MODULE 3
Engaging Your Utility Company & Regulators

ACTION TOOLKIT

NAACP
Environmental and Climate Justice Program

JUST ENERGY
Policies and Practices
Table of Contents

Module 3: Engaging Your Utility Company and Regulators ........................................ 2
  Public Utility Companies and Regulation ................................................................. 2
    How Your Environmental & Climate Justice Committee (ECJ) May Engage Public Utility Companies .................................................. 5
  Ways to Engage Utility Companies ........................................................................ 7
  When to Get Involved .............................................................................................. 7
  Types of Proceedings .............................................................................................. 7
Outlines of a Formal and Informal Public Utility Commission (PUC) Proceedings .... 11
  Formal Public Utility Commission Proceedings Outline ......................................... 12
  Participating in Informal Proceedings .................................................................... 16
  Shareholder Advocacy ............................................................................................ 17
  3-Step Game Plan for Engaging in Formal & Informal PUC Proceedings ............. 20
  Resources ............................................................................................................... 22

Fact Sheet: Electric Utility Basics
Fact Sheet: Utility Disconnection Protection Guide
Module 3:
Engaging Your Utility Company and Regulators

No matter what type of energy justice project your Environmental and Climate Justice Committee undertakes, you will be working with or encountering local, state, and regional energy utility companies. These companies implement policies and deliver services that impact everyone in your community. Having reliable access to electric, gas, and other energy services is a basic necessity, and we believe a RIGHT for all people. So, knowing how to work with and change the way your energy companies set the standards, is important for getting equity in your community. This module will help guide you through how your public utility companies operate, when you may engage with utility companies, and some strategies for engagement.

Here are a few definitions to get us started:

**Distributed Generation:** Also known as distributed energy, distributed generation means that the power you receive comes from a source that is at or close to your home or building, like solar panels on a house or a small wind turbine located a few miles away. It is different from other energy sources because it is not far away like at a coal plant which uses a lot of electricity over the wires to get it to the building or home that it powers. This type of distribution tends to be more environmentally friendly and is community-controlled.

**Net Metering:** Net metering means that a home or business has installed a renewable energy source like solar panels that are connected to their public utilities’ power grid. These solar panels or wind turbines, etc. may create surplus or extra energy that is above and beyond what the home or business uses. When this happens, the amount of energy that is extra is transferred back to the power grid and is credited to the customer’s bill, which creates a “net” or a profit for the people who own the solar panels.

**Public Utility Companies and Regulation**

There are a lot of different types of public utility companies, which are regulated by a lot of different regulations. Public Utilities are organizations that provide a service like gas, electric, water, sewage, telephone, transportation, etc. that is used by everyone. These companies are subject to a range of public controls and regulations from local community-based groups to statewide government monopolies.
The above figure, *How Utility Companies are Regulated*, from the NAACP's *Lights Out in the Cold Report*, shows how utility companies are regulated and how customers fit in the picture. Unlike other businesses, public utilities are bound by the public’s interest. State legislatures regulate public utilities and define what it means for that utility to act in the public interest (e.g. the protection of the health, safety, and general welfare of the public).

See *Module 1, Getting Organized So You Can Organize!*, to learn about how you can find information about your local energy utilities and to get familiar with how they operate.

Public Utilities Commissions/Public Service Commissions (PUCs/PSCs) and other utility agencies hold power over the decisions related to the energy that powers our homes and businesses, and often pollutes our air and water. These decisions include how much we pay in electricity bills, what our energy sources are, and whether new energy facilities are approved.
<table>
<thead>
<tr>
<th>Utility Company</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investor Owned Utilities (IOUs)</td>
<td>Investor-owned utilities are privately-owned, for-profit electric utility whose stock is publicly traded. While the energy rates of these utilities are regulated and they are authorized to achieve an allowed rate of return. Traditionally, the investor-owned utilities own generation, transmission, and distribution assets. These utilities are regulated by state legislatures and the regulatory bodies to which they delegate authority. Customer rates are set and regulated by the Public Utility Commission through public process that includes some customer participation.</td>
</tr>
<tr>
<td>Publicly Owned Utilities (POUs)/Consumer owned utilities (COUs)</td>
<td>Publicly owned utilities are under public control and regulation. These utilities are organized in various forms, such as municipal owned, rural cooperatives, public utility districts. COUs have varied regulatory structures. Customer rates are set by each utility's governing body-board or city council in a public forum.</td>
</tr>
<tr>
<td>Municipally Owned</td>
<td>A municipally or city-owned utility is a non-profit electricity provider that is owned and operated by the municipality it serves. Municipals may or may not have their own generation facilities. For municipals without their own generation often develop a contract with another company to generate electricity. Since the customers are local, the municipals do not need to transmit electricity over high-voltage power lines. Generally, municipal-owned utilities are controlled by the City Council or a special board or committee.</td>
</tr>
<tr>
<td>Rural Electric Co-ops</td>
<td>Rural Electric Cooperatives are operated by and for the people of the community. The Electric Co-ops were formed to bring electricity to rural households that investor-owned utilities do not serve. They are divided into distribution cooperatives or generation and transmission cooperatives. Distribution co-ops provide end-users with electricity. Generation and transmission co-ops are usually owned and managed by several distribution co-ops to sell wholesale power to distribution co-ops. The consumers of the utility elect a board to manage and make decisions for the Cooperative.</td>
</tr>
<tr>
<td>Public Utility Districts (PUDs)</td>
<td>Public Utility Districts are utility-only government agencies that provide things like electricity, natural gas, sewage treatment, waste collection/management, telecommunications, or water. The utility districts are created by the local government bodies. PUDs are regulated by a board or commission that is elected by the voters of that district.</td>
</tr>
</tbody>
</table>
Despite how the regulation of authority is supposed to keep the public’s interest at heart, the legislatures retain the right to define the “public interest,” which utility company’s must abide by. While Public Utility Commissions (PUCs) are free to regulate utilities in accordance to the public interest, they may be limited in their ability to confront new challenges that fall outside of the scope of the traditional public interest goals. Among these challenges include climate change, rising energy costs, air pollution, new technologies, and racial discrimination.

Though there is variation from state to state, the common responsibilities of the Public Utility Commissions (PUCs) and/or Public Service Commissions (PSCs) typically include:

- Setting utility rates and ensuring that utilities provide adequate and reliable service to customers;
- Authorizing and overseeing investments in energy resources;
- Reviewing and approving utility resource plans;
- Regulating private, investor-owned natural gas, electric, telephone, water and private sewer companies; and
- Approving new developments/facilities.

How Your Environmental & Climate Justice Committee (ECJ) May Engage Public Utility Companies

Your unit has a variety of ways of influencing and engaging with utility companies. Being able to navigate the utility regulatory structure will be an asset in your project. In addition to the guidance in this module, the NAACP’s Just Energy Policies Campaign: Engaging With Public Utilities/Public Service Commissions details strategies for engaging and working with utility bodies.

Depending on your unit’s energy justice project, you may be engaging with utility companies and regulatory bodies in some of the following ways:

- Obtain permits and/or approvals for community energy projects
- Establish community partnerships with renewable energy providers
- Organize against fossil fuel power plants in your community
- File formal complaints against utilities and/or other energy actors
- Participate in utility and Public Utility Commission meetings and town halls
- Give testimony in utility rate cases and other formal proceedings
- Representing your community in utility decision-making processes
The people who are most impacted by the polluting industries have the least influence over who is making decisions.

We will change this.
Ways to Engage Utility Companies

Our communities need your ECJ Committee or team to be champions and address the environmental issues that impact how energy companies operate and the burdens being placed on black communities and communities living in poverty, etc. The combination of the lack of low-income and community of color representation on Public Utility Commissions, the ongoing rampant voter disenfranchisement, along with gerrymandering by facility owners with relationships to Public Utility Commissions/Public Service Commissions, means that the people who are most impacted by these polluting industries have the least influence over who is making decisions. We will change this.

When to Get Involved

As your unit is thinking about getting involved in or starting a case in front of a utility regulatory body (e.g. Public Utility Companies/Public Service Commissions (PUC/PSCs), Cooperative Board, City Council, etc.), or with your local utility directly there are some important questions to ask:

- What is at stake for the community? Households?
- Does the proceeding in question offer the potential for more affordable rates, more efficient use of energy resources, or meaningful customer protection?
- Are negotiations or conversations directly with the utility possible?
- What is the magnitude of the benefits that may be gained from the proceeding?

After answering these questions, you should have a better idea if engaging with the utility regulatory process is appropriate and how you might go about it. As you begin your planning, it is critical that you become familiar with the types of proceedings that come before PUC/PSCs and other utility regulatory bodies. There are a number of types of proceedings in which consumers and advocates can participate in, either as an intervenor (full participating party), by being a speaker at a public hearing, by filing written comments, or a number of other means.

Types of Proceedings

Below we will discuss a few of the types of proceedings that Public Utility Commissions have that your ECJ Committee or team can participate in in order to create energy justice changes. Some of these ways are more complicated than others. Some are more time-consuming. We will go into depth on Adjudicatory Proceedings, which will give your ECJ Committee or team guidance on how to approach the other types of proceedings. Read through and determine which approach best works for your ECJ Committee’s capacity.
Rulemaking Proceedings
Public Utility Commissions (PUCs) and Public Service Commissions (PSCs) also reach many of their important decisions in “rulemaking” proceedings.”
Rulemaking proceedings generally address rules, policies, practices, or procedures that apply to an entire regulated industry (e.g., the gas, electric or local telephone industries). For example, most PUCs adopt rules governing the beginning of a new service, deposits, payment plans and etc.

Informal Proceedings
Commissions also take all kinds of actions outside of “formal” proceedings. For example, a competitive electric supplier might write a letter to the commission for approval to change the practices used to switch customers from the local company to a competitive supplier. The Public Utility Commission might respond with an answer without conducting any formal proceeding. Or low-income consumers might request a meeting with the commission to discuss whether the commission should offer longer payment plans to low-income customers, and the commission might agree to do so without a formal hearing.

Adjudicatory Proceedings
Similar to civil court cases where you are sworn in under oath and can be cross-examined, utility customers can intervene in adjudicatory proceedings where the utility commissions and other boards formally decide (or adjudicates) cases based upon the testimony of witnesses.

Adjudicatory proceedings typically include:
• Rate increase cases
• Mergers
• Approvals of new power plants
• Issuance of bonds
• Cases involving the cost of gas or other fuels
• New fees or charges for specific services
• Specific utility company’s safety and maintenance operations (including a utilities failure to protect public health and/or plant’s violation of regulations)

Time Involved
Adjudicatory hearings can consume huge amounts of time. These cases often take several months, and sometimes a year or more, from start to finish. Over the course of an adjudicatory case, customers and advocates typically do not spend a lot of time on a case each and every week. There may be stretches of time when you will wait for the next step in the process, however, this is when you can be preparing for the next step, which in some instances, will go on for years. These
proceedings are a significant time investment for groups that choose to file them and/or participate.

The bulk of time may be spent:
- Reviewing the company’s filing;
- Gathering information to support your case;
- Gathering resources (i.e. legal assistance, expert witnesses, etc.); and
- Developing a strategy

Money
While utility companies tend to spend hundreds of thousands of dollars on hearings, not including lawyers’ fees, expert witness fees, and production of documents, customer groups and advocates will rarely have significant money to devote to a utility proceeding. Given this difference, it is important to plan in advance for any expenses that will be incurred.

Some cost that you often pay out of pocket for formal hearings include:
- Copying and postage costs: These can range from quite minimal to hundreds of dollars
- Legal assistance
- Expert witnesses
- Travel to and from hearing locations

Your unit should explore ways of getting the resources needed without spending money, or minimizing costs. Many of the customers or customer groups that participate in utility cases do so without spending much money typically by collaborating with other community groups, choosing issues carefully, and limiting their involvement to the most critical aspects of a case. Most states have an “Office of Consumer Counsel,” “Consumer Advocate,” or “Ratepayer Advocate” that intervenes in most utility proceedings. Your ECJ Committee or team may be able to have the Consumer Counsel pursue your issues, or sponsor an expert witness for the proceeding.

Legal Resources
Before deciding to intervene in a case, it will be important for your ECJ Committee or team to decide whether it is appropriate to get a lawyer to represent you, which can be expensive. Before seeking legal assistance, your unit should touch base with your unit’s Legal Redress Committee and contact the National NAACP Legal Department for legal counseling or possibly representation.

If necessary, begin your search for legal representation by thinking about ways that to get a lawyer’s help without paying expensive legal fees. Some considerations are locating pro-bono legal assistance or filing or participating in cases alongside other customer/consumer advocacy groups (particularly ones
that have engaged with utilities before). Pooling your money with other groups is a great way to conserve funds!

**Some helpful tips as your unit looks for legal assistance:**

- Try to find a lawyer who is familiar with the commission’s rules of practice and who has represented utility consumers before
- Speak to several lawyers to get different quotes about how much a case might cost. Do not expect that price to be the end price, usually lawyers will give you an estimate and they tend to go over budget. They might also ask for a retainer, or a fixed amount of money up front that they will deduct from as they go along.
- Ask the lawyer questions about:
  - How they would conduct the case
  - Witnesses the lawyer thinks will be necessary
  - How long they expect the case to take - from start to finish, and number of billable hours.
  - Chances of success on the issues the consumer group wants to raise
  - How they bill for their time and what that includes. In other words, do they charge for every single email exchange they have with you? How much do they charge for sending letters, attending meetings, etc.? What is their mileage rate if they have to travel, etc.?
  - How will they bill you? Will they send you a monthly statement? Will they itemize their charges?

**Expertise**

Utility cases can raise some very technical and rarified issues. Even when you are addressing less technical issues (for example, urging the commission to adopt low-income discount rates), there may still be a need to get expert advice or to have an expert witness testify. Just as with lawyers, your ECJ Committee or team may be able to get expert help from the Office of Consumer Counsel or from some other party that has similar interests.

A good and honest expert will form their own views of the issues after reviewing the company’s filing and at least some (if not most) of the discovery responses. It is entirely possible that the expert will say some things in their testimony that you do not entirely agree with. Therefore, it is very important to read prior testimony the witness has filed on similar issues, if possible, and crucial to speak to the expert at some length before deciding to use them as a witness.
There are some ways to get expert assistance either for free or low cost. Sometimes, professors or other staff at universities or nonprofit organizations are very interested in the same issues as your Environmental and Climate Justice Committee or team and are interested in getting their views before the commission.

There might be someone who is very knowledgeable about low-income rates, for example, and who would be willing to testify for free or at a greatly reduced price.

Outlines of a Formal and Informal Public Utility Commission (PUC) Proceedings

As we mentioned earlier, some of the PUC procedures are formal and some are informal. Depending on what your ECJ Committee or team wants to accomplish, you may want to do one approach or a combination of both formal and informal approaches. Below we will outline each with examples of various informal approaches your ECJ Committee or team can take.
Formal Public Utility Commission Proceedings Outline

Procedural Rules

Almost every state utility commission has formal, written rules of practice and procedure and these rules vary greatly from state to state. If you are not familiar with your commission’s rules, obtain a copy through the utility commission staff and read them carefully.

The procedural rules typically address the:

- Format of petitions to intervene and deadlines for filing
- Manner in which copies of filings must be served on the commission itself and other parties
- Format of written documents that are filed in cases
- Conduct of hearings
- Extent to which you can have contact with commissioners outside the presence of others
- Format for of any motions that are filed
- Type of discovery that will be allowed (e.g., written requests that must be answered, inspection of facilities, depositions, etc.)
- Procedures governing oral arguments
- Process by which the commission reaches and issues its decisions

Getting to a Decision

There are several steps to getting your work through the procedures and getting the commission to rule on a decision.

1. Initial filing and petitions to intervene:
   Someone, usually the utility company, files an initial “petition” or “application.” The Public Utility Commission then issues a public notice of the filing. These notices are usually posted in the newspaper, sent to mailing lists that the commission maintains, and on the commission’s website.

Actions to take:
- Obtain a copy of the initial filing at the earliest possible date. Usually, you can get a copy by calling the company’s attorneys or by calling the commission’s office.
- Review the initial filing carefully to determine which issues interest your energy justice initiative.
- Review the commission’s public notice for:
  - The date(s) of any public hearings in the case
2. **Prehearing Conferences:**
Many commissions schedule a “procedural” or “prehearing” conference not too long after the initial filing is made. In this conference, the commission may:

- Set the schedule for discovery, future evidentiary hearings, and the filing of written briefs
- Rule on petitions to intervene, including your petition
- Address preliminary motions that have been filed.

**Actions to take:**
- Take note of the hearing conference date and plan to attend. By attending the pre-hearing conference, you are more likely to be seen as an active party who should be included in settlement talks.
- Attend the prehearing conference. Your ECJ Committee or team unit should use this as an opportunity to identify which of your committee members intend to play an active role in the case.
- Make your unit or coalition’s presence known to the hearing officer and other parties. Let them know in person that your unit will be involved in the case and actively pursuing your issues.

3. **Discovery:**
Discover means that parties in an adjudicatory case have the right to conduct investigations in order to “discover” information that other parties may know or possess. Discovery in utility cases most commonly takes the form of “information requests” or written questions that one party writes and serves upon another party. The other party must then provide a written response, or produce
documents that respond to the question. Discovery rules vary from state to state. Sometimes, there are no written discovery rules, just accepted practice as to how discovery may be conducted.

**Actions to take:**
- Attend the prehearing conference. Often, the hearing officer, administrative law judge or commissioner assigned to the case will set discovery rules at the prehearing conference, including the date by which discovery requests may be filed and the number of days a party is allowed to respond to discovery.
- Meet with your ECJ Committee or team after the prehearing conference to determine what discovery requests you will make. Again, it may be helpful to have advice from legal sources during this process.

4. **Testimony:**
Most utility cases have evidentiary hearings, or days when witnesses take the stand, testify and introduce written or visual exhibits. Witnesses are required to submit their testimony in writing, well in advance of the actual hearings. “Intervenors” (what your unit will most likely be called) who plan to offer testimony must also put any testimony in writing. This testimony is submitted several weeks or even a few months after the company’s initial filing. All written testimony is submitted in advance of the evidentiary hearings. This allows you to conduct discovery of the company’s witnesses. This also means that the company and any other party in the case can conduct discovery of any witnesses you plan to offer.

**Actions to take:**
- Review testimony of other participants’ witnesses, prepare discovery questions, and submit them for introduction in the proceeding.
- Prep your expert and non-expert witnesses and gather their written testimony. Your unit’s witnesses should understand that they are obligated to answer any discovery questions from other participating parties.
- Attend the testimony hearings.

5. **Briefs:**
At the end of the evidentiary hearings, parties will be allowed some number of days or weeks to write briefs. A brief is a written argument that summarizes the relevant portions of the evidence in the case and urges the Public Utility Commission to take certain positions on the issues presented, based on the relevant law. These documents can be can be dozens of pages long, often more than 100 pages. It is very helpful to have
a general idea of what you would like to say in your brief even before you start discovery.

**Actions to take:**

- Review all relevant evidence to the issues your unit outlined in the beginning of the proceeding.
- Draft a summary brief of your unit’s or coalition’s argument for the issues identified in the beginning of the case, and/or ones discovered throughout the proceeding.
- Submit the brief to the commissioner in-charge, or hearing administrator.

6. **The Decision:**
After briefs are filed, the commission will issue a decision. In some states, participants wait until the final decision comes out. In others, the hearing officer or administrative law judge issues a proposed decision, and participating parties then have an opportunity to file written comments on the draft before the full commission rules.

**Actions to take:**

- If applicable in your state, file comments on the proposed decision before the commission’s final decision.

7. **Court Appeals:**
Utility commission decisions can be appealed to court. The decision itself may explain, how to file an appeal, including the court in which the appeal must be filed and the deadline for doing so. Deadlines to appeal commission decisions are often 30 days or less from the time of the final decision. Appeals by consumers are difficult to win because courts begin by assuming the commission ruled properly, unless convinced to the contrary. It is very hard to pursue a successful appeal without the assistance of a lawyer. If you are thinking about filing an appeal, contact a knowledgeable attorney immediately after receiving the decision that you wish to appeal.

**Actions to take:**

- File the appeal with the proper court before the deadline.
- Obtain legal assistance if your unit or coalition has not already obtained one.
- Do research on the state’s legal process for utility commission appeals.
Participating in Informal Proceedings

Below are some general recommendations for engaging with utilities and Public Utility Commission (PUC) outside of the formal proceedings we discussed earlier. As we previously mentioned, sometimes your ECJ Committee or team will see more immediate results if you engage your utility commissions informally. Or, one of these informal ways of working with your PUC may be one of the steps you take in the direction of working on a formal proceeding. Either way, your ECJ Committee is making strides towards getting energy justice on the table.

1. Distribute your state’s Just Energy Policies Report to each member/commissioner of your state or local PUC or other utility regulatory board.

2. Organize a meeting with the PUC to brief and educate them on the equity implications of the state energy agenda, as per the findings and recommendations of your state Just Energy Policies Report.

3. Attend PUC/PSC regular meetings. Through participating, you will be able to:
   - Learn what key issues are under consideration;
   - Decide what is relevant to your ECJ Committee’s priorities;
   - Provide input during public comment section of the agenda; and
   - Determine other ways you can influence decision making.

4. Participate in utility company and agency public input meetings and requests for issues under consideration. Some examples of ways to provide input include:
   - Submit written comments
   - Provide oral comments at public field hearings or during formal hearings
   - Apply for official intervention in a case, most often through legal representation
   - Participate in commission workshops or rulemaking proceedings
   - Organize ratepayers and ask the PUC/PSC to open a docket
   - Contest/appeal disconnection of services for a group of ratepayers based on equity considerations.
   - Initiate investigatory or rulemaking proceeding on an equity issue.

5. Integrate the office of the PUC/PSC into your civic engagement efforts:
   - Considering and educating candidates
   - Holding elected officials accountable to NAACP Just Energy Policies
Shareholder Advocacy

In addition to the methods outlined above, your unit can engage utility investors through shareholder advocacy, with the aid of organizations such as, the Interfaith Center on Corporate Responsibility (ICCR) and As You Sow (see the Resource section in this module for more information). Shareholder advocacy covers the tactics used by utility investors to influence the companies they own. It leverages the power of stock-ownership in publicly traded companies to promote socially responsible decisions.

Levels of shareholder advocacy can vary. Stock holders can vote in favor of shareholder-sponsored resolutions or even directly engage management; however, the intensity of engagement will depend on the priorities and resources of the investor.
There are many actions that your ECJ Committee or team can encourage shareowners to use to advocate including:

- Issuing investor statements endorsed by a broad group of investors;
- Direct outreach to other shareholders and other investment advisors to gain support for specific proposals; and
- Outreach to consumers and the press as a way to draw public attention to an issue or a company.

The above figure from Interfaith Center for Corporate Responsibility (ICCR), explains how the shareholder advocacy process can work for multiple stakeholders. For more information on ICCR, see the Resource section of this module.

The core tactics that groups, like ICCR, use include:

- Face-to-face or telephone discussions with utility managers;
- File shareholder resolutions that are voted on at annual shareholder meetings; and
- Multi-stakeholder roundtables, including industry professionals and community members.
Communities have a choice to get their power from clean and renewable sources.
3-Step Game Plan for Engaging in Formal & Informal PUC Proceedings

Now that we have outlined what some of the proceedings are and some things your Environmental and Climate Justice (ECJ) Committee or team may want to consider, we have created a 3-step game plan that will help you get started.

3-STEP GAME PLAN

1. Get familiar with the key players:
   First and foremost, you need to understand who it is that you will be dealing with. Your unit will have an easier time strategizing by knowing the key players and how they fit into the process of these proceedings. It may also be helpful to establish relationships with these individuals before, during, and after the case.

   Be sure to:
   - Research who your state's PUC/PSC commissioners are, as well as any other important members of these state regulatory bodies
   - Network and create relationships with contacts in the state PUC/PSC office, particularly in the "docket," or filing, office
   - Find out and keep track of the agency staff assigned to the case and the roles that they will play (e.g., assigned “hearing officer” or “administrative law judge;” rate analyst; consumer or complaint division staff; etc.)

2. Be aware of any settlement discussions:
   Your ECJ Committee or team will also need to be alert to the possibility that two or more parties are engaged in settlement discussions. Just like most court cases settle before an actual trial, many utility cases do as well. You will want to be at the table if there are settlement discussions. Be sure to plan out your unit or team's ask before attending any settlement discussions or meetings. The ask should be practical and enforceable.

3. Research the case and/or issue:
   Before your unit gets involved in a proceeding of any kind, it is critical that you do the proper research.

   Be sure to have answers to the following questions before moving forward:
   - What type of proceeding is this? Are you getting into a formal, adjudicatory proceeding, rulemaking case, or informal proceeding?
Remember each has a different structure and way you will participate in them.

- What is the "Standard of Review?" Does the party filing the case have to convince the Commission that its request is “reasonable,” or “in the public interest,” or the “least cost approach”? These different "standards," or lens of review, can influence how strictly the commission examines your case and weight of the opposing arguments.

- What are the relevant laws, regulations, and prior decisions to the current case?
  It’s also well worth the time to read the commission’s most recent decisions involving the company you’re up against, especially if any earlier cases addressed similar issues. If your unit does not hire a lawyer who knows the state utility regulations, seek assistance from community organizations who do. Be sure to also research laws, regulations or utility commission decisions of other states. Sometimes, a nearby state will offer the exact model you want your state to adopt, and you’ll have an easier time convincing your commission if you can point to an existing precedent.

- What issues will your unit/group address?
  Identify your issues at the earliest possible date. The best way to come away successful is to define a concise and short list of your issues at the earliest possible date. This will help in the planning of your unit’s case and focus the arguments you all make.

- Who will be handling the paperwork? And how will paperwork be organized?
  Utility proceedings have a ton of paperwork that is important to have organized. From day one, set up a filing system (both paper and electronic) that will allow you to find precisely the documents you need, recognizing that you often won’t know which documents are most important until you begin preparing for hearings and cross-examination.
Resources

**American Council for an Energy-Efficient Economy**
The American Council for an Energy-Efficient Economy (ACEEE), a nonprofit, 501(c)(3) organization, acts as a catalyst to advance energy efficiency policies, programs, technologies, investments, and behaviors.
Learn more: [http://aceee.org/](http://aceee.org/)

**As You Sow**
As You Sow promotes environmental and social corporate responsibility through shareholder advocacy, coalition building, and innovative legal strategies. Our efforts create large-scale systemic change by establishing sustainable and equitable corporate practices. As investor representatives, we communicate directly with corporate executives to collaboratively develop and implement business models that reduce risk, benefit brand reputