

## Final Proposed Filing - Coversheet

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall 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.

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**PLEASE REMOVE ANY COVERSHEET OR FORM NOT  
REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

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**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**Rule 3.400 Disconnection of Cable Television Service and  
Non-Residential Electric, Gas, and Water Service**

\_\_\_\_\_/s/ Edward McNamara\_\_\_\_\_, on 8/1/2024  
(signature) (date)

Printed Name and Title:

Edward McNamara, Chair, Vermont 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)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P017

3. ADOPTING AGENCY:

Vermont Public Utility Commission

4. PRIMARY CONTACT PERSON:

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

Name: Daniel C. Burke, Esq.

Agency: Vermont Public Utility Commission

Mailing Address: 112 State Street, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-1173 Fax: 802-828-3352

E-Mail: dan.burke@vermont.gov

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

<https://epuc.vermont.gov/?q=node/64/127248>

5. 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, 4<sup>th</sup> Floor, Montpelier,  
VT 05602

Telephone: 802-828-2358 Fax: 802-828-3352

E-Mail: ann.bishop@vermont.gov

6. 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:

7. 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).*

Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

**EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

Act 47, Section 25a requires that the Public Utility Commission "revise its rules concerning utility service disconnection to: (1) require that a utility provide notice to the property owner of residential or nonresidential rental property if utility service to the property has been disconnected, even if the tenant is the ratepayer; and (2) allow a utility to disconnect utility service remotely." The proposed rule amends the Public Utility's Commission existing rule on utility disconnections to incorporate these requirements.

8. 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." The proposed amendments govern the procedural requirements for utility disconnections.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. **CONCISE SUMMARY (150 WORDS OR LESS):**  
The proposed amendments bring the Public Utility Commission's disconnection rules into alignment with

Act 47 to allow for remote disconnections and require utilities to contact owners of rental properties when conducting a disconnection. Disconnections governed by this rule relate to the non-voluntary termination of utility service because of delinquency or non-payment. The rule amendments also modernize the disconnection notification process by allowing utilities to contact affected customers with SMS text messages and emails instead of only telephone calls.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The rule complies with a legislative mandate and is designed to reduce the cost of utility disconnections, promote the safety of utility employees that conduct disconnections, and protect property.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The proposed rule amendments are intended to implement Act 47's legislative mandate. The proposed amendments were developed after soliciting feedback and conducting a public workshop with interested parties, including the Vermont Department of Public Service and affected utilities.

**17. 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; the Vermont Housing Authority; Vermont low-income aid organizations such as Vermont Legal Aid and Vermont Community Action Agencies.

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

The proposed rule will have minimal economic impact, but it is expected to produce cost savings for affected utilities by eliminating the need for utility employees to physically travel to service locations to complete utility disconnections for delinquent payment. It will also reduce costs for utility customers by prohibiting utilities from charging fees for remote disconnections.

**19. A HEARING WAS HELD.**

**20. 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.

Date: 5/22/2024

Time: 07:00 PM

Street Address:

Zip Code:

URL for Virtual: <https://meet.goto.com/153663157>

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

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

5/31/24

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

Public Utility Commission

Rules

Disconnection

Consumer Protection

Arrearage

Landlord notification of utility disconnection

112 State Street  
4<sup>th</sup> Floor  
Montpelier, VT 05620-2701  
TEL: 802-828-2358



TTY/TDD (VT: 800-253-0191)  
FAX: 802-828-3351  
E-mail: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov)  
Internet: [www.puc.vermont.gov](http://www.puc.vermont.gov)

State of Vermont  
Public Utility Commission

Charlene Dindo  
Legislative Council  
115 State Street  
Montpelier, VT 05602  
**SENT ELECTRONICALLY**

**RE: Rules 24-P016 and 24-P017, Vermont Public Utility Commission,  
Amendments to Rules 3.300 and 3.400, Utility Disconnections**

August 1, 2024

Dear Ms. Dindo:

The Vermont Public Utility Commission (“Commission”) submits proposed amendments to Commission Rules 3.300 and 3.400, which govern the disconnection process for regulated utilities.

These proposed amendments are intended to implement changes to the utility disconnection process that were mandated by Act 47,<sup>1</sup> which requires the Commission to adopt rules that: (1) allow for remote disconnections of utility services; and (2) require utilities to provide notice of disconnections to owners of rental properties if utility service to the property has been disconnected. The Commission’s proposed rule amendments incorporate these legislative mandates and include other related updates and revisions to the rules that were proposed by the Vermont Department of Public Service (Department) and other interested parties.

The Commission’s proposed rulemaking follows a multi-year process, which included multiple workshops and rounds of written comments from the Department, affected utilities, and other interested entities. The filing materials include two orders from the Commission that summarize the rulemaking process and include the Commission’s response to various public comments and recommendations that were received throughout the rulemaking process. The filing materials also include copies of public comments received by the Commission and redline drafts showing all proposed revisions to Commission Rules 3.300 and 3.400.

Thank you for your attention to this matter. Please let me know if you have any questions or concerns.

Sincerely,

*/s/ Daniel C. Burke*

Daniel Burke

Encls.

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<sup>1</sup> Public Act No. 47, § 25a (2023 Vt., Bien. Sess.).

## 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.

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1. **TITLE OF RULE FILING:**

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. **ADOPTING AGENCY:**

Vermont Public Utility Commission

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 if 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 **AN AMENDMENT OF AN EXISTING RULE** .

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

Log No. 06-020; Disconnection of Cable Television  
Service and Non-Residential Electric, Gas, and Water  
Service, July 21, 2006 (30-000-3400).





## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** February 23, 2024, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Jennifer Mojo, John Kessler, Diane Sherman, Michael Obuchowski, Nicole Dubuque, Jared Adler (voted on the 1<sup>st</sup> two rules only then exited meeting at 1:55 PM), Natalie Weill (did not vote)

**Minutes By:** Melissa Mazza-Paquette

- 1:01 p.m. meeting called to order, welcome and introduction of newest Committee member Natalie Weill who will begin voting at the next ICAR meeting.
- Review and approval of minutes from the January 8, 2024 meeting.
- No additions/deletions to agenda.
- No public comments made.
- Presentation of Proposed Rules on pages 2-7 to follow.
  - 1) Aboveground Storage Tank Rules, Agency of Natural Resources, Department of Environmental Conservation, page 2
  - 2) Unused Drug Repository Rule, Agency of Human Services, Department of Health, page 3
  - 3) Improved Tracking of Workplace Injuries and Illnesses, Vermont Department of Labor, page 4
  - 4) Reportable and Communicable Diseases Rule, Agency of Human Services, Department of Health, page 5
  - 5) Rule 3.300 Disconnection of Residential Gas, Electric and Water Service, Vermont Public Utility Commission, page 6
  - 6) Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission, page 7
- Other business:
  - Diane will create draft public guidance for the Committee's review at a future meeting to aid those filing proposed rules.
- Next scheduled meeting is Monday, March 11, 2024 at 2:00 p.m.
- 3:02 p.m. meeting adjourned.

**Proposed Rule:** Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service, Vermont Public Utility Commission

**Presented By:** Dan Burke

Motion made to accept the rule by John Kessler, seconded by Nicole Dubuque, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet:
  - a. #8: Include descriptive details of what's being referenced after 'disconnections'.
2. Adopting Page, #4: Contact the Office of the Secretary of State for assistance finding the log #.



## 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. If no impacts are anticipated, please specify “No impact anticipated” in the field.

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.

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#### 1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

#### 2. ADOPTING AGENCY:

Vermont Public Utility Commission

#### 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:*

(1) Cable television, natural gas, electric, and water utilities subject to Public Utility Commission jurisdiction. The authorization to conduct remote disconnections will reduce utilities' costs by eliminating the need to send an employee to customers' premises to complete disconnections for delinquent

payments. The requirement to provide notice to property owners and landlords of a disconnection will cause new administrative costs for the utilities, but the rule allows utilities to adopt fee schedules to offset those costs.

(2) Utility customers. The proposed rule will benefit customers affected by disconnections because it prohibits utilities from collecting fees for remote disconnections.

(3) Property Owners and Landlords. The proposed rule will help to protect against damage to rental properties that might be caused by utility disconnections. By requiring utilities to implement systems to provide notice to rental property owners in the event of a disconnection, the property owners can take action to prevent catastrophic property damage that could result from utility disconnections, such as frozen pipes.

#### 4. IMPACT ON SCHOOLS:

*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 amended 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 amended rule does not create any additional costs for schools or taxpayers. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

#### 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 because 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):*

Otherwise, this amended 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 amended rule does not create any additional costs for small businesses. If anything, the amended rule would help alleviate or mitigate potential costs by allowing for remote disconnection at no cost to the customer being disconnected.

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.*

The rule amendments require property owners to provide up-to-date contact information to regulated utilities in order to receive notices of utility disconnections at their rental properties. The burden associated with this requirement is expected to be de minimis.

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 SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

As explained above, the amended 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 disconnection procedure that is being amended.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Commission relied on its experience in regulating utilities and overseeing the disconnection requirements embedded in the existing disconnection rules. It also solicited feedback from the Vermont Department of Public Service and affected utilities, reviewed multiple rounds of written comments, and conducted a public workshop with affected parties.

## 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. If no impacts are anticipated, please specify “No impact anticipated” in the field.

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

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1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

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.):*

Allowing utilities to conduct remote disconnections is expected to result in minor reductions to greenhouse gas impacts. Using remote disconnections will reduce the number of vehicle trips and truck rolls that are necessary for on-premises disconnections.

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 anticipated.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact anticipated.
6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact anticipated.
7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
The rule amendments will have a minor impact on reducing greenhouse gases and emissions associated with vehicle trips that will not be necessary for remote disconnections.
8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
No impact anticipated.
9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*  
The Commission relied on its regulatory expertise and information provided by the Vermont Department of Public Service and affected utilities through their written comments and participation in the workshop process in formulating the proposed rule amendments.

## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

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

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1. TITLE OF RULE FILING:

**Rule 3.400 Disconnection of Cable Television Service  
and Non-Residential Electric, Gas, and Water Service**

2. ADOPTING AGENCY:

Vermont Public Utility Commission

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Commission has maximized and will continue to maximize public input on the proposed rule amendments by contacting and engaging as many potentially interested persons, entities, and organizations as possible, both in a pre-rulemaking format to best inform the proposed amendments, and in a formal rulemaking format, through public hearings and written comments before and after the filing of the proposed rule with the Secretary of State.

To date, the Commission has conducted several rounds of written comments and three different public workshops in considering and developing amendments to its disconnection rules.

Once the proposed rule is filed with the Secretary of State, the Commission intends to circulate the proposed amendments to the persons and entities that have actively participated in the development of the rule amendments so far. The Commission will schedule one or



## Public Input

more public hearings as needed and will solicit at least two rounds of comments, one before and one after an initial public hearing.

The Commission will also post notice of the formal rulemaking on its website and will distribute a memorandum from the Clerk of the Commission to the Commission's stakeholder email distribution list. The Commission will also update the open rulemaking case in its electronic filing system (ePUC). The Commission has two cases open in ePUC regarding this rulemaking, Case Nos. 17-4999-INV and 24-1080-RULE.

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

To date, the following persons and organizations have participated in workshops or provided comments that assisted in developing the proposed rule amendments: the Vermont Department of Public Service; Green Mountain Power Corporation; Washington Electric Cooperative, Inc.; Vermont Electric Cooperative, Inc.; Vermont Gas Systems, Inc.; Vermont Legal Aid; Vermont Public Power Supply Authority; City of Burlington Electric Department; Village of Hyde Park Electric Department; Swanton Village, Inc. Electric Department; Village of Morrisville Water and Light Department; Town of Stowe Electric Department; Village of Enosburg Falls, Inc. Electric Light Department; Barton Village, Inc. Electric Department; and Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC.

The Commission expects these persons and entities to continue to participate during the formal rulemaking process and welcomes participation by any additional interested persons and entities.

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

CASE NUMBERS 24-1079-RULE AND 24-1080-RULE

PROPOSED AMENDMENTS TO DISCONNECT  
RULES 3.300 AND 3.400

May 22, 2024  
7 p.m.

Public Hearing held before the Vermont Public  
Utility Commission via Go To Meeting on May 22, 2024,  
beginning at 7 p.m.

P R E S E N T

HEARING OFFICER: Daniel Burke  
Staff Attorney

CAPITOL COURT REPORTERS, INC.  
P.O. BOX 329  
BURLINGTON, VERMONT 05402-0329  
(802/800) 863-6067  
E-mail: [info@capitolcourtreporters.com](mailto:info@capitolcourtreporters.com)

1 HEARING OFFICER BURKE: Good evening.  
2 This is a public hearing for the Vermont Public  
3 Utility Commission's proposed amendments to  
4 Commission Rules 3.300 and 3.400 which govern the  
5 requirements for utility disconnections. My name is  
6 Daniel Burke. I'm a Staff Attorney at the Commission  
7 and I have been appointed by the Commission to work  
8 on the proposed rule amendments and conduct tonight's  
9 public hearing.

10 The purpose of this evening's hearing is  
11 to provide an opportunity to hear input from the  
12 public and affected utilities regarding the  
13 Commission's proposed amendments to Rules 3.300 and  
14 3.400. The comments received at this hearing will be  
15 considered by the Commission in preparing the final  
16 drafts of the proposed rules that will be filed with  
17 the Vermont Secretary of State. Members of the  
18 public can also provide written comments on the  
19 proposed rule amendments using the Commission's  
20 online document management system ePUC or by direct  
21 mail or e-mail. You can file your comments in ePUC  
22 in Case Number 24-1079-RULE or 24-1080-RULE. You may  
23 also send comments by mail or e-mail to the clerk of  
24 the Commission. Contact information for the clerk is  
25 available on the Commission's web site which is

1 www.puc.vermont.gov. You can also subscribe to the  
2 case numbers I just read out for ePUC which means you  
3 will receive an email notification of any future  
4 action on the proposed rule amendments.

5 This public hearing is being transcribed  
6 by a court reporter this evening. That transcript,  
7 along with comments received by the Commission, will  
8 become part of the Commission's public file so that  
9 the Commission members, staff, parties in this case  
10 can consider these comments.

11 Anybody who would like to speak this  
12 evening would you please keep your camera on. If you  
13 plan to just listen, please keep your camera off so  
14 that will make it easier for us to see the person who  
15 is speaking. I also will not mute anybody's  
16 microphone so if you are a member of the public here  
17 tonight and do not plan on speaking, please try to  
18 remember to keep your microphone muted. If you would  
19 like to make a public comment, either raise your hand  
20 on your camera or unmute your microphone or use the  
21 raise hand function and I will call on the  
22 individuals to speak based on the order they appear  
23 on my screen. Also when you begin making any public  
24 comments please identify yourself by your first and  
25 last name for the court reporter so that will appear

1 on our transcript, and I do see that there are  
2 several individuals here this evening; some from the  
3 Department of Public Service and some from -- some  
4 names I recognize from affected utilities or  
5 companies.

6 Are there any members of the public that  
7 are here this evening that would like to make  
8 comments on the proposed rules? Miss Emery? No.  
9 Okay. Thank you. I saw your camera come on, but if  
10 you don't want to make a comment, that is perfectly  
11 fine as well. Are there any individuals from the  
12 regulated utilities or companies that are present  
13 this evening that would like to make comments? And I  
14 do note, Melissa Pierce, you are here on behalf of  
15 Comcast. I will note I did see the comments Comcast  
16 filed in ePUC so those have been reviewed. Is there  
17 anybody else that would like to make any comments  
18 this evening? Seeing no hands or nobody turning  
19 their cameras on what I will propose to do it's 7:04  
20 right now. I will suggest that we go off the record  
21 and wait until about 7:10 to see if any additional  
22 members of the public or any affected utilities come  
23 and would like to make comments, and so with that,  
24 JoAnn, I think we can go off the record for now and I  
25 will come back on the record at 7:10.

1 (Recess.)

2 HEARING OFFICER BURKE: We're back on  
3 the record now. It is 7:10. It does not appear to  
4 me any additional members of the public have come to  
5 tonight's public hearing, but is there anybody else  
6 that is still on the call that would like to make any  
7 comments this evening? Hearing nothing, I would like  
8 to thank everyone who is here for attending this  
9 evening, and just for the affected parties the status  
10 of the rule is under I think the Administrative  
11 Procedures Act I think we have to wait another seven  
12 calendar days after tonight's public hearing for  
13 additional comments to come in. Then I will be  
14 presenting any proposed changes to the Commission and  
15 hopefully getting the final draft of the rules to the  
16 Secretary of State and starting the LCAR process  
17 within a couple weeks, and hopefully that will be  
18 resolved over the summer and we'll have the rules  
19 finalized over the summer as soon as practical after  
20 that. That's all we had to discuss this evening.  
21 Mr. Wing, you had your hand up.

22 MR. WING: I'm sorry. I might have  
23 misheard you. Per the APA you said that you needed  
24 to accept comments for how much longer?

25 HEARING OFFICER BURKE: I think seven

1 calendar days. I would need to double-check that.

2 MR. WING: I'm pretty sure the order  
3 issuing this invited written comments by the 31st.

4 HEARING OFFICER BURKE: Which is eight  
5 calendar days.

6 MR. WING: Is that still in effect?

7 HEARING OFFICER BURKE: Yes. Whatever  
8 is in the Commission's order would take effect. You  
9 said the 31st?

10 MR. WING: I believe so.

11 HEARING OFFICER BURKE: Okay. Well that  
12 would be eight calendar days from now so --

13 MR. WING: Okay.

14 HEARING OFFICER BURKE: It is in front  
15 of the Commission. They do have a lot on their  
16 docket right now, but hopefully I will have it in  
17 front of them within a couple weeks.

18 MR. WING: Well the Department does not  
19 have comments this evening. It may wish to make  
20 comments by the written deadline.

21 HEARING OFFICER BURKE: I will bear that  
22 in mind. Thank you, Alex. Thank you everyone. Have  
23 a good evening and, JoAnn, we are all done so thank  
24 you very much.

25 (Adjourned at 7:12 p.m.)

C E R T I F I C A T E

1  
2  
3 I, JoAnn Q. Carson, do hereby certify that  
4 I recorded by stenographic means the public hearing re:  
5 Case Numbers 24-1079-RULE and 24-1080-RULE via Go To  
6 Meeting on May 22, 2024, beginning at 7 p.m.

7 I further certify that the foregoing  
8 testimony was taken by me stenographically and thereafter  
9 reduced to typewriting, and the foregoing six pages are a  
10 transcript of the stenograph notes taken by me of the  
11 evidence and the proceedings, to the best of my ability.

12 I further certify that I am not related to  
13 any of the parties thereto or their Counsel, and I am in  
14 no way interested in the outcome of said cause.

15 Dated at Burlington, Vermont, this 23rd day  
16 of May, 2024.

17  
18  
19 \_\_\_\_\_  
JoAnn Q. Carson

20 Court Reporter  
21  
22  
23  
24  
25



<p style="text-align: center;"><b>0</b></p> <p>05402-0329 - 1:24</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>2024 [4] 1:9, 1:14, 7:6, 7:16 22 [3] 1:9, 1:14, 7:6 23rd - 7:15 24-1079-RULE [3] 1:3, 2:22, 7:5 24-1080-RULE [3] 1:3, 2:22, 7:5</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>3.300 [3] 1:5, 2:4, 2:13 3.400 [3] 1:5, 2:4, 2:14 31st [2] 6:3, 6:9 329 - 1:23</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p>7 [3] 1:10, 1:14, 7:6 7:04 - 4:19 7:10 [3] 4:21, 4:25, 5:3 7:12 - 6:25</p> <hr/> <p style="text-align: center;"><b>8</b></p> <p>802/800 - 1:24 863-6067 - 1:24</p> <hr/> <p style="text-align: center;"><b>A</b></p> <p>ability - 7:11 accept - 5:24 Act - 5:11 action - 3:4 additional [3] 4:21, 5:4, 5:13 Adjourned - 6:25 Administrative - 5:10 affected [4] 2:12, 4:4, 4:22, 5:9 Alex - 6:22 amendments [6] 1:4, 2:3, 2:8, 2:13, 2:19, 3:4 anybody's - 3:15 APA - 5:23 appear [3] 3:22, 3:25, 5:3 appointed - 2:7 attending - 5:8 Attorney [2] 1:18, 2:6 available - 2:25</p>	<p style="text-align: center;"><b>B</b></p> <p>bear - 6:21 become - 3:8 begin - 3:23 beginning [2] 1:14, 7:6 behalf - 4:14 best - 7:11 BOX - 1:23 Burke [10] 1:18, 2:1, 2:6, 5:2, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21 Burlington [2] 1:24, 7:15</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>calendar [4] 5:12, 6:1, 6:5, 6:12 camera [4] 3:12, 3:13, 3:20, 4:9 cameras - 4:19 Carson [2] 7:3, 7:19 case [5] 1:3, 2:22, 3:2, 3:9, 7:5 cause - 7:14 certify [3] 7:3, 7:7, 7:12 changes - 5:14 clerk [2] 2:23, 2:24 Comcast [2] 4:15, 4:15 comment [2] 3:19, 4:10 comments [18] 2:14, 2:18, 2:21, 2:23, 3:7, 3:10, 3:24, 4:8, 4:13, 4:15, 4:17, 4:23, 5:7, 5:13, 5:24, 6:3, 6:19, 6:20 Commission [11] 1:1, 1:14, 2:4, 2:6, 2:7, 2:15, 2:24, 3:7, 3:9, 5:14, 6:15 Commission's [6] 2:3, 2:13, 2:19, 2:25, 3:8, 6:8 companies [2] 4:5, 4:12 conduct - 2:8 consider - 3:10 considered - 2:15 Contact - 2:24 Counsel - 7:13 couple [2] 5:17, 6:17 court [4] 1:23, 3:6, 3:25, 7:20</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>Daniel [2] 1:18, 2:6 Dated - 7:15 deadline - 6:20</p>	<p>Department [2] 4:3, 6:18 direct - 2:20 DISCONNECT - 1:4 disconnections - 2:5 discuss - 5:20 docket - 6:16 document - 2:20 double-check - 6:1 draft - 5:15 drafts - 2:16</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>e-mail [3] 1:25, 2:21, 2:23 easler - 3:14 effect [2] 6:6, 6:8 eight [2] 6:4, 6:12 either - 3:19 email - 3:3 Emery - 4:8 ePUC [4] 2:20, 2:21, 3:2, 4:16 evening [12] 2:1, 3:6, 3:12, 4:2, 4:7, 4:13, 4:18, 5:7, 5:9, 5:20, 6:19, 6:23 evening's - 2:10 everyone [2] 5:8, 6:22 evidence - 7:11</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>file [2] 2:21, 3:8 filed [2] 2:16, 4:16 final [2] 2:15, 5:15 finalized - 5:19 fine - 4:11 foregoing [2] 7:7, 7:9 front [2] 6:14, 6:17 function - 3:21 future - 3:3</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>govern - 2:4</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>hands - 4:18 hear - 2:11 hearing [19] 1:13, 1:18, 2:1, 2:2, 2:9, 2:10, 2:14, 3:5, 5:2, 5:5, 5:7, 5:12, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21, 7:4 held - 1:13 hereby - 7:3 hopefully [3] 5:15, 5:17, 6:16</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>Identify - 3:24</p>	<p>Individuals [3] 3:22, 4:2, 4:11 Info@capitolcour - 1:25 Information - 2:24 Input - 2:11 Interested - 7:14 Invited - 6:3 Issuing - 6:3</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>JoAnn [4] 4:24, 6:23, 7:3, 7:19</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>LCAR - 5:16 listen - 3:13 longer - 5:24</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>mail [2] 2:21, 2:23 making - 3:23 management - 2:20 means [2] 3:2, 7:4 Meeting [2] 1:14, 7:6 Melissa - 4:14 member - 3:16 members [5] 2:17, 3:9, 4:6, 4:22, 5:4 microphone [3] 3:16, 3:18, 3:20 mind - 6:22 misheard - 5:23 Miss - 4:8 mute - 3:15 muted - 3:18</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p>names - 4:4 needed - 5:23 nobody - 4:18 note [2] 4:14, 4:15 notes - 7:10 nothing - 5:7 notification - 3:3 numbers [3] 1:3, 3:2, 7:5</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p>OFFICER [9] 1:18, 2:1, 5:2, 5:25, 6:4, 6:7, 6:11, 6:14, 6:21 online - 2:20 opportunity - 2:11 order [3] 3:22, 6:2, 6:8 outcome - 7:14</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p>p.m [4] 1:10, 1:14, 6:25, 7:6 P.O - 1:23</p>	<p>pages - 7:9 parties [3] 3:9, 5:9, 7:13 Per - 5:23 perfectly - 4:10 Pierce - 4:14 plan [2] 3:13, 3:17 please [4] 3:12, 3:13, 3:17, 3:24 practical - 5:19 preparing - 2:15 present - 4:12 presenting - 5:14 Procedures - 5:11 proceedings - 7:11 process - 5:16 propose - 4:19 proposed [9] 1:4, 2:3, 2:8, 2:13, 2:16, 2:19, 3:4, 4:8, 5:14 provide [2] 2:11, 2:18 public [20] 1:1, 1:13, 1:13, 2:2, 2:2, 2:9, 2:12, 2:18, 3:5, 3:8, 3:16, 3:19, 3:23, 4:3, 4:6, 4:22, 5:4, 5:5, 5:12, 7:4 purpose - 2:10</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p>raise [2] 3:19, 3:21 re - 7:4 receive - 3:3 received [2] 2:14, 3:7 Recess - 5:1 recognize - 4:4 record [4] 4:20, 4:24, 4:25, 5:3 recorded - 7:4 reduced - 7:9 regarding - 2:12 regulated - 4:12 related - 7:12 reporter [3] 3:6, 3:25, 7:20 REPORTERS - 1:23 requirements - 2:5 resolved - 5:18 reviewed - 4:16 rule [4] 2:8, 2:19, 3:4, 5:10 rules [7] 1:5, 2:4, 2:13, 2:16, 4:8, 5:15, 5:18</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p>screen - 3:23 Secretary [2] 2:17, 5:16 Seelng - 4:18 send - 2:23 Service - 4:3 seven [2] 5:11, 5:25 several - 4:2</p>	<p>site - 2:25 six - 7:9 sorry - 5:22 speak [2] 3:11, 3:22 speaking [2] 3:15, 3:17 staff [3] 1:18, 2:6, 3:9 starting - 5:16 State [3] 1:1, 2:17, 5:16 status - 5:9 stenograph - 7:10 stenographic - 7:4 stenographically - 7:8 subscribe - 3:1 suggest - 4:20 summer [2] 5:18, 5:19 system - 2:20</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p>taken [2] 7:8, 7:10 testimony - 7:8 thank [5] 4:9, 5:8, 6:22, 6:22, 6:23 thereafter - 7:8 thereto - 7:13 tonight - 3:17 tonight's [3] 2:8, 5:5, 5:12 transcribed - 3:5 transcript [3] 3:6, 4:1, 7:10 turning - 4:18 typewriting - 7:9</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p>unmute - 3:20 using - 2:19 utilities [4] 2:12, 4:4, 4:12, 4:22 utility [4] 1:1, 1:14, 2:3, 2:5</p> <hr/> <p style="text-align: center;"><b>V</b></p> <p>Vermont [6] 1:1, 1:13, 1:24, 2:2, 2:17, 7:15 via [2] 1:14, 7:5</p> <hr/> <p style="text-align: center;"><b>W</b></p> <p>wait [2] 4:21, 5:11 we'll - 5:18 We're - 5:2 web - 2:25 weeks [2] 5:17, 6:17 Whatever - 6:7 Wing [7] 5:21, 5:22, 6:2, 6:6, 6:10, 6:13, 6:18 wish - 6:19 within [2] 5:17,</p>
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<p>6:17 written [3] 2:18, 6:3, 6:20 www.puc.vermont. - 3:1</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p>yourself - 3:24</p>					
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May 21, 2024

*Via Electronic Filing*

Holly Anderson, Clerk of the Commission  
Vermont Public Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

***Re: Public Comment - Case Nos. 17-4999-INV & 24-1080-RULE  
Rule 3.400 Disconnection of Cable Television Service and Non-Residential Electric,  
Gas, and Water Service***

Dear Ms. Anderson:

On behalf of Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC ("Comcast"), we are submitting public comments regarding the Commission's proposed changes to Rule 3.400, as filed with the Office of the Secretary of State. After reviewing the proposed changes, we believe there are inadvertent drafting errors in Rule 3.400, which pertains to disconnection of cable television service and non-residential electric, gas, and water service. Enclosed are clean and redline versions of Rule 3.400 with proposed corrections.

The proposed rules posting indicates Public Act No. 47, § 25a (2023 Vt., Bien. Sess.) is the legal authority for the changes to Rule 3.400. The cited provision of Act 47 directed the Commission to revise its rules concerning utility service disconnection for the purpose of promoting safety, the protection of property, and providing assistance to tenants.

Act 47 § 25a(a)(1) requires utilities to provide notice to the property owner of a residential or nonresidential rental property if utility service to the property has been disconnected, even if the tenant is the ratepayer. Act 47 § 25a(b) defines "utility service" as gas, electric, water, and wastewater service subject to the jurisdiction of the Public Utility Commission. Cable television service is not among the services the Legislature enumerated the definition of "utility service."

Yet proposed Rule 3.400 pertains to disconnection of non-residential electric, gas, and water service *and* cable television service. The proposed Rule 3.402(D), as currently drafted, would require cable television operators to provide notice to the property owner of a rental property if service has been disconnected. Similarly, the proposed Rule 3.403(G) would require a statement on cable television disconnection notices regarding notification to the property owner, if the customer is not the property owner.

These requirements are all inconsistent with Act 47 § 25a, which, again, does not impose them on cable service providers. They are also inconsistent with the federal privacy laws in 47 U.S.C. § 551(c) that prohibit disclosure of the personally identifiable information (PII) of cable customers to third parties without their consent. The fact that a customer has cable service with Comcast constitutes PII.

Even if cable operators were permitted to release customers' personal information to third parties without their consent, there is not a good reason to do so. Disruption of life/safety utility services can present a significant hazard to properties and potentially to tenants. For example, if the building owner is unaware that there is no heat in their building in February and the water remains on, pipes may burst. Disconnection of cable television service does not place properties or other tenants in jeopardy.

We believe these inconsistencies can be remedied by adding language to clarify that the proposed Rules 3.402(D) and 3.403(G) only apply to non-residential electric, gas, and water utilities, before the proposed Rules 3.200, 3.300, and 3.400 are adopted.

Sincerely,

A handwritten signature in black ink that reads "Melissa R. Pierce". The signature is written in a cursive, flowing style.

Melissa R. Pierce  
Manager, Government & Regulatory Affairs  
Comcast New England Region

State of Vermont  
Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
<http://public.service.vermont.gov>

*This document was electronically filed using ePUC.*

May 31, 2024

Ms. Holly R. Anderson, Clerk  
Vermont Public Utility Commission  
112 State Street, Floor 4  
Montpelier, Vermont 05620

Re: Case No. 17-4999-INV – Investigation into PUC Rule 3.300, Disconnection of Residential Electric, Gas and Water Service; Commission Rule 3.200, Ratepayer Deposits for Gas, Electric, and Water Service; and Commission Rule 3.400, Disconnection of Cable Television Service and Non-Residential Electric, Gas and Water Service

Dear Ms. Anderson:

On May 31, 2024, the Department of Public Service (“Department”) filed comments and recommendations in the formal rulemakings Case Nos. 24-1079-RULE (regarding proposed revisions to Rule 3.300) and 24-1080-RULE (regarding proposed revisions to Rule 3.400), which are intended to implement the requirements of **An act relating to housing opportunities for everyone**, Vermont Act No. 47 (S.100) of 2023, Sec. 25a. UTILITY DISCONNECTION; LANDLORD NOTIFICATION; PUBLIC UTILITY COMMISSION; RULEMAKING (“ACT 47”).

Because this proceeding concerns these rules, the Department has also filed copies of its comments and recommendations from those cases in the above captioned proceeding, for the convenience and reference of stakeholders.

**State of Vermont**  
**Department of Public Service**  
112 State Street  
Montpelier, VT 05620-2601  
<http://public.service.vermont.gov>

Previously, the Department and others recommended that the Vermont Public Utility Commission (“Commission”) continue to consider a comprehensive revision to Rules 3.300 and 3.400 (as most recently proposed by the Department’s draft comprehensive Rule proposal) once the Act 47 requirements are implemented. On page 7 of its February 5, 2024, order in this case, the Commission indicated that it would open a new proceeding to consider comprehensive revisions to Rules 3.300 and 3.400 after the formal Act 47 rulemaking has completed.

After consideration, and upon receiving feedback from various stakeholders, the Department recommends that the Commission defer the consideration of a comprehensive disconnection rule until petitioned by the Department, to afford all an opportunity some time to gain experience from implementing the Act 47 rule changes, once complete, before further revising the rules.

Thank you for your attention and consideration, please do not hesitate to contact me with questions or concerns.

Dated in Montpelier, Vermont on this 31<sup>st</sup> day of May 2024.

/s/ Alex Wing  
Alexander Wing, Special Counsel  
Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601  
(802) 828-4011  
[alexander.wing@vermont.gov](mailto:alexander.wing@vermont.gov)

cc: ePUC Service List



# Community is at the Heart of VPPSA.

**Vermont Public Power Supply Authority**

P.O. Box 126

5195 Waterbury-Stowe Road

Waterbury-Center, VT 05828

P: (802) 244-7678 | F: (802) 244-6889

www.vppsa.com

May 31, 2024

## ***Filed Via ePUC***

Ms. Holly Anderson, Clerk  
Vermont Public Utility Commission  
112 State Street, 4<sup>th</sup> Floor  
Montpelier, VT 05620-2071

### **VPPSA Response to Proposed Rulemaking Proceedings Case No. 24-1079-RULE and Case No. 24-1080-RULE Proposed Revisions to PUC Rules 3.300 & 3.400**

On May 7, 2024, the Vermont Public Utility Commission (PUC) issued its memorandum announcing the rulemaking proceedings under Case No. 24-1079-RULE and 24-1080-RULE governing PUC Rules 3.300 and 3.400 which govern utility disconnections<sup>1</sup>. The Memorandum issued notice of a Public Workshop, held on Wednesday, May 22, 2024 and established a deadline for written comments on Friday, May 31, 2024.

The proposed Rule Revisions were discussed at-length and for several years under Case No. 17-4999-INV, an investigative proceeding to consider revisions to Rules 3.300, 3.200, and 3.400. The Case Log and docket history demonstrates a lengthy and disputed investigative proceeding, including recent collaborative efforts by both the Department of Public Service (PSD) and the state's Distribution Utilities

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<sup>1</sup> See PUC Memorandum with initial proposed rules, including Notice of Public Workshop and written comments filing deadline in Case No. 24-1079-RULE and Case No. 24-1080-RULE.

(DUs) to seek consensus on appropriate and practical revisions to a fully regulated business operations process that ensures adequate payment for delivery of services to customers. On November 17, 2023, the PUC Ordered a Public Workshop which highlighted a need to "...prioritize meeting the requirements of, Vermont Act No. 47 (S.100) of 2023 *An act relating to housing opportunities for everyone* (see: Sec. 25a. UTILITY DISCONNECTION; LANDLORD NOTIFICATION; PUBLIC UTILITY COMMISSION; RULEMAKING), by the Act's deadline of January 1, 2024.<sup>2</sup>"

The Vermont Public Power Supply Authority ("VPPSA") has participated in the Commission's informal and now formal rulemaking process and incorporates its comments within related to both Case No. 24-1079-RULE (Vermont PUC Rule 3.300) and 24-1080-RULE (Vermont PUC Rule 3.400). In particular, VPPSA has specific proposed edits to changes to the definition(s) of Delinquency, proposed language to clarify and honor the legislative intent of Act 47's requirements related to Landlord Notice of Disconnections, requests explicit definitions of allowable information disclosures to landlord or property owners, and seeks explicit determination on the PUC's expectations around implementing these proposed revisions, revisions which substantially alter major business operations, including core operational technologies such as billing and customer information systems.

VPPSA, as an instrumentality of the State of Vermont, is dedicated to supporting and advancing the interests of its eleven (11) municipally owned electric

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<sup>2</sup> See PSD Recommendations re Act 47 Implementation, filed December 15, 2023 under Case No. 17-4999-INV.



utilities, including the customers and communities they serve.<sup>3</sup> In aggregate, VPPSA's member utilities serve over 30,000 customers in 50 communities across Vermont in some of the most economically underprivileged and rural areas in the state, including several federally recognized Disadvantaged Communities through the U.S. Council on Environmental Equity's Climate and Economic Justice Screening Tool (CEJST).<sup>4</sup>

### **Proposed Revisions to 3.301 Definitions**

VPPSA objects to the change in definition of "Delinquency". Requiring a "due date" at least 30 days after mailing is not practical. Such a change would either require a rolling due date which would move the due date 7 days forward in 6-months' time OR it would require utilities to bill their customers before the previous invoice was due. Both scenarios are likely to create confusion for our customers and create barriers to effectively budgeting household income and expenses.

VPPSA proposes, instead of changing the definition completely that the Rule removes the distinction between postmark or electronic transmittal date as follows:

**3.301(C) Delinquency:** *Failure of the customer to tender payment for a valid bill or charge within thirty days of the postmark date or electronic transmittal of that bill or charge, which "due date" must included either on the bill, or in the electronic transmission.*

**3.401(C) Delinquency:** *Failure of the customer to tender payment for a valid bill or charge within thirty days of the postmark date or electronic transmittal of*

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<sup>3</sup> VPPSA Member Utilities include Barton Village; Village of Enosburg Falls; Hardwick Electric Department; Village of Jacksonville; Village of Johnson; Ludlow Electric Light Department; Lyndon Electric Department; Morrisville Water & Light; Northfield Electric Department; Village of Orleans; and Swanton Village.

<sup>4</sup> See [Climate and Economic Justice Screening Tool](#) published Nov. 22, 2022.

that bill or charge, which "due date" must included either on the bill, or in the electronic transmission.

**Proposed Language of Section 3.301 & Section 3.401 Definitions (Filed with ICAR)**

**3.301(C) Delinquency:** Failure of the customer to tender payment for a valid bill or charge (1) for bills sent by mail, by a "due date" at least 30 days after mailing, which "due date" must be printed on the bill, or (2) for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" must be included in the electronic transmission.

**3.401 (C) Delinquency:** failure of the customer to tender payment for a valid bill or charge (1) for bills sent by mail, by a "due date" at least 30 days after mailing, which "due date" must be printed on the bill, or (2) for bills sent electronically, within 30 days after electronic transmittal of the bill, the date of which and the "due date" must be included in the electronic transmission.

**Current Language of Section 3.301 & Section 3.401 Definitions (Amended effective: 7/21/06)**

**3.301 (B) Delinquency:** failure of the ratepayer to tender payment for a valid bill or charge (1) within thirty days of the postmark date of that bill or charge, or (2) by a "due date" at least thirty days after mailing, which date shall be printed on the bill.

**3.401 (B) Delinquency:** failure of the ratepayer to tender payment for a valid bill or charge (1) within thirty days of the postmark date of that bill or charge, or (2) by a "due date" at least thirty days after mailing, which shall be printed on the bill and which shall control in the absence of a postmark.

**Proposed Revisions to Section 3.302**

During the 2023 Legislative Session, Act 47 was meant to ensure equitable housing opportunities to all, but as enacted, it encompasses mandates that create unintended consequences and complicated requirements for those individuals it was designed to support. According to the Vermont Department of Housing and

Community Development (DHCD)'s summary<sup>5</sup>, Section 25a of Act 47 aka the "HOME Act of 2023" calls for:

*§25a - Utility Disconnection & Landlord Notification Rulemaking: Directs the Public Utilities Commission (PUC) to revise rules regarding utility service disconnections to require utilities to notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer. This would include water and sewer services provided by municipality, fire district, or private company. Also allows remote disconnect by utility. Draft legislation that incorporates the rules is due January 1, 2024.*

The proposed revisions of Section 3.302(C)(1) Disconnection of Rental Units clearly states the purpose of property owner notice is "...promoting safety, the protection of property, and aid to tenants." It can be reasonably inferred the property owner notice is most applicable during the heating months when severe temperatures can create substantial plumbing or structural damage from loss of heat, particularly where only electric heating systems exist.

VPPSA proposes the following revisions to Section 3.302(C)(1) Disconnection of Rental Units to better align with actual risk to property, safety, or tenants:

**3.302(C)(1)** During the applicable Winter Disconnection period identified under Section 3.304, a utility must provide notice to the property owner of residential rental property if utility service to the property has been disconnected, even if the tenant is the customer, for the purpose of promoting safety, the protection of property, and aid to tenants.

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<sup>5</sup> See Vermont Agency of Commerce and Community Development (ACCD), Vermont HOME Act of 2023, Act 47 (S.100) Memorandum (dated June 28, 2023).

**Explicit Definition of Allowable Disclosures Under Section 3.302(C)(2)(a)**

The complex web of data privacy and consumer protection rules for all businesses, including utilities to protect and defend customers' personally identifiable information from unauthorized users is a mandate VPPSA members strongly uphold.

While the PUC's legislative mandate appears limited under §25a to simply notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer, there are a host of personal privacy and customer/consumer protection implications for a utility disclosing an individual's financial circumstances or ability to pay, ultimately identifiable through the service address. Already Vermont has a number of landlord responsibility and tenant protection rules and regulations, notwithstanding the added considerations around data privacy and consumer protections under fair credit reporting and monitoring rules.

To that end, VPPSA strongly implores the PUC to leave no room for ambiguity on what does and does not constitute PII under these rule revisions and explicitly define the boundaries of allowable information to be disclosed by the utility to a landlord or property owner. For a property owner to "...reconnect utility service to the property" as required under Section 3.302(C)(2)(a), the Rule should explicitly identify what information CAN be disclosed to enable reconnection.

### **Extended Timeline for Implementation and Rules' "Effective Date"**

VPPSA's member utilities remain committed to providing safe, reliable and affordable service to the customers and communities they serve. It is however, important to stress, that implementing new data collection, retention, and notification requirements proposed under Section 3.302(C)(1); 3.302(C)(2) and 3.302(C)(3) and the corresponding sections in 3.400 will require a more generous "Effective Date" deadline to reach compliance. The revisions proposed under Section 3.302 will require a robust outreach and engagement campaign for property owners, landowners, and tenants to ensure adequate and accurate data collection. The proposed rule requirements may also have a significant impact on the utility's existing customer data collection processes, procedures for handling Personally Identifiable Information (PII), and, depending on implementation methods, may also require time-consuming and/or costly upgrades to customer information (CIS) and/or billing systems, including processes regarding landlord notices for the disconnection of a tenant-named electrical service.

We would like to bring to your attention and emphasize that the implementation of these new requirements necessitates significant changes to our business processes affecting customer applications for service, and internal billing systems. Affecting these changes in a careful and thoughtful manner is crucial to fulfilling customer expectations.

Given the complexity of these changes to ensure compliance, the potential impact on our customers, and to maintain the high quality of service our members' communities and customers receive, it is in the best interest of all stakeholders to ensure a thorough and precise implementation timeline. Therefore, we respectfully suggest and request that the PUC consider an extended timeline to meet compliance of these proposed rule revisions.

This extended timeline request is not intended to delay the process, but rather is a necessary measure to ensure that utilities can meet the new requirements effectively and efficiently, without disrupting delivery of service, inconveniencing customers, or creating undue burden on landlords or property owners. While the PUC's investigative proceeding has been underway for several years, the expedited timeframe under which the current rule revisions have been drafted and proposed in the formal rulemaking process - to meet the Act's legislative mandate - creates an environment prone to error or ill-conceived implementation.

Again, the extended timeline for rule revisions to take effect is necessary to deliver on customer value and meet statutory intent that, (1) prevents unnecessary confusion or customer conflict through robust outreach and engagement for customer/landlord data collection and retention; (2) carefully and thoughtfully analyzes processes, procedures, tools and resources to meet current and future capabilities or compliance requirements; (3) to support thoughtful, sustainable, and