1 and October 31 (inclusive), and within eight days thereafter between November 1 and March 31 (inclusive); except that if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 P.M. of a normal business day, the utility may disconnect service between the hours of 8:00 A.M. and 5:00 P.M. When service is disconnected at the premises of the ratepayer, which shall include disconnection at a pole at or near the premises of the ratepayer, the individual making the disconnection shall make reasonable attempts to inform the ratepayer or a responsible adult at the premises immediately, via telephone, that service has been disconnected and shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected and what the ratepayer has to do to have service restored.

Reasonable attempts at telephone notice under this subsection means two phone calls made at least three hours apart to a telephone number provided by the ratepayer for this purpose or, if no such number has been provided, to the ratepayer's number as it appears in the telephone directory or as obtained from directory assistance. A telephone call to a telephone not removed from service that results in a busy signal or in any other condition preventing communication, or an unanswered call that has not been allowed to ring for at least 60 seconds, shall not count toward satisfaction of the requirement of this subsection. The unavailability of a ratepayer's telephone number shall excuse compliance with the requirement to attempt notification by telephone.

The Commission amends Commission Rule 3.307(B) as follows. The company shall restore service if the disconnected customer pays one half of the delinquent bill, or a lesser negotiated amount, before restoration and enters into a repayment plan to pay the balance over a minimum period of 12 months, except that the utility is not obliged to enter into more than two plans of this type with a particular customer within a calendar year. The company shall restore service if a customer submits a complete VCAAP application to the Vermont Department of Public Service.

The Commission amends Commission Rule 3.308(A) as follows. Within seven days after the effective date of this rule and prior to issuing any disconnection notice, all electric and gas utility companies subject to its provisions shall submit to the Commission for its review and approval a copy of the disconnection notice form described in Section 3.303. Within seven days after the expiration of the state of emergency triggering the prohibition on disconnection in H.681 of 2020 and prior to issuing any disconnection notice, all water utility companies subject to the Commission's jurisdiction shall submit to the Commission for its review and approval a copy of the disconnection notice form described in Section 3.303.

2.603 Amendments to Commission Rule 3.400 Relating to Disconnection of Cable Television Service and Non-Residential Electric, Gas, and Water Service

All cross references in this rule refer to the language of the rule as modified by the emergency rule, if so modified.

The Commission amends Commission Rule 3.401(C) as follows. Notice:

- (A) If electric, gas, or water service, except where otherwise provided or where the context otherwise requires, notice shall mean written notice on a form approved by the Commission, mailed or delivered within 40 days after delinquency, but not more than 20 days or less than 14 days prior to the disconnection of service. Where payment has been made by a check or other instrument that is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of notice of dishonor may be deducted from the minimum number of days prior to disconnection that notice must be sent, but in no event may that minimum number of days be less than four.
- (B) If cable service, except where otherwise provided or where the context otherwise requires, notice shall mean written notice on a form approved by the Commission, mailed or delivered within 40 days after delinquency, but not more than 20 days or less than 14 days (seven if the ratepayer has failed to abide by the terms of an extended repayment plan) prior to the disconnection of service. Where payment has been made by a check or other instrument that is subsequently dishonored, then the number of days between delivery to the utility of the dishonored instrument and receipt by the utility of notice of dishonor may be deducted from the minimum number of days prior to disconnection that notice must be sent, but in no event may that minimum number of days be less than four.

The Commission amends Commission Rule 3.402 as follows. Except at the request of the ratepayer or upon order of the Commission, no utility shall disconnect cable television service or non-residential gas, electric, or water service unless payment of a valid bill or charge is delinquent as defined herein, and notice of disconnection has been provided previously to the ratepayer.

- (A) This rule shall not apply to any disconnection or interruption of services made necessary for reasons of health or of safety of the ratepayer or the general public.

- (B) Disconnection shall not be permitted if the delinquency is due solely to a disputed portion of a charge that has been referred to the Commission by the ratepayer or the utility, and the Commission has advised the utility not to disconnect service.
- (C) Disconnection of electric, gas, or water service shall not be permitted if the ratepayer has submitted a complete VCAAP application to the Vermont Department of Public Service and the ratepayer is awaiting a determination or has been approved and the funds have not been distributed.
- (D) Disconnection of electric, gas, or water service shall not be permitted unless the ratepayer has been given an opportunity to enter into a reasonable repayment plan or, having entered into such a plan, has not substantially abided by its terms. Any other utility may elect, at its option, to offer an extended repayment plan for delinquent bills.
- (1) Substantial compliance with a repayment plan shall be demonstrated if the customer has paid at least 50 percent of each agreed-upon payment as due.
 - (2) When establishing a reasonable repayment plan, the company shall consider the income and income schedule of the customer, if offered by the customer, the customer's payment history, the size of the arrearage and current bill, the amount of time and reason for the outstanding bill, and whether the delinquency was caused by unforeseen circumstances. A reasonable repayment plan shall, at a minimum, provide the customer with 12 months to complete repayment of a delinquent balance unless the customer requests a shorter timeframe.
 - (3) When a utility proposes to disconnect service because of a ratepayer's failure to abide by the terms of a repayment plan, it shall deliver or mail to the address at which service is to be disconnected (with a copy mailed to the ratepayer's billing address if different) a notice containing the information required by Sections 3.403, except (A)(1)(c) and (F). In lieu of giving written notice, the utility may give notice orally, by telephone, but the content of the oral notice shall contain all information required in written notice. The timing of disconnection must follow the minimum requirements of Section 3.401(C). Disconnection resulting from failure to meet the terms of a repayment plan shall occur only after the utility has issued notice in accordance with this subsection.
- (E) Any utility may elect, at its option, to offer a budget plan for future bills to ratepayers covered by this rule. Any customer who applies for the plan and has a delinquent balance shall have the right to pay the delinquency in an extended repayment plan concurrent with the budget plan.

The Commission amends Commission Rule 3.403 as follows. Disconnection Notice Form. The notice form required under Section 3.402 and defined in Section 3.401 shall contain the following information:

- (A) a statement that the ratepayer's account is delinquent, a statement of the amount of the delinquency, and a statement that service will be disconnected unless:
- (1) If electric, gas, or water service, (a) the delinquency is paid in full by a certain date; (b) the ratepayer submits any disputed portion of the charge to the

- Commission and the Commission orders the utility not to disconnect service; or (c) the ratepayer enters into a reasonable agreement with the utility to pay the delinquency by means of a repayment plan;
- (2) If cable service, (a) the delinquency is paid in full by a certain date; (b) the ratepayer submits any disputed portion of the charge to the Commission and the Commission orders the utility not to disconnect service; or (c) if the utility offers an extended repayment plan for delinquent bills, the ratepayer enters into such a plan;
- (B) the dates and times of day when the utility may disconnect service if the ratepayer does not take appropriate action as described in Section 3.403(A) above;
- (C) the names or positions, addresses, telephone numbers, and business hours of the company representatives with whom the ratepayer may discuss the delinquency or to whom the ratepayer may make an inquiry or complaint;
- (D) the address, telephone numbers, including the toll-free number, and business hours of the Consumer Affairs Division of the Department of Public Service, and a statement that, in addition to providing assistance or advice as to negotiations with utilities, the Division can provide information as to how to submit to the Commission a dispute over the existence of a delinquency;
- (E) the itemized cost that may be charged to the ratepayer for disconnection, collection, and later restoration of service and, if a deposit may be required for restoration of service, an explanation of how the amount will be calculated;
- (F) in the case of electric, gas, and water utilities, a statement that the utility will negotiate a reasonable agreement for payment of the delinquency by means of a repayment plan and that if, after entering such negotiations, the ratepayer does not believe the utility's terms to be reasonable, the ratepayer may request the assistance of the Consumer Affairs Division of the Department of Public Service in conducting further negotiations;
- (G) in the case of electric, gas, and water utilities, while the VCAAP is accepting applications, the website and phone number for the VCAAP as well as a notice that ratepayers who have submitted a complete application and are awaiting a determination or are approved and the funds have not been disbursed are exempt from disconnection; and
- (H) any other information not inconsistent with the above that has received prior approval of the Commission.

The Commission amends Commission Rule 3.404 as follows. Disconnection of utility service shall occur only between the hours of 8:00 A.M. and 2:00 P.M. of the business day, specified on the notice of disconnection, or within four business days; except that if a company has available personnel authorized to reconnect service and enter into arrangements on behalf of the utility until 8:00 P.M. of a normal business day, the utility may disconnect service between the hours of 8:00 A.M. and 5:00 P.M.

When service is disconnected or interrupted at the premises of the ratepayer, which shall include disconnection or interruption at a pole at or near the premises of the ratepayer, the

individual making the disconnection shall make reasonable attempts to inform the ratepayer or a responsible adult at the premises immediately, via telephone, that service has been disconnected or interrupted and shall leave on the premises in a conspicuous and secure place a notification advising that service has been disconnected or interrupted and what the ratepayer has to do to have service restored.

Reasonable attempts at telephone notice under this subsection means two phone calls made at least three hours apart to a telephone number provided by the ratepayer for this purpose or, if no such number has been provided, to the ratepayer's number as it appears in the telephone directory or as obtained from directory assistance. A telephone call to a telephone not removed from service that results in a busy signal or in any other condition preventing communication, or an unanswered call that has not been allowed to ring for at least 60 seconds, shall not count toward satisfaction of the requirement of this subsection. The unavailability of a ratepayer's telephone number shall excuse compliance with the requirement to attempt notification by telephone.

The Commission amends Commission Rule 3.406 as follows. Within seven days after the effective date of this rule and prior to issuing any disconnection notice, all electric and gas utilities subject to its provisions shall submit to the Commission for its review and approval a copy of the disconnection notice form described in Section 3.403. Within seven days after the expiration of the state of emergency triggering the prohibition on disconnection in H.681 of 2020 and prior to issuing any disconnection notice, all water utility companies subject to the Commission's jurisdiction shall submit to the Commission for its review and approval a copy of the disconnection notice form described in Section 3.403.

2.604 Amendments to Commission Rule 7.600 Relating to Telecommunications Carriers of Basic Residential Telephone Service

All cross references in this rule refer to the language of the rule as modified by the emergency rule, if so modified.

The Commission amends Commission Rule 7.620(H) as follows. Form of disconnection notice. A notice of involuntary disconnection shall be in writing and shall clearly and conspicuously contain the following information:

- (1) A statement that the customer's account is delinquent and the amount of the delinquency.
- (2) A statement describing the service and stating that the carrier plans to disconnect the service on a stated date.
- (3) A statement that service will not be disconnected if the delinquency is paid in full by a stated date.
- (4) If the carrier's service includes basic telephone service and the carrier offers basic service on a stand-alone basis, that customer may elect to retain basic service only, provided that the customer pays the basic service delinquency or enters into a payment arrangement.

- (5) The toll-free phone number of an appropriate customer service representative of the carrier.
- (6) The itemized cost that may be charged to the ratepayer for disconnection, collection, and later restoration of service and, if a deposit may be required for restoration of service, an explanation of how the amount will be calculated.
- (7) Information regarding the Consumer Affairs Division of the Department of Public Service (“CAPI”) and dispute resolution, including:
 - (a) A statement that CAPI can provide assistance or advice regarding disputes with utilities and the address, telephone numbers (including the toll-free number), and business hours of CAPI.
 - (b) A statement that when CAPI has been unable to resolve a dispute it can provide information on how to submit the dispute for resolution by the Commission.
- (8) while the VCAAP is accepting applications, the website and phone number for the VCAAP as well as a notice that customers who have submitted a complete application and are awaiting a determination or are approved and funds have not been disbursed are exempt from disconnection.

The Commission amends Commission Rule 7.622(C) as follows. Restrictions. Notwithstanding paragraph (B), a carrier may not involuntarily disconnect basic telephone service:

- (1) Based on a disputed delinquency that has been referred to the Commission by the customer or the company and where the Commission has advised the company not to disconnect service.
- (2) Due to a failure to pay for any other service, including but not limited to non-basic services, line extensions, special construction, or other non-recurring charges. However, this exception does not apply to reconnection charges or charges for personal visits to collect delinquent accounts or deposits. This paragraph does not prevent a carrier from disconnecting a bundled package of services that includes basic telephone service when charges for that bundle, considered as a whole, are delinquent.
- (3) When prohibited by Section 7.623 relating to medical emergencies.
- (4) Where the delinquent bill or charge, or aggregate delinquent bills or charges, for all services, including basic, non-basic, and other services provided by a carrier does not exceed \$50.00, provided that this exception is not used more than two billing cycles in a 12-month period.
- (5) Disconnection shall not be permitted if the customer has submitted a complete VCAAP application to the Vermont Department of Public Service and the ratepayer is awaiting a determination or has been approved and the funds have not been disbursed.

The Commission amends Commission Rule 7.622(E)(2) as follows. Filing Requirements. Within seven days after the effective date of this rule and prior to issuing any disconnection notice, the carrier shall submit to the Commission for its review and approval a

copy of the disconnection notice form described in Section 7.620(H). The notice form shall be deemed approved unless the Commission states otherwise within 30 days following submission to the Commission and the Department.

The Commission amends Commission Rule 7.622(J) as follows. Abbreviated Disconnection Notice. Where a customer has failed to abide by the terms of a payment plan, or paid by check or other instrument that it was subsequently dishonored, the carrier may disconnect service no sooner than 14 days following the delivery of a disconnection notice pursuant to this Section.

The Commission amends Commission Rule 7.623(B)(2) as follows. A customer may not avoid disconnection under this subsection more than six times or for more than four consecutive 30-day periods in any 12-month period.

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 30 : Public Service

Chapter 005 : State Policy; Plans; Jurisdiction And Regulatory Authority Of Commission A Department

Subchapter 001 : General Powers

(Cite as: 30 V.S.A. § 209)

§ 209. Jurisdiction; general scope

(a) General jurisdiction. On due notice, the Commission shall have jurisdiction to hear, determine, render judgment, and make orders and decrees in all matters provided for in the charter or articles of any corporation owning or operating any plant, line, or property subject to supervision under this chapter, and shall have like jurisdiction in all matters respecting:

(1) the purity, quantity, or quality of any product furnished or sold by any company subject to supervision under this chapter, and may prescribe the equipment for and standard of measurement, pressure, or initial voltage of such product;

(2) the providing for each kind of business subject to supervision under this chapter, suitable and convenient standard commercial units of product or service, which standards shall be lawful for the purposes of this chapter;

(3) the manner of operating and conducting any business subject to supervision under this chapter, so as to be reasonable and expedient, and to promote the safety, convenience, and accommodation of the public;

(4) the price, toll, rate, or rental charged by any company subject to supervision under this chapter, when unreasonable or in violation of law;

(5) the sufficiency and maintenance of proper systems, plants, conduits, appliances, wires, and exchanges, and when the public safety and welfare require the location of such wires or any portion thereof underground;

(6) to restrain any company subject to supervision under this chapter from violations of law, unjust discriminations, usurpation, or extortion;

(7) the issue of stock, mortgages, bonds, or other securities as provided in section 108 of this title;

(8) the sale to electric companies of electricity generated by facilities:

(A) that produce electric energy solely by the use of biomass, waste, renewable

resources, cogeneration, or any combination thereof; and

(B) that are owned by a person not primarily engaged in the generation or sale of electric power, excluding power derived from facilities described in subdivision (A) of this subdivision (8); and

(C) that have a power production capacity that, together with any other facilities located at the same site, is not greater than 80 megawatts; and

(9) the issuance of qualified cost mitigation charge orders pertaining to facilities described in subdivision (8) of this subsection, subject to the terms and conditions of section 209a of this title.

(b) Required rules. The provisions of section 218 of this title notwithstanding, the Public Utility Commission shall, under 3 V.S.A. §§ 803-804, adopt rules applicable to companies subject to this chapter that:

(1) regulate or prescribe terms and conditions of extension of utility service to customers or applicants for service including:

(A) the conditions under which a deposit may be required, if any;

(B) the extension of service lines;

(C) the terms of payment of any required deposit; and

(D) the return of any deposit;

(2) regulate or prescribe the grounds upon which the companies may disconnect or refuse to reconnect service to customers; and

(3) regulate and prescribe reasonable procedures used by companies in disconnecting or reconnecting services and billing customers in regard thereto.

(c) Uninterrupted service; reasonable terms. Rules adopted under subsection (b) of this section shall be aimed at protection of the health and safety of utility customers so that uninterrupted utility service may be continued on reasonable terms for the utility and its customers. Such rules shall also ensure that a reasonable rate of interest, adjusted for variations in market interest rates, be set on security deposits held by utility companies.

(d) Energy efficiency.

(1) Programs and measures. The Department of Public Service, any entity appointed by the Commission under subdivision (2) of this subsection, all gas and electric utility companies, and the Commission upon its own motion are encouraged to propose, develop, solicit, and monitor energy efficiency and conservation programs and measures, including appropriate combined heat and power systems that result in the conservation and efficient use of energy and meet the applicable air quality standards of the Agency of Natural

Resources. Such programs and measures, and their implementation, may be approved by the Commission if it determines they will be beneficial to the ratepayers of the companies after such notice and hearings as the Commission may require by order or by rule. The Department of Public Service shall investigate the feasibility of enhancing and expanding the efficiency programs of gas utilities and shall make any appropriate proposals to the Commission.

(2) Appointment of independent efficiency entities.

(A) Electricity and natural gas. In place of utility-specific programs developed pursuant to this section and section 218c of this title, the Commission shall, after notice and opportunity for hearing, provide for the development, implementation, and monitoring of gas and electric energy efficiency and conservation programs and measures, including programs and measures delivered in multiple service territories, by one or more entities appointed by the Commission for these purposes. The Commission may include appropriate combined heat and power systems that result in the conservation and efficient use of energy and meet the applicable air quality standards of the Agency of Natural Resources. Except with regard to a transmission company, the Commission may specify that the appointment of an energy efficiency utility to deliver services within an electric utility's service territory satisfies that electric utility's corresponding obligations, in whole or in part, under section 218c of this title and under any prior orders of the Commission.

(B) Thermal energy and process-fuel customers. The Commission shall provide for the coordinated development, implementation, and monitoring of cost-effective efficiency and conservation programs to thermal energy and process-fuel customers on a whole buildings basis by one or more entities appointed by the Commission for this purpose.

(i) In this section, "thermal energy" means the use of fuels to control the temperature of space within buildings and to heat water.

(ii) Periodically on a schedule directed by the Commission, the appointed entity or entities shall propose to the Commission a plan to implement this subdivision (d)(2)(B). The proposed plan shall comply with subsections (e)-(g) of this section and shall be subject to the Commission's approval. The Commission shall not conduct the review of the proposed plan as a contested case under 3 V.S.A. chapter 25 but shall provide notice and an opportunity for written and oral comments to the public and affected parties and State agencies.

(3) Energy efficiency charge; regulated fuels. In addition to its existing authority, the Commission may establish by order or rule a volumetric charge to customers for the support of energy efficiency programs that meet the requirements of section 218c of this title, with due consideration to the State's energy policy under section 202a of this title and to its energy and economic policy interests under section 218e of this title to maintain and enhance the State's economic vitality. The charge shall be known as the energy efficiency charge, shall be shown separately on each customer's bill, and shall be paid to a fund

administrator appointed by the Commission and deposited into the Electric Efficiency Fund. When such a charge is shown, notice as to how to obtain information about energy efficiency programs approved under this section shall be provided in a manner directed by the Commission. This notice shall include, at a minimum, a toll-free telephone number, and to the extent feasible shall be on the customer's bill and near the energy efficiency charge.

(A) Balances in the Electric Efficiency Fund shall be ratepayer funds, shall be used to support the activities authorized in this subdivision, and shall be carried forward and remain in the Fund at the end of each fiscal year. These monies shall not be available to meet the general obligations of the State. Interest earned shall remain in the Fund. The Commission will annually provide the General Assembly with a report detailing the revenues collected and the expenditures made for energy efficiency programs under this section. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subsection (d).

(B) The charge established by the Commission pursuant to this subdivision (3) shall be in an amount determined by the Commission by rule or order that is consistent with the principles of least-cost integrated planning as defined in section 218c of this title. As circumstances and programs evolve, the amount of the charge shall be reviewed for unrealized energy efficiency potential and shall be adjusted as necessary in order to realize all reasonably available, cost-effective energy efficiency savings. In setting the amount of the charge and its allocation, the Commission shall determine an appropriate balance among the following objectives; provided, however, that particular emphasis shall be accorded to the first four of these objectives: reducing the size of future power purchases; reducing the generation of greenhouse gases; limiting the need to upgrade the State's transmission and distribution infrastructure; minimizing the costs of electricity; reducing Vermont's total energy demand, consumption, and expenditures; providing efficiency and conservation as a part of a comprehensive resource supply strategy; providing the opportunity for all Vermonters to participate in efficiency and conservation programs; and targeting efficiency and conservation efforts to locations, markets, or customers where they may provide the greatest value. The Commission, by rule or order, shall establish a process by which a customer who pays an average annual energy efficiency charge under this subdivision (3) of at least \$5,000.00 may apply to the Commission to self-administer energy efficiency through the use of an energy savings account which shall contain a percentage of the customer's energy efficiency charge payments as determined by the Commission. The remaining portion of the charge shall be used for systemwide energy benefits. The Commission in its rules or order shall establish criteria for approval of these applications.

(C) The Commission may authorize the use of funds raised through an energy efficiency charge on electric ratepayers to reduce the use of fossil fuels for space heating by supporting electric technologies that may increase electric consumption, such as air source or geothermal heat pumps if, after investigation, it finds that deployment of the technology:

(i) will be beneficial to electric ratepayers as a whole;

(ii) will result in cost-effective energy savings to the end-user and to the State as a whole;

(iii) will result in a net reduction in State energy consumption and greenhouse gas emissions on a life-cycle basis and will not have a detrimental impact on the environment through other means such as release of refrigerants or disposal. In making a finding under this subdivision, the Commission shall consider the use of the technology at all times of year and any likely new electricity demand created by such use;

(iv) will be part of a comprehensive energy efficiency and conservation program that meets the requirements of subsections (d)-(g) of this section and that makes support for the technology contingent on the energy performance of the building in which the technology is to be installed. The building's energy performance shall achieve or shall be improved to achieve an energy performance level that is approved by the Commission and that is consistent with meeting or exceeding the goals of 10 V.S.A. § 581 (building efficiency);

(v) among the product models of the technology that are suitable for use in Vermont, will employ the product models that are the most efficient available;

(vi) will be promoted in conjunction with demand management strategies offered by the customer's distribution utility to address any increase in peak electric consumption that may be caused by the deployment;

(vii) will be coordinated between the energy efficiency and distribution utilities, consistent with subdivision (f)(5) of this section; and

(viii) will be supported by an appropriate allocation of funds among the funding sources described in this subsection (d) and subsection (e) of this section. In the case of measures used to increase the energy performance of a building in which the technology is to be installed, the Commission shall assume installation of the technology in the building and then determine the allocation according to the proportion of the benefits provided to the regulated fuel and unregulated fuel sectors. In this subdivision (viii), "regulated fuel" and "unregulated fuel" shall have the same meaning as under subsection (e) of this section.

(4) Contract or order of appointment. Appointment of an entity under subdivision (2) of this subsection may be by contract or by an order of appointment. An appointment, whether by order of appointment or by contract, may only be issued after notice and opportunity for hearing. An order of appointment shall be for a limited duration not to exceed 12 years, although an entity may be reappointed by order or contract. An order of appointment may include any conditions and requirements that the Commission deems appropriate to promote the public good. For good cause, after notice and opportunity for hearing, the Commission may amend or revoke an order of appointment.

(5) Appointed entity; supervision. Any entity appointed by order of appointment under subdivisions (2) and (4) of this subsection that is not an electric or gas utility already regulated under this title shall not be considered to be a company as defined under section 201 of this title, but shall be subject to the provisions of sections 18-21, 30-32, 205-208, subsection 209(a), sections 219, 221, and subsection 231(b) of this title, to the same extent as a company as defined under section 201 of this title. The Commission and the Department of Public Service shall have jurisdiction under those sections over the entity, its directors, receivers, trustees, lessees, or other persons or companies owning or operating the entity and of all plants, equipment, and property of that entity used in or about the business carried on by it in this State as covered and included in this section. This jurisdiction shall be exercised by the Commission and the Department so far as may be necessary to enable them to perform the duties and exercise the powers conferred upon them by law. The Commission and the Department each may, when they deem the public good requires, examine the plants, equipment, and property of any entity appointed by order of appointment under subdivisions (2) and (4) of this subsection.

(e) Thermal energy and process fuel efficiency funding.

(1) Each of the following shall be used to deliver thermal energy and process fuel energy efficiency services in accordance with this section for unregulated fuels to Vermont consumers of such fuels. In addition, the Commission may authorize an entity appointed to deliver such services under subdivision (d)(2)(B) of this section to use monies subject to this subsection for the engineering, design, and construction of facilities for the conversion of thermal energy customers using fossil fuels to district heat if the majority of the district's energy is from biomass sources, the district's distribution system is highly energy efficient, and such conversion is cost effective.

(A) Net revenues above costs associated with payments from the New England Independent System Operator (ISO-NE) for capacity savings resulting from the activities of the energy efficiency utility designated under subdivision (2)(A) of this subsection (e) that are not transferred to the State PACE Reserve Fund under 24 V.S.A. § 3270(c). These revenues shall be deposited into the Electric Efficiency Fund established by this section. In delivering services with respect to heating systems using the revenues subject to this subdivision (A), the entity shall give priority to incentives for the installation of high efficiency biomass heating systems and shall have a goal of offering an incentive that is equal to 25 percent of the installed cost of such a system. Provision of an incentive under this subdivision (A) for a biomass heating system shall not be contingent on the making of other energy efficiency improvements at the property on which the system will be installed.

(B) Net revenues above costs from the sale of carbon credits under the cap and trade program established under section 255 of this title, which shall be deposited into the Electric Efficiency Fund established by this section.

(C) Any other monies that are appropriated to or deposited in the Electric Efficiency Fund for the delivery of thermal energy and process fuel energy efficiency services.

(2) If a program combines regulated fuel efficiency services with unregulated fuel efficiency services supported by funds under this section, the Commission shall allocate the costs of the program among the funding sources for the regulated and unregulated fuel sectors in proportion to the benefits provided to each sector.

(3) In this subsection:

(A) "Biomass" means organic nonfossil material constituting a source of renewable energy within the meaning of section 8002 of this title.

(B) "District heat" means a system through which steam or hot water from a central plant is piped into buildings to be used as a source of thermal energy.

(C) "Efficiency services" includes the establishment of a statewide information clearinghouse under subsection (g) of this section.

(D) "Fossil fuel" means an energy source formed in the earth's crust from decayed organic material. The common fossil fuels are petroleum, coal, and natural gas. A fossil fuel may be a regulated or unregulated fuel.

(E) "Regulated fuels" means electricity and natural gas delivered by a regulated utility.

(F) "Unregulated fuels" means fuels used by thermal energy and process fuel customers other than electricity and natural gas delivered by a regulated utility.

(f) Goals and criteria; all energy efficiency programs. With respect to all energy efficiency programs approved under this section, the Commission shall:

(1) Ensure that all retail consumers, regardless of retail electricity, gas, or heating or process fuel provider, will have an opportunity to participate in and benefit from a comprehensive set of cost-effective energy efficiency programs and initiatives designed to overcome barriers to participation.

(2) Require that continued or improved efficiencies be made in the production, delivery, and use of energy efficiency services, including the use of compensation mechanisms for any energy efficiency entity appointed under subdivision (d)(2) of this section that are based upon verified savings in energy usage and demand, and other performance targets specified by the Commission. The linkage between compensation and verified savings in energy usage and demand (and other performance targets) shall be reviewed and adjusted not less than triennially by the Commission.

(3) Build on the energy efficiency expertise and capabilities that have developed or may develop in the State.

(4) Promote program initiatives and market strategies that address the needs of persons or businesses facing the most significant barriers to participation, including those who do not own their place of residence.

(5) Promote and ensure coordinated program delivery, including coordination with low-income weatherization programs, entities that fund and support affordable housing, regional and local efficiency entities within the State, other efficiency programs, and utility programs.

(6) Consider innovative approaches to delivering energy efficiency, including strategies to encourage third party financing and customer contributions to the cost of efficiency measures.

(7) Provide a reasonably stable multiyear budget and planning cycle in order to promote program improvement, program stability, enhanced access to capital and personnel, improved integration of program designs with the budgets of regulated companies providing energy services, and maturation of programs and delivery resources.

(8) Approve programs, measures, and delivery mechanisms that reasonably reflect current and projected market conditions, technological options, and environmental benefits.

(9) Provide for delivery of these programs as rapidly as possible, taking into consideration the need for these services, and cost-effective delivery mechanisms.

(10) Provide for the independent evaluation of programs delivered under subsection (d) of this section.

(11) Require that any entity appointed by the Commission under subsection (d) of this section deliver Commission-approved programs in an effective, efficient, timely, and competent manner and meet standards that are consistent with those in section 218c of this title, the Board's orders in Public Service Board docket 5270, and any relevant Board orders in subsequent energy efficiency proceedings.

(12) Require verification, on or before January 1, 2003, and every three years thereafter, by an independent auditor of the reported energy and capacity savings and cost-effectiveness of programs delivered by any entity appointed by the Commission to deliver energy efficiency programs under subdivision (d)(2) of this section.

(13) Ensure that any energy efficiency program approved by the Commission shall be reasonable and cost-effective.

(14) Consider the impact on retail electric rates and bills of programs delivered under subsection (d) of this section and the impact on fuel prices and bills.

(15) Ensure that the energy efficiency programs implemented under this section are designed to make continuous and proportional progress toward attaining the overall State building efficiency goals established by 10 V.S.A. § 581, by promoting all forms of energy end-use efficiency and comprehensive sustainable building design.

(g) Thermal energy and process fuel efficiency programs; additional criteria. With respect to energy efficiency programs delivered under this section to thermal energy and process fuel customers, the Commission shall:

(1) Ensure that programs are delivered on a whole-buildings basis to help meet the State's building efficiency goals established by 10 V.S.A. § 581 and to reduce greenhouse gas emissions from thermal energy and process fuel use in Vermont.

(2) Require the establishment of a statewide information clearinghouse to enable effective access for customers to and effective coordination across programs. The clearinghouse shall serve as a portal for customers to access thermal energy and process fuel efficiency services and for coordination among State, regional, and local entities involved in the planning or delivery of such services, making referrals as appropriate to service providers and to entities having information on associated environmental issues such as the presence of asbestos in existing insulation.

(3) In consultation with the Agency of Natural Resources, establish annual interim goals starting in 2014 to meet the 2017 and 2020 goals for improving the energy fitness of housing stock stated in 10 V.S.A. § 581(1).

(4) Ensure the monitoring of the State's progress in meeting the goals of 10 V.S.A. § 581(1). This monitoring shall be performed according to a standard methodology and on a periodic basis that is not less than annual.

(h) Electricity labeling. The Public Utility Commission may prescribe, by rule or order, standards for the labeling of electricity delivered or intended for delivery to ultimate consumers as to price, terms, sources, and objective environmental impacts, along with such procedures as it deems necessary for verification of information contained in such labels. The Public Utility Commission may prescribe, by rule or by order, standards and criteria for the substantiation of such labeling or of any claims regarding the price, terms, sources, and environmental impacts of electricity delivered or intended for delivery to ultimate consumers in Vermont, along with enforcement procedures and penalties. When establishing standards for the labeling of electricity, the Commission shall weigh the cost, as well as the benefits, of compliance with such standards. With respect to companies distributing electricity to ultimate consumers, the Commission may order disclosure and publication, not to occur more than once each year, of any labeling required pursuant to the standards established by this subsection. Standards established under this subsection may include provisions for:

(1) the form of labels;

(2) information on retail and wholesale price;

(3) terms and conditions of service;

(4) types of generation resources in a seller's mix and percentage of power produced

from each source;

(5) disclosure of the environmental effects of each energy source; and

(6) a description of other services, including energy services or energy efficiency opportunities.

(i)(1) Pole attachments; broadband. For the purposes of Commission rules on attachments to poles owned by companies subject to regulation under this title, broadband service providers shall be considered "attaching entities" with equivalent rights to attach facilities as those provided to "attaching entities" in the rules, regardless of whether such broadband providers offer a service subject to the jurisdiction of the Commission. The Commission shall adopt rules in accordance with 3 V.S.A. chapter 25 to further implement this section. The rules shall be aimed at furthering the State's interest in ubiquitous deployment of mobile telecommunications and broadband services within the State.

(2) The rules adopted pursuant to this subsection shall specify that:

(A) The applicable make-ready completion period shall not be extended solely because a utility pole is jointly owned.

(B) At the time of an initial pole make-ready survey application, when a pole is jointly owned, the joint owners shall inform the applicant which owner is responsible for all subsequent stages and timely completion of the make-ready process.

(C) If the make-ready work is not completed within the applicable make-ready completion period, the pole owner, within 30 days of the expiration of the make-ready completion period, shall refund the portion of the payment received for make-ready work that is not yet completed, and the attaching entity may hire a qualified contractor to complete the make-ready work. All pole owners and attaching entities shall submit to the Commission a list of contractors whom they allow to perform make-ready surveys, make-ready installation or maintenance, or other specified tasks upon their equipment. The Commission shall provide the appropriate list to an attaching entity, upon request.

(j) Self-managed energy efficiency programs.

(1) There shall be a class of self-managed energy efficiency programs for transmission and industrial electric ratepayers only.

(2) The Commission, by order, shall enact this class of programs.

(3) Entities approved to participate in the self-managed energy efficiency program class shall be exempt from all statewide charges under subdivision (d)(3) of this section that support energy efficiency programs performed by or on behalf of Vermont electric utilities. If an electric ratepayer approved to participate in this program class also is a customer of a natural gas utility, the ratepayer shall be exempt from all charges under subdivision (d)(3) of this section or contained within the rates charged by the natural gas utility to the ratepayer

that support energy efficiency programs performed by or on behalf of that utility, provided that the ratepayer complies with this subsection.

(4) All of the following shall apply to a class of programs under this subsection:

(A) A member of the transmission or industrial electric rate class shall be eligible to apply to participate in the self-managed energy efficiency program class if the charges to the applicant, or to its predecessor in interest at the served property, under subdivision (d)(3) of this section were a minimum of:

(i) \$1.5 million during calendar year 2008; or

(ii) \$1.5 million during calendar year 2017.

(B) A cost-based fee to be determined by the Commission shall be charged to the applicant to cover the administrative costs, including savings verification, incurred by the Commission and Department. The Commission shall determine procedures for savings verification. Such procedures shall be consistent with savings verification procedures established for entities appointed under subdivision (d)(2) of this section and, when determined to be cost-effective under subdivision (L) of this subdivision (4), with the requirements of ISO-New England for the forward capacity market (FCM) program.

(C) An applicant shall demonstrate to the Commission that it has a comprehensive energy management program with annual objectives. Achievement of certification of ISO standard 14001 shall be eligible to satisfy the requirements of having a comprehensive program.

(D) An applicant eligible pursuant to subdivision (A)(i) of this subdivision (j)(4) shall commit to an annual average investment in energy efficiency and energy productivity programs and measures during each three-year period that the applicant participates in the program of not less than \$1 million. An applicant eligible pursuant to subdivision (A)(ii) of this subdivision (j)(4) shall commit to an annual average investment in energy efficiency and energy productivity programs and measures during each three-year period that the applicant participates in the program of not less than \$500,000.00. To achieve the exemption from energy efficiency charges related to natural gas under subdivision (3) of this subsection (j), an applicant shall make an additional annual energy efficiency investment in an amount not less than \$55,000.00. As used in this subsection (j), "energy productivity programs and measures" means investments that reduce the amount of energy required to produce a unit of product below baseline energy use. Baseline energy use shall be calculated as the average amount of energy required to make one unit of the same product in the two years preceding implementation of the program or measure.

(E) Participation in the self-managed program includes efficiency and productivity programs and measures applicable to electric and other forms of energy. A participant may balance investments in such programs and measures across all types of energy or fuels

without limitations.

(F) A participant shall provide to the Commission and Department annually an accounting of investments in energy efficiency and energy productivity programs and measures and the resultant energy savings in the form prescribed by the Commission, which may conduct reasonable audits to ensure the accuracy of the data provided.

(G) The Commission shall report to the General Assembly annually on or before April 30 concerning the prior calendar year's class of self-managed energy efficiency programs. The report shall include identification of participants, their annual investments and resulting savings, and any actions taken to exclude entities from the program.

(H) Upon approval of an application by the Commission, the applicant shall be able to participate in the class of self-managed energy efficiency programs.

(I) On a determination that, for a given three-year period, a participant in the self-managed efficiency program class did not meet or has not met the commitment required by subdivision (D) of this subdivision (j)(4), the Commission shall terminate the participant's eligibility for the self-managed program class.

(i) On such termination, the former participant will be subject fully to the then existing charges applicable to its rate class without exemption under subdivision (3) of this subsection (j), and within 90 days after such termination shall pay:

(I) the difference between the investment it made pursuant to the self-managed energy efficiency program during the three-year period of noncompliance and the full amount of the charges and rates related to energy efficiency it would have incurred during that period absent exemption under subdivision (3) of this subsection (j); and

(II) the difference between the investment it made pursuant to the program within the current three-year period, if different from the period of noncompliance, and the full amount of the charges and rates related to energy efficiency it would have incurred during the current period absent exemption under subdivision (3) of this subsection (j).

(ii) Payments under subdivision (i) of this subdivision (4)(I) shall be made to the entities to which the full amount of charges and rates would have been paid absent exemption under subdivision (3) of this subsection (j).

(iii) A former participant may not reapply for membership in the self-managed program after termination under this subdivision (4)(I).

(J) A participant in the self-managed program class may request confidentiality of data it reports to the Commission if the data would qualify for exemption from disclosure under 1 V.S.A. § 317. If such confidentiality is requested, the Commission shall disclose the data only in accordance with a protective agreement approved by the Commission and signed by the recipient of the data, unless a court orders otherwise.

(K) Any data not subject to a confidentiality request under subdivision (J) of this subdivision (4) will be a public record.

(L) A participant in the self-managed program class shall work with the Department of Public Service to determine whether it is cost-effective to submit projects to ISO-New England for payments under the FCM program.

(i) As used in this subdivision (L), "cost-effective" requires that the estimated payments from the FCM program exceed the incremental cost of savings verification necessary for submission to that program.

(ii) If the Department determines the submission to be cost-effective, then an entity appointed to deliver electric energy efficiency services under subdivision (d)(2) of this section shall submit the project to the FCM program for payment and any resulting payments shall be remitted to the Electric Efficiency Fund for use in accordance with subdivision (e)(1)(A) of this section.

(M) A participant in the self-managed program class may receive funding from an energy program administered by a government or other entity that is not the participant and may count such funds received as part of the annual commitment to its self-managed energy efficiency program.

(N) If, at the end of every third year after an applicant's approval to participate in the self-managed efficiency program (the three-year period), the applicant has not met the commitment required by subdivision (4)(D) of this subsection, the applicant shall pay the difference between the investment the applicant made while in the self-managed energy efficiency program and the full amount of charges and rates that the applicant would have incurred absent the exemption under subdivision (3) of this subsection. This payment shall be made no later than 90 days after the end of the three-year period to the entities to which the full amount of those charges and rates would have been paid absent the exemption.

(5) This subdivision applies to a transferee of all or substantially all of the assets at the served property of an entity approved to participate in the self-managed energy efficiency program. The Commission shall allow the transferee to continue as a participant in the self-managed energy efficiency program class in the same manner and under the same terms and conditions that the transferor participant was authorized to participate, provided:

(A) the transferor participant met the requirements of subdivision (4)(A) of this subsection (j) and the transferee otherwise meets the requirements of this subsection; and

(B) the transferee assumes the obligation to fulfill any outstanding commitment of the transferor participant under subdivision (4)(D) of this subsection. (Amended 1959, No. 329 (Adj. Sess.), § 39(b), eff. March 1, 1961; 1961, No. 183, § 5; 1975, No. 56, § 1; 1979, No. 147 (Adj. Sess.), § 2; 1981, No. 245 (Adj. Sess.), § 2; 1989, No. 112, § 6, eff. June 22, 1989; 1995, No. 182 (Adj. Sess.), § 27a, eff. May 22, 1996; 1999, No. 60, § 1, eff. June 1, 1999; 1999, No. 143

(Adj. Sess.), § 28; 2001, No. 145 (Adj. Sess.), §§ 1, 2; 2005, No. 61, § 6; 2005, No. 208 (Adj. Sess.), § 10; 2007, No. 79, § 6, eff. June 9, 2007; 2007, No. 92 (Adj. Sess.), § 12; 2007, No. 190 (Adj. Sess.), §§ 52, 53, eff. June 6, 2008; 2009, No. 45, §§ 14, 14a, eff. May 27, 2009; 2009, No. 54, § 104, eff. June 1, 2009; 2009, No. 1 (Sp. Sess.), § E.235.1, eff. June 2, 2009; 2011, No. 47, §§ 3, 20b, eff. May 25, 2011; 2011, No. 170 (Adj. Sess.), § 16; 2013, No. 89, §§ 2, 3; 2013, No. 142 (Adj. Sess.), § 49; 2013, No. 184 (Adj. Sess.), § 1; 2015, No. 56, §§ 15, 15a; 2017, No. 77, § 6; 2017, No. 102 (Adj. Sess.), § 1; 2017, No. 150 (Adj. Sess.), § 1; 2019, No. 31, § 14; 2019, No. 79, § 20, eff. June 20, 2019.)



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Deadline For Public Comment

Deadline: Unavailable.

The deadline for public comment is unavailable for this rule. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:	20-E21
Title:	PUC Emergency Rule 2.600 COVID-19 Emergency Disconnection Rule.
Type:	Emergency
Status:	Adopted
Agency:	Vermont Public Utility Commission
Legal Authority:	30 V.S.A. 209(b) and (c)
Summary:	On October 16, 2020, the moratorium on gas, electric, and basic telephone disconnections will be lifted in order to encourage greater participation in the Vermont COVID-19

Arrearage Assistance Program that distributes federal funds. This emergency rule amends various procedural requirements to reduce or eliminate in-person contact between members of the public and utility staff to reduce the risk of exposure to the COVID-19 virus. This rule also provides enhanced consumer protections to customers who may be experiencing financial hardship due to COVID-19.

Persons Affected:

Gas, electric, water, and basic telephone utility companies; Vermont customers of those utilities; the Vermont Department of Public Service; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies.

Economic Impact:

Economic impacts are difficult to quantify, however the Commission anticipates that a greater number of utility customers will apply for the Vermont COVID-19 Arrearage Assistance Program. As a result, eligible customers will experience a decrease in their outstanding utility bill arrearages and utilities will be paid for these arrearages. Additionally, some utilities will continue to provide service to customers who are unable to pay their bill but otherwise qualify for one of the exceptions listed in the rule.

Posting date:

Oct 15,2020

Hearing Information

There are not Hearings scheduled for this Rule

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Keyword Information

Keywords:

Vermont Public Utility Commission
 Rules
 Disconnection
 Consumer Protection
 Arrearage



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