



November 28, 2023

Kathy Hunter  
Acting Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

Re: Front and Centered Coalition comments on the UTC equity and justice docket (A 230217)

Dear Ms. Kathy Hunter,

Front and Centered and members of our climate justice coalition worked jointly on these comments in response to the initiation of the docket and we look forward to the opportunity to support the Utilities and Transportation Commission (Commission) to further advance equity and justice in utility regulation.

**Who we are and what we stand for**

Front and Centered is a coalition of community of color-led organizations around Washington state concerned with climate justice. As a part of our environmental and climate justice mission we advocate for a just and equitable energy transition off of fossil fuels to clean, safe, and renewable sources for a system that provides sufficient energy for everyone to survive and thrive. Our current energy system, in which utilities have a dominant role connecting people to power, leaves energy governance under the purview of the utility regulators who must be responsive and accountable to the public. But the public is made up of a diversity of consumers, with a wide range of needs for energy and a widely varying capacity to determine how the system should be meeting those needs.

Since the inception of the Clean Energy Transformation Act (CETA) Front and Centered has actively shown up in utility regulation spaces to advocate for energy equity and democracy. To speak to the interest of the frontline communities by the organizations that make up our coalition and serve communities of color around the state of Washington to advance climate and energy justice. Some areas of our involvement in utility regulation include:

- Our stakeholder engagement in developing the Clean Energy Transformation Act (CETA) led to the mandate in that law for all utilities to ensure that all customers receive an equitable distribution of benefits and reduction of burdens from the transition to 100% clean electricity in WA.
- We supported the inclusion of equity metric guidance and equity advisory groups for the IOU CETA compliance Commission rulemaking. Following the rulemaking we worked with other stakeholders to push electric IOUs to stronger equity measures in their CEIP development.
- During the height of the Covid pandemic we joined with a number of community, low income and environmental advocates to deepen and extend the Commission's protection measures for utility customers, from the moratorium on disconnections for non payment to better reporting requirements.
- The adjudication of Puget Sound Energy's Clean Energy Implementation Plan (CEIP) led to the successful directive of equity requirements for that utility to meet transition targets through more equity-driven programming and prioritization of highly impacted communities for transition benefits and burden reduction.

We support the Utility and Transportation Commission's efforts to design policy, technical assistance, partnerships and long term planning opportunities to center frontline communities in a just energy system transition. People have a fundamental right to the energy they need and a fundamental interest in community energy resilience based on resource stewardship and resource sufficiency. We hold collective concern and care over our energy system and conscientious consumption of resources to sustain it. This will necessitate establishing processes, structures, relationships, and continuous learning to stand up protections for the most vulnerable Washingtonians' access to critical services, prioritization for clean energy ownership and benefits, and the well being of all.

A docket focused on equity and justice is important. However, it is also key to note that the continuation of a notice-and-comment docket style inquiry into equity cannot support the need for systematic and fundamental procedural change. By engaging in this formulaic and formalistic process for developing "equity principles," the UTC will invite the same voices into the same room to discuss how the room should be opened up to others, thereby cementing the same power dynamics. Instead, Front and Centered urges the Commission to consider how the rest of this docket moves forward, utilizing known tools, applying other best practices, and innovating novel approaches to deepening the foundation of an equitable and just procedural practice.

## **Procedural justice for better utility regulation**

The purpose of this equity docket is to inform the Commission's process for making utility regulation more effective, accessible, and inclusive. By focusing this initial inquiry into the dimensions of procedural justice that stakeholders want to lift up, the Commission is demonstrating a commitment early on to improving institutional functions for public participation.

On the basis of that commitment, we strongly advise the Commission to develop an overarching framework for just and equitable utility regulation that includes a vision and roadmap detailing explicit actions, timelines, targets, and feedback mechanisms. The Commission must put forward a vision with clear goals around the different dimensions of justice, as well as a plan for how to achieve those goals. Those goals must include analytical tools and assessments for building out collective understanding and standards of practice, metrics for measuring progress and performance, and accountability mechanisms. The Commission must put forward a strategic plan to meet these goals. Where that plan makes space for partnerships, invites input and feedback, and establishes a clear timeline and roles for stakeholders from resourcing to execution, then known and new participants will be better positioned and prepared to organize how we show up and take part.

