



May 1, 2020

Mark Johnson, Executive Director/Secretary  
Washington Utilities and Transportation Commission  
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Olympia, Washington 98504-7250

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**RE: Rulemaking to amend the Energy Independence Act (EIA) WAC 480-109, Docket UE-190652**

Dear Mr. Johnson:

Thank you for the opportunity to once again submit comments to rulemaking to amend the Energy Independence Act (EIA). While we believe all of our prior comments still warrant consideration, we would like to bring forward again three that we see as fundamental to meet the intent of the Clean Energy Transformation Act to “...ensure that all customers are benefiting from the transition to a clean energy economy...and provide safeguards to ensure that the achievement of this policy does not impose unreasonable costs on utility customers.” (19.405.10 (2))

Furthermore, our comments reflect the public interest in the “reduction of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks; and energy security and resiliency. (19.405.10 (6))

Front and Centered, and the nearly 60 community-based organizations that make up our coalition, believe, if implemented properly, this policy will help Washington make significant and necessary strides in pollution reduction, improve the public health and well-being of many in our state, and ensure broader affordability and accessibility for those struggling to make ends meet.

The Clean Energy Transformation Act specifically and notably acknowledges the energy burden of households with lower incomes. In a recent report conducted by Puget Sound Sage, in qualitative interviews they found those with lower incomes, including elders and immigrants, spent 20-30 percent of their income on utility bills and were often forced to choose between food on the table and keeping their lights on. When energy bills rose by \$50 more than the normal rate, individuals reported buying less food and medicine, shutting off heat or cooling, and delaying paying rent or child or elder care.

As these challenges persist and worsen due to the economic fallout caused by the Covid-19 pandemic, we believe CETA must specifically recognize and ensure energy security for households at risk of energy shut offs.



We submit these second round of comments with the hope you will consider the adoption of all our prior comments, but highlight three that we believe are of paramount importance to meeting the objectives of CETA:

**WAC 480-109-060 (22) Definition of “low income”**

We recommend the definition of “low-income” to include 80 percent AMI to both reflect the statutory language and to provide a more reliable measure that recognizes the geographic variance in economic security and well-being. We recommend the rule to read:

*“household incomes that are less than or equal to the higher of **80 percent of area median household income** or 200 percent of federal poverty level, adjusted for household size”*

The statute included both measures because the federal poverty level alone is not an adequate measure for Washington state given the extreme range of cost of living across the state. Using area median income recognizes household income is not a complete determinant of economic capacity, but rather their income as it relates to the cost to live in a particular location. For example 80 percent of area median income for a family of four living in Seattle is \$88,250, while the same family size under 200 percent of the federal poverty level has an income of \$51,500, which is 47 percent of area median income.

We interpret this definition to mean that some assistance must be provided to households up to 80 percent of area median income, but not to mean that all programs must be offered to all customers. In addition, the statutory direction to prioritize households with the greatest energy burden and the equitable distribution of benefits requires a geographically variable definition of “low income.”

**WAC 480-109-060 (14) Definition of “Energy Assistance Need”**

The statute defines energy assistance as "a program undertaken by a utility **to reduce the household energy burden** of its customers. Therefore we recommend the rule language to read:

*“Energy assistance need” means the amount of assistance necessary to **reduce a household's energy burden to well below six percent and for those who do not have energy due to lack of access or income.**”*

The statutory directive is not to establish a flat level of burden, conveyed with the use of the phrase “equal to”, but rather it is to reduce the energy burden as low as possible with six percent as a ceiling. This change brings greater clarity in addition to alignment with the intent of the statute.

The reason we believe selecting a specific percentage warrants deeper discussion and input is because determining energy burden is a portion of disposable income available to pay energy costs. If the income of a household is so low that they are not able to pay bills, they may not have a measurable energy burden by definition of this percentage, but clearly they have an energy burden. Again here we recommend a



specific recognition of those who have had their energy shut off due to an inability to pay or do not have an energy bill because they lack access to the energy grid.

**WAC 480-109-060 (13) (a) Definition of Energy Assistance**

In order to recognize the need for assistance to ensure access to energy, we recommend that the definition of “energy assistance” include and specifically mention the reduction of shut-offs. It would read as follows:

*(a) Energy assistance includes, but is not limited to, weatherization, conservation and efficiency services, **reduction of shut-offs** and monetary assistance, such as a grant program or discounts for lower income households, intended to lower a household’s energy burden.*

By calling out the needs of those who are not connected to energy or are at risk of being cut off, we ensure those households receive the attention and assistance necessary for the energy security necessary to protect families, including from the impacts of cold or hot temperatures, access to communications, cooking meals, and public health, particularly as Covid-19 requires individuals to work and learn from home.

Again thank you for the opportunity for us to submit these recommendations. If you have any questions, please do not hesitate to contact me at [deric@frontandcentered.org](mailto:deric@frontandcentered.org).

Sincerely,

Deric Gruen  
Co-Executive Director of Programs and Policy