



Re: Investigation to consider the need for commission guidance on utility funding for organizations to participate in commission proceedings. (Docket U-210595).

Amanda Maxwell
 Executive Director and Secretary
 Washington Utilities and Transportation Commission
 621 Woodland Square Loop SE, Lacey, WA 98503
 P.O. Box 47250
 Olympia, WA 98504-7250

Received
 Records Management
 10/07/21 09:22
 State Of WASH.
 UTIL. AND TRANSP.
 COMMISSION

October 7, 2021

Dear Amanda Maxwell:

Thank you for the opportunity to weigh in on the Commission's considerations on utility funding for organizations to participate in Commission proceedings (Docket U-210595), ie. Intervenor Funding.

Front and Centered is a climate justice coalition of organizations led by and serving the interests of communities of color in Washington. One of our guiding principles is to **follow the leadership, knowledge and expertise of communities disproportionately impacted**. As a matter of priority, we support communities of color and indigenous communities to have the capacity and opportunity to fully engage, at the outset, in policy design and implementation. Who writes the rules matters, and an inclusive and thoughtful rulemaking process is particularly critical when the policy is explicitly about the interests of communities.

The intervenor funding provision names highly-impacted communities and vulnerable populations. The Clean Energy Implementation Act rulemaking designates these named communities to be first and foremost beneficiaries of the clean energy transition, including the benefit of a reduction in burdens, costs and risks. For CETA implementation, significant work is going into understanding the impacts of the clean transition on named communities through research, qualitative engagement and advisory processes in order to design targeted investments and programming to distribute benefits equitably. Intervenor funding is also about an equitable

distribution of benefits - participatory and material - so that the interests of named communities are elevated in formal regulatory proceedings. It is essential that the Commission ensure that investments made through this funding mechanism in customer engagement center equity at every step.

Funding must be designated to capacity-building for named community intervenors under Commission leadership. As the outset, intervenor funding must be considered expansively as an investment in bringing communities into the regulatory space to influence decisions directly. Representation through contracted lawyers and policy experts who are not a part of the communities themselves is insufficient to meet the need for meaningful engagement. Few organizations are in a position to become intervenors, with money being one of several barriers to access. Capacity, knowledge of administrative law and the reach of regulatory decisions, understanding of regulatory language and proceedings, advocacy and communication skills to maximize influence in an unfamiliar forum, appreciation of the value of participation for serving the particular interests of communities - these are largely missing for community-based organizations serving communities of color in Washington.

Although lack of funds is not the reason that participation by named communities is limited, money is part of the solution when it is thoughtfully assigned to opening all pathways for engagement and facilitating outreach, education, resource development and distribution, and learning channeled back to improving regulatory processes. In the short term, the Commission can assign funds specifically to offer assistance to help people navigate the experience of regulatory intervention; and from the outset the Commission should direct a significant portion of the funding and Commission resources to building up the administrative, accounting, and capacity-building support needed to bring communities in. The trust needed for deep intervenor engagement that authentically represents the interests of highly-impacted communities and vulnerable populations will require leadership and ownership of these steps within the Commission, rather than relying on utility parties to preserve them through bilateral, transactional arrangements.

The quality of the intervenor funding program will rely on the inclusivity of the design process. Recognizing that the Commission wants to ensure that resources are available for intervenors to participate in open and upcoming proceedings as soon as early 2022, we urge the Commission to conduct additional outreach to solicit input and participation from diverse, non-utility groups in designing an equitable mechanism for intervenor funding. There are benefits and drawbacks to many of the options being discussed for how funding rules should look. The Commission should consider the impact of each option on the quality of participation from intervenors representing the interests of named communities and issue directives for the program to be administered and funding to be collected and allocated in a manner that, on balance, preserves benefits and reduces burdens for community intervenors.

To have a truly equitable outcome for this docket, the **intervenor funding program design and performance standards must proceed in conjunction with procedural reform to open up regulatory processes.** The Commission is moving in this direction already. A better website, translation and interpretation services, communications regarding utility assistance - adding a thoughtful intervenor funding mechanism creates even more opportunities for equitable administration of essential utility services. But who is showing up? And how is the Commission

hearing what customers, communities are saying when it is not said in a comment, motion, formal appearance, complaint, or other filing or formal statement for the record? Material contributions may derive from advocacy, expert analysis, qualitative data, or shared stories and experiences. Meaningful participation of all types must be enabled and valued, and limitations on who can weigh in and how participation happens (e.g. a too short timeframe for a very important substantive policy is a limitation) must be thoughtfully considered - and include the perspectives of those most likely to be excluded.

We appreciate the Commission's commitment to enhancing its performance as a regulatory body through expanded opportunities for public participation and deep engagement by highly-impacted communities and vulnerable populations. You are already hearing from customer and public interest advocates, as well as from concerned customers, on a number of matters: Emergency protections and Covid relief, access and outreach, security and reliability, assistance, a transition to 100% clean, transportation, fuel types, rate discounts, performance-based rates, time of use pricing, portfolios and monitoring what goes in and out of the system, public participation, etc. Please take time to consider what is missing from the record and what you need to make a decision about the timing and quality of an equitable intervenor funding program.

Front and Centered is grateful for the opportunity to comment on this matter and looks forward to further opportunities to engage on this docket. Please contact us if you have any questions or would like to discuss any of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'MF', with a long, sweeping underline.

Mariel Fernandez Thuraingham
Clean Energy Policy Lead
Front and Centered