In these comments we offer considerations for dimensions of procedural justice the Commission can carry forward in setting up that framework, including thoughtful collection of testimonies, formal mechanisms for tapping into the collective wisdom of a body of concerned stakeholders with equity expertise, improving transparency and accessibility of commission processes, education and co-creation, building institutional knowledge, partnerships and dedicated support resources.

To the end of developing that framework, the Commission should consider opting into the Healthy Environmental for All Act (HEAL) mandate for agency action for environmental justice (EJ). The framework and the requirements set up agencies to intentionally plan to pursue measures to reduce harms and expand equitable access to the benefits of state actions and resources. Under HEAL, agencies must adopt and act on:

- applying EJ Principles in significant agency actions including fiscal activity,
- Tribal Consultation Framework,
- Community Engagement Plan,
- EJ Implementation Plan,
- regular reporting to the EJ Council, and

- EJ Assessments for all significant agency actions, or actions that may cause environmental harm or affect the equitable distribution of environmental benefits to an overburdened community or vulnerable populations.

Agencies not named in the law may join HEAL as an implementing agency. The [Attorney General's Office](#), for example, opted in in 2021 after its passage, initially determining that the only significant agency action for which they needed to conduct a Environmental Justice Assessment is agency request legislation. In its primary regulatory capacity, Commission actions are significant and impactful, as regulated utilities provide essential services to Washingtonians with environmental, economic, health and social benefits and costs. Through rulemakings and issuing orders for utilities, the Commission shares in the responsibility of managing how these benefits and costs are experienced. The Commission may take the opportunity to not only learn from the HEAL EJ framework for embedding justice into its operational systems, but also place itself within the law's structure to be supported by and accountable through HEAL.

### **Centering the Narratives of Lived Experience**

Aside from the professional class of intervenors, the Commissioners hear from organizations and individuals who share their stories. In the energy realm, the stories often speak to lived experience and observations of harm from rising rates and hard-to-pay bills, shutoffs, outages, planned development and existing facilities and infrastructure, barriers to program participation and program dysfunction. Anyone who comes to the Commission outside of a professional capacity is there because their life has been or will be directly and often adversely impacted by utility actions. Many of us who are there in a professional capacity have heard, collected, synthesized, and are driven by others' stories, a conviction on the systemic underpinnings of the problem, and a desire for recourse and solutions to make the system work better.

Testifying can be a nerve wracking and emotional experience, particularly when it involves a highly personal or sensitive matter. Care must be taken to respect the dignity and secure the safety of those who come forward. Varied platforms for coming forward to share stories with an eye to influencing the decision-making process should be developed, beyond written comment letters and other filings and live appearances at hearings. Appropriate measures to facilitate testimonies, including making it easier to share experiences for the record, are essential. A just regulatory forum will invest in the mindful reception and preservation of stories.

### **Consultation and Advisory of Community Experts**

Soliciting input from concerned stakeholders is a major function of any just decision-making process forum, and having a space and means to offer input allows for different degrees of participation. In addition to the regular calls for comment or workshop appearances, the

Commission would benefit from supporting a regular convening of community representatives and authorities deeply familiar with the disparities in access and experience of marginalized, historically excluded and underserved peoples. The benefit to the Commission of resourcing a formal community cohort or advisory body model includes a consistent forum for deep sharing and learning that comes with familiarity and organized structure for thought partnership in advancing equity through utility regulation. It would also allow for additional messaging pathways for extending the reach of information and educational offerings the Commission puts out beyond what the current listserves, media briefings and other communication channels do.

There are also advantages for participants who would show up for communities of concern, from underrepresented demographics to those serving or directly experiencing highest risk of harm: a space to learn and share with the potential to influence decisions and policies through co-learning and sharing, building power through proximity to decision-making processes, leveraging the opportunity to shift the current power structures toward co-governance, and being in relationship with others in a growing network of citizenry seeking a more inclusive and human-centered approach to the stewardship and distribution of our collective cultural, natural, social and economic resources.

Although informal and independent convenings already exist, a Commission-based group will be an asset to a just regulatory process. We see it in other states (see Oregon PUC and Community Cohorts), and we see it in Washington, (see electric IOU Equity Advisory Groups under CETA rules and HEAL EJ council and agency initiatives). Investing in a formal convening of community- and equity-minded representatives will foster deeper learning and community connection in the Commission. Therefore, we recommend that the Commission develop a Community Advisory Group or Community Cohort to advance co-governance and meaningful community leadership opportunities for equitable regulation.

## **Transparency**

The existing points of engagement with the Commission are difficult to navigate for professionals, let alone community members who are being asked to proffer input in their own capacity as residents of the state. Beyond the legal requirement and practical need for confidentiality in particular proceedings, information about the Commission should not be difficult to access. Basic information about the Commission, like what utility regulation is, how the Commission works, what issues are live, what issues are resolved, and especially how people can show up for what they care about is not easy to find for those not already familiar with navigating the Commission's website or docket search.

There needs to be an institutional imperative for clear and well-formatted information - information about the issues, rules, active dockets, establish precedents, how individuals and

organizations can engage and be compensated for their participation, and how they can get help when their interests and needs are beyond the scope of Commission dealings - that will serve a more just procedural practice.

The Commission may better inform and notify the public through an expansion of virtual and online communication, including online chats on the website, social media platforms, thoughtful email communications, phone calls and text messages when opted in to - particularly for specific cases, and other channels. Multiple platforms are necessary to expand the reach, particularly across geographies, languages, cultural preferences and ages. We can look at what some utilities have taken on directly. Dominion Virginia Power, for example, was voted top utility for social media use in a nationwide poll of companies due to its use of customer communities on popular platforms to create a new space for dialogue between the company and its customers and to some extent between customers. New York's Con Edison helps create a positive image of the company through ecologically-friendly tips and Throwback historical facts and images on its social media. Information campaigns and entertaining marketing are common, particularly for private sector operators in competitive markets but also for well-resourced utilities who are able and willing to know their customers and connect with them beyond the transactional space. Utilities' efforts are usually towards an internal agenda (e.g. selling services, generating brand goodwill, etc.), where a public institution like the Commission may learn from and utilize similar techniques to expand transparency and engagement with the public good as the sole purpose.

There is a need and opportunity to make the [UTC website](#) more engaging and navigable. When anyone lands on the splash page, it appears organized but text, in smallish font, far outweighs images or graphics. A comprehensive FAQ and improved search function would allow inquiries (e.g. "what are the rates or fees that utilities charge right now?" or "what is the current disconnections policy in Washington?") to lead to responsive information, or at least set up the Commission to better track what users want to know and how to better supply responsive content. We urge the Commission to explore how utilities, other agencies, and particularly community-based organizations are presenting to the public. We have heard from CBOs that government agency websites are not sufficiently accessible, with out-of-date and incomplete information and limited interactive features. Although CBOs websites are not always perfect, they are usually intended for and more trusted by communities. The Commission must take stock of the CBOs, and race and social justice organizations and networks in WA and beyond and learn how they present - and, perhaps more importantly, how they may be potential partners to the Commission for diversifying and deepening engagement in utility regulation processes.

The Commission must invest resources and relationship development to further improving the user experience of its information platforms, including the website; as well as synthesizing, summarizing and presenting information in an accessible way.

## Accessibility

Increased public awareness of regulatory proceedings will lead to more and greater depth of participation. Procedural justice may be predicated on the acknowledgment of the importance of inclusive policy, adjudicative, interpretive and accountability processes that are open and responsive to those people most impacted by the results and invested in the changes that can lead to a more equitable system. Utilities are already taking steps, usually due to direction from the Commission, to be more accessible to the public and stakeholder input in their planning processes (see, e.g, CETA, IRP Participation and Communications Plans). Regulatory bodies are better positioned to assess the qualities of accessibility of their regulated entities when also taking on accessibility practices. Being more accessible requires opening up, reaching out, moving toward, proactively resourcing, and actively listening to, frontline community members who are most adversely impacted by inequitable policies and practices, such as those who are low income, limited English-speaking, lower literacy, otherwise marginalized, and/or are members of communities of color. The Commission must better demonstrate a commitment to the internal and external work of being a more accessible institutional actor, public servant and public citizen.

Outreach and networking with community partners must increase to make the Commission more accessible. The communications team is a necessary but insufficient feature of Commission outreach and engagement functions. After press releases informing about high interest proceedings, the Commission can do more direct communication with known and new stakeholders to support greater dissemination. Promoting and increasing the frequency of in person and virtual option workshops tailored for broader public participation - as opposed to solely lawyers, technical experts and other professional participants - will allow for increased engagement beyond the usual suspects. Outreach and promotional materials produced in multiple languages, not just with a tag at the end of the English version offering translation support if someone contacts the communication team in advance, will open up accessibility. Presenting more plain language and inviting messaging will help more people connect the dots between the well being of their families and communities with the Commission's purpose and practice. Putting forward a welcoming public image, as well as events and personalized invitations can support increased and quality engagement experiences for more community-based stakeholders. Advertising the opportunities for receiving compensation or reimbursement of expenses for different types of engagement will help lower the limited capacity barrier to accessibility as well.

To emphasize a point already raised, the Commission must absolutely dedicate more resources to better organizing and sharing information about the work and adjacent matters - including but not limited to plain language, graphic, and audio-visual formats in concise presentation or easily navigable interface of:

- What a utility bill looks like
- Fees and rates explained
- Current and historical rates and anticipated changes
- Rights and recourse options
- Disputes processes and timelines
- Getting help
- How to file written comments, offer oral comment, or submit testimony on a specific matter or more generalized
- Docket summaries and equity analyses of orders (including approvals) and their impacts

This docket is a pathway to formalizing a culture of equity in energy regulation. With an eye towards increasing procedural justice, the Commission must ultimately invest in practices, policies, and internal recognition that diverse and inclusive participation needs and is a pathway to meaningful change. Reducing barriers to accessibility and proactively engaging with the most impacted communities will cement progress towards an equitable regulatory system.

### **Education and Learning**

The Commission can support better participation in procedural interventions with the development of its educational offerings, building on the existing program and materials. A well-planned and well-paced approach to building out an educational platform will serve potential participants and impacted communities seeking to understand and influence the regulatory sphere. While the Commission's UTC 101 videos are available on Youtube and packed with helpful information, there can and must be more - and more easily digestible - materials that speak to the Who, What, Where, Why and How of Commission practice. Developing appropriate content that can be accessed with ease and in clear, organized and digestible formats will support learning and engagement.

On energy matters in particular, stakeholders are informed to engagement when they can directly find clear information about what is going on. IOU rate information and the schedule for when and how they change (rise). Seasonal protections for facilitating sustained access to power. Usage and system emissions levels as per utility reporting. How people can access needed programming and services, alongside a clear presentation of how each offering and access pathway is formed from an evolving legal and policy framework. A regularly updated summary of live issues in plain language and review of equity dimensions of all the following, among other, matters:

- Performance based rates
- Credit and Collections
- Rate cases and following orders
- Discount rates



- Clean energy compliance
- Decarbonization pathways

Additional educational offerings the commission can consider include site visits. Many immigrants and refugees are accustomed to knowing exactly where their water and energy come from and where their waste goes, whereas in the USA people are intentionally disconnected from where their utilities, including where resources and waste come from and go. An example of community engagement in learning about resource management is one of Front and centered' member organization ECOSS's most popular programs, a Cedar River watershed tour, because people are constantly asking where their drinking water comes from and how it gets to them. The tours give people a sense of trust in their utility and motivation to participate more in clean water related programs and opportunities. ECOSS is personally working on designing clean energy site visits relevant to this region. We can look to other examples from community organizations of deepening connections between knowledge, people, processes, and power.

The Commission must more effectively take on an educational program plan to resource underserved and impacted community groups to engage because they are able to draw from a diverse and interactive offering of information and tools thoughtfully formatted, translated, and presented to promote learning and opportunity.

### **Knowledge and Data for Procedural Justice in Regulation**

How information is formatted and disseminated is important, and being intentional about specifically reaching audiences who are not among the more represented stakeholders in the intervenor pool is a significant part of an equitable regulatory practice.

Additionally, the quality and use of information that can serve the Commission's equity goals and be useful for external partners is of concern. The Commission already holds data reported by commenters and utilities, including early and anticipated baseline data regarding how electric utilities are complying with CETA's mandate to equitably distribute the benefits and reduce burdens in transitioning to 100% clean electricity. For procedural justice, the Commission must better collate information about:

- needed financial support for potential participants
- accessibility of participant opportunities, meaningful engagement
- informational resources and support
- transparency
- equity prioritization.

System managers must learn how highly impacted communities and vulnerable populations are experiencing energy insecurity. Improving how data is collected, reported and analyzed will

involve working with utilities, stakeholders and community partners to continuously surveying customers from HICs and VPs about:

- how they and their communities are using energy for their daily life needs
- how households make decisions about energy use
- spending priorities for limited income
- exploration of and participation in bill assistance, weatherization, efficiency and clean energy programs
- the impacts of being deprived of power from outages, disconnections, and usage choosing to refrain from energy use when it may be needed (eg. delaying turning on the heat as the weather drops in a home with health vulnerable residents including young children and elderly persons)

The Commission must determine how to use this data to enhance the programming (e.g. participatory funding) and authoritative functions (e.g. rule making based on informed impact analyses). The need for learning and integrating data extends beyond the linkage of disparities in how harms are experienced across population groups, including worse outcomes for communities of color of similar income level to white households.

## **Support**

With scope and resource limitations, the Commission can only provide so much support to representatives of equity interests seeking to influence a decision process. The range of roles that a participant can hold in a process, from signing on to a comment to speaking up at a hearing to intervening in a rate case with all of the formalities and entanglements that are involved, require different types of support which the Commission can offer connections to, the support itself is not resource within the institution. For more complex matters, who can provide answers to questions? When do you need a lawyer, and how much does that cost? Are there any legal obligations or liabilities tied to particular statements made in process engagement? Is there a way to hold others accountable for what they say in their engagement, particularly for misrepresentations or false assertions? What is the best way to navigate these processes as they are, and where is the opportunity and the need to alter those processes to meet a more just outcome?

Much of the change that will come to advance equity in energy regulation will not be from the Commission changing its budget, or hiring special staff, or mandating an internal shift in institutional practices. Change will be propelled by the growing attention and action to build bridges between lived experience and data science and illuminate the connections across seemingly isolated components of highly complex cases. This is what public participants and resourced stakeholders are able to bring to a common cause: showing up to condemn systemic inequities and demand better. And it works, and utility regulation is enhanced. At the UTC, some

of the highest numbers of public comments and testimonies filed and shared in recent history were received in the Covid docket ([U 200281](#)), inspiring significant protections and an openness to furthering them through permanent policy changes (see [U 210800](#)). The Commission should not forget the force of collective action that comes from a big showing in the regulatory space, where people mobilize and organize during crises around issues that are actually endemic even in ‘normal’ times. In this case the issue was utilities’ ability to disconnect power and leave households facing economic insecurity alongside sensitive health conditions and other vulnerability characteristics in the dark. Puget Sound Sage, a community-serving organization and founding member of Front and Centered, played a leading role in mobilizing other groups and individuals for the campaign to extend the utility shutoff moratorium during the early years of the pandemic. Those who were able to comment and testify in the Commission Covid order process are part of a continuously growing network of activated citizenry who are all the more equipped to give voice and presence to a movement for energy equity and democracy that includes but is not limited to what happens in a Commission docket.

The Environmental Defense Fund, with support of Blacks in Green and other community and climate organizations involved in the Illinois Climate and Equitable Jobs Act recently developed and launched the [Community Voices in Energy site](#) to facilitate the flow of resources and tools to groups seeking to advocate for their communities in regulatory proceedings, from rate cases to rulemakings. The initiative came about after a concerted effort to organize and integrate community and technical expert testimony for recent rate cases that is resulting in settlements and orders more favorable to community concerns than ever before.

In addition to engaging institutional capacity to facilitate more equitable outcomes for energy consumers and the public at large, the regulatory institution must be challenged to transform beyond a shift in scale and scope of operation, as Shalanda Baker, Director of the Office of Economic Impact and Diversity at the U.S. Department of Energy (DOE), details in her book *Revolutionary Power: An Activist’s Guide to the Energy Transition*.

Commission's Pro-Equity and Anti-Racism (PEAR) commitments to the next level the Commissioners, administrative and policy staff, and partners must proactively internalize the work of identifying and addressing disparities within the scope of the institution’s authority and influence. The next steps in this docket must be to continue learning and to co-develop, through stakeholder engagement and a master plan for an equitable regulatory practice that will include goal-setting and action-planning across the different teams at the Commission and regulated entities, with applications for a comprehensive equity analysis of all current issues. Where the Commission takes the lead on this work, and where it offers resources and support to enable others to take it on, will be important to determine early on so that equity in energy regulation will operate in a well-balanced frame of learning and doing for the rest of 2024 and beyond.

Thank you for considering these comments and taking the opportunity to further the Commission's learning from existing tools, metrics and best practices that the Energy Equity Project and other thought leaders and well as other regulatory bodies are putting forth. We would also like to voice our support for the comments submitted by the NW Energy Coalition and signed on to by others, which clearly lays out key procedural justice principles, overarching considerations and specific implementation goals for the Commission.

Our coalition is ready to provide further input and support for regulatory reforms that improve energy security, energy democracy and a clean energy future for all in Washington.

Sincerely,

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Front and Centered

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