



Re: In the Matter of Energy Assistance in Section 12 of the Clean Energy Transformation Act, Docket UE-200629

Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation Commission
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Dear Mark L. Johnson:

Thank you for the opportunity to weigh in on the Commission's policy guidance on Clean Energy Transformation Act (CETA) energy assistance requirements, Docket UE-200629.

Front and Centered is a statewide coalition of organizations and groups rooted in communities of color and people with lower incomes. Our mission is to advocate for and represent these communities in connection with economic and environmental change, because communities of color and people with lower incomes are the first hit by extraction, pollution, and climate change, which exacerbates existing health and economic disparities. Frontline communities are often left out of or are the last to be included in the transition to a healthy, resilient, and sustainable future. We are committed to an equitable transition to a clean energy future based on principles of restorative, procedural, and distributive/structural justice. In carrying out our mission and in response to the Commission's questions, we comment here in favor of strong rules and policy guidance to ensure the equitable development and implementation of energy assistance funding and programming by utilities to low income households.

COMMISSION QUESTIONS

1) As noted above, RCW 19.405.120(2) requires utilities make “programs and funding” available for energy assistance to low-income households by July 31, 2021.

a. What does the term “programs” mean in the context of RCW 19.405.120(2)? Is a program the same or different than the four types of energy assistance included in the “energy assistance” definition in RCW 19.405.020(15):

- **monetary assistance;**
- **conservation, weatherization, and efficiency services;**
- **direct distributed energy resource ownership; and**
- **other additional strategies.**

Please explain your answer.

An energy assistance program is a program as described in the definition. It can take many forms, and we are ultimately concerned that energy assistance programs are designed and implemented in a manner that centers equity, reaches and meets all customers’ needs and results in a reduction in energy burden for eligible households that are durable over time. Other additional strategies for providing energy assistance may include energy assistance programs beyond the listed categories. The Commission has a critical role in evaluating how effective alternative programs will be at providing sufficient, short-, long-term and lasting energy security benefits to low income households.

b. How should the Commission determine whether a utility’s “programs” and “funding” comply with RCW 19.405.120(2)?

Lowering short term and long term energy assistance need for the lowest income households with the highest need, is the primary purpose of energy assistance. Therefore any metric of success for energy assistance programs and funding would need to relate to the reduction of households’ energy burdens. The mechanics of the energy assistance provision are important for measuring compliance as well, and the exact steps that utilities take to “make available” programs and funding must be considered alongside the realistic goal of meeting as close to 100% of eligible households’ energy assistance need as possible.

As we have raised in previous comments, the essential elements of an equitable approach to energy policy is that there is restorative justice, meaningful participation, adequate reporting, and accountability mechanisms. Front and Centered recommends that all frameworks for evaluating compliance with CETA assess utility actions through an equity lens. In the case of energy assistance, the means and the anticipated ends must serve to reduce the energy burden of the households with the greatest need in a manner that is accessible, inclusive, effective, consistent, and respectful.

Consideration should be given to the following when evaluating programs and funding:

- How much is it expected to meet EAN for eligible households?
- Does it reach the lowest income households?
- Does it reach LI households with the highest energy burdens?
- Does it provide utilities with complete and accurate information about the eligibility of households for EA?
- Does it reduce and eliminate barriers to EA access for eligible households?
- Are there up front costs, bill payment requirements, credit score reviews, or other barriers that might limit access?
- Is it linguistically and culturally appropriate for customers served in vulnerable populations?¹
- Does it target households in need in a manner that is respectful of dignity, privacy and confidentiality?
- Is it directed to eligible households in highly impacted communities and vulnerable populations as a priority?
- Does it specifically incorporate racial equity metrics in tracking consultation, participation and outcomes for vulnerable populations?
- Are programs and funding allocation designed in a way that is transparent and incorporates input from eligible communities?
- Will it be tracked, internally evaluated and reported on in a clear and regular manner for facilitating compliance review?
- Are there built-in resiliency features to adjust EA provision in times of crisis/emergency?
- What percentage of EA funding directly reaches customers benefiting from the assistance (reducing bills, paying for weatherization/conservation/EE upgrades), versus the costs of program administration?

c. How does the meaning of “low-income” relate to the eligibility requirements for energy assistance programs and funding offered by utilities? Do you agree with any of the four

¹ RCW 19.405.120(4)(a)(ii) - Each utility must submit an assessment of “(ii) The outreach strategies used to encourage participation of eligible households, including consultation with community-based organizations and Indian tribes as appropriate, and comprehensive enrollment campaigns that are linguistically and culturally appropriate to the customers they serve in vulnerable populations”.

interpretations, or parts of the interpretations, offered by stakeholders to date? The four interpretations are summarized below.

1. A utility must offer at least one low-income program where the eligibility for the program does not exceed the income levels established in the low-income definition.
2. A utility must have at least one program that is available to all customers up to the income levels established in the low-income definition.
3. The utility must have at least two programs that are available for all customers up to the income levels established in the low-income definition.
4. The utility must serve all customers up to the income levels established in the low-income definition for all energy assistance programs offered by the utility.

Please explain your answers.

The Commission should review utilities' energy assistance programs and funding, however many programmatic approaches they adopt, for the breadth of its cumulative reach with respect to all eligible customers. At least one monetary assistance and one weatherization program available for all customers is advisable, and there should be room in utilities' energy assistance strategy for tailored and targeted funding and programming to priority and specific populations and communities of concerns. Eligibility is determined by whether a household's income level is up to but not exceeding the greater of 200% FPL or 80% AMI, and whether that household's energy burden exceeds 6%. A utility must have at least two programs that are available to all eligible households, though the allocation of the energy assistance within every program should prioritize meeting the energy assistance need of the lowest income and highest-burdened of eligible households.

d. Do utility programs that are primarily intended to avoid disconnection, such as emergency assistance that are not income qualified, reduce energy burden as defined in RCW 19.405.020(17)?

Disconnection avoidance programs may technically reduce "the share of annual household income used to pay annual home energy bills" if they provide an absolute material benefit rather than a deferral. But these measures, usually taken in extraordinary circumstances, fail to meet the purpose and parameters of energy assistance as intended in the law. Energy assistance is meant to address the high energy burdens of low income households. A program-driven, temporary reduction of energy costs for non-LI households should not automatically count towards energy burden reduction, even in times of crisis, without an exceptional review by the Commission of the conditions, degree of need, and utility capacity to sustain energy service and assistance to low income, highly-burdened households.

Ultimately it is in the greatest interest of equity and restorative justice that low income households are never disconnected from power, irregardless of formal enrollment in bill subsidies and assistance programs, and in ordinary as well as extraordinary times. It is imperative that our energy policy protects everyone's right to light, heat, cooking, appliances, and devices and provide for a minimum level of access to power. And that access should not solely be linked to one's ability to pay and/or proactively prove that one cannot.

2) What principles and information should the Commission consider when determining whether a utility has “demonstrated progress in providing energy assistance?” Are the principles and information the same or different for the three elements of energy assistance: effectiveness, outreach, and funding?

Front and Centered recommends that the Commission consider that a utility is demonstrating progress in providing energy assistance when there is a regular rate of increase in amount of funding, the number eligible of participants enrolled, and reduction in the total gap between the cumulative energy assistance need of all eligible customers and the funding available, along a timeline meant to ensure that IOUs at least meet the greater of 60 percent of the current energy assistance need or increasing energy assistance by 15 percent over the amount provided in 2018 by 2030, and 90% of energy assistance need by 2050. We have provided here a non-exhaustive list of suggested information that the Commission should refer to.

Outreach and Participant Evaluation

We consider meaningful participation to be an essential element of equitable energy planning and programming. Guidance on EA must advise IOUs on clear and targeted communication to low income households with the highest energy burdens, particularly with consideration of the accessibility concerns of highly-impacted communities and vulnerable populations. The Commission should look at an IOU’s communication and outreach system, including how IOUs communicate the following:

- the availability of programming
- eligibility standards
- customer care provision
- changes

And how this is done for service area residents with limited English language proficiency, literacy and other differently-abled language capability, and for different customers by race to allow the Commission to track disparities in access. Utilities should contract with facilitators and messengers for their outreach efforts, including community based organizations trusted by the culture, language, ethnic and racial groups that are most difficult to reach.

The Commission must also consider the opportunity for participating and potential participant residents in an IOU’s energy assistance programs to have a meaningful voice in the structure and rollout of that programming. Beyond signing up and receiving assistance, most low income households do not have any active role in the design, messaging, and distribution of assistance. While programs must be as accessible as possible, with low barriers to entry and participation by households with the greatest need

Rate of Increasing Energy Assistance Provision

IOUs should demonstrate that they are increasing energy assistance to meet energy assistance need at at least a steady if not accelerated rate to meet the greater of 60 percent of the current

energy assistance need or increasing energy assistance by 15 percent over the amount provided in 2018 by 2030, and 90% energy assistance need by 2050, at least annually from a baseline of the ratio of energy assistance provided to energy assistance need. Included within that is a parallel goal of reaching the same percentage of eligible customers

Type of Energy Assistance

Information about the different types of energy assistance, and data about their costs, benefits, distribution to customers in highly-impacted communities and vulnerable populations, and outcomes will provide the Commission with useful information about the utility's strategy and the spread of benefits expected from the diverse portfolio of assistance options.

Source of Energy Assistance

The source of energy assistance, particularly monetary assistance, should be reported by utilities. The breakdown of assistance from funds, fees, donations, in kind services, and third party assistance that is designated towards meeting energy assistance need in a utility's service area should be taken into consideration in the Commission's evaluation of progress. You should ask, are the sources of assistance:

- Diverse, integrated, and complementary?
- transparent and carefully tracked?
- able to be sustained?
- able to be increased?
- fairly and equitably acquired?

Amount of Energy Assistance Provided

In judging a utility's progress, consideration must be given to the total dollar amount of energy assistance provided and what percent of an IOU's budget goes to energy assistance, through earmarking for energy assistance in advance and in the final expenses tally.

Eligible Households Receiving Energy Assistance

The Commission's assessment of a utility's progress should consider, among the absolute quantitative values available in data provided by the utility, the number of eligible households reached. Related and critical information for assessing the equitable and effective implementation of energy assistance include:

- the percentage of households assisted out of eligible households,
- the demographic breakdown of households assisted, and not, by race,
- and where these households fall on the energy burden spectrum.

3) RCW 19.405.120(2) requires that, to the extent practicable, utilities prioritize energy assistance to low-income households with the highest energy burden.

a. What principles and information should the Commission consider when determining whether a utility has prioritized assistance to low-income households with the highest energy burden?

The Commission must center equity principles in evaluating how utilities prioritize energy assistance to low income households and require utilities to collect and analyze demographic information about their customers, among other data points like income data, to identify highest-need households. Front and Centered has referenced the importance of restorative justice principles in applying an equity lens to energy policy, because energy is a basic necessity and energy insecurity is prevalent in communities of color. With an eye to racial justice, the Commission must assess the distribution of energy assistance and its reach to populations that have historically been the least empowered to access the benefits and protest the systemic harms emanating from the energy sector.² We have previously recommended that the Commission require utilities to apply a Benefits for All outlook to acting on their equitable distribution mandate, with a well-informed recognition of the highly-impacted communities and vulnerable populations in their customer base.

It is reasonable for utilities to report out who they serve by census tract and zip code. Utilities have zip code information for all of their customers by virtue of having customer addresses, but zip codes are USPS dependent and otherwise are of limited use in policy decision-making. Census tract boundaries vary little from census to census, are linked to demographic data assessed in the census, and federal and state decisions and funds are largely designated along tracts. With zipcodes crossing state lines in some instances, in the long term, it may be easier to use a Census Bureau backed boundary that is maintained, consistent, reliable, and used by many others. Utilities can easily geocode the addresses from zip code information and to overlay their household and customer data onto census tracts with geospatial programs, generating the corresponding census tract to an address.³

b. How should the Commission evaluate what is practicable? How should the Commission’s evaluation differentiate between what is practicable in the short-term versus the long-term?

The Commission is in the best position to request information from utilities regarding customers, programming, funding, eligibility assessments, changes in eligibility and need at the household level and beyond (geographic area - census tract/community, demographic categories, etc.), and more. With all the information that is available to utilities under your authority, the Commission

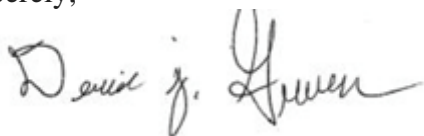
² National Consumer Law Center, “Disparate Energy Security Impacts: The Need for Racial Justice in Utility Billing”, Credit and Collections (2020).
https://www.nclc.org/images/pdf/energy_utility_telecom/additional_resources/Racial-Disparities-in-credit-and-collections-100-Network.pdf

³ United States Census Bureau Geocoding Tool.
<https://geocoding.geo.census.gov/geocoder/geographies/address?form>

should apply a practicability review independent of what utilities say they can do. The review must take account of the thoughtfulness and resources a utility employs in outreach and data collection for identifying and tailoring communications availability to eligible customers. Ultimately, the Commission should scrutinize how practical a utility's prioritization efforts are by invoking a reasonableness standard to ascertain whether a utility is doing everything in its power to deliver a robust energy assistance program to the neediest, highest burdened low income customers. Scrutiny of long term assistance schemes require different information that will include studies and assessments of foreseeable outcomes and conditions, as well as program resiliency in anticipation of unpredictable circumstances.

We thank the Commission for the opportunity to comment on energy assistance rulemaking, and we look forward to working in partnership with you to further develop the policy guidance that will aid utilities in operationalizing CETA's equity dimensions for a just transition to 100% clean energy in Washington. Please contact us if you have any questions or would like to discuss any of our comments.

Sincerely,



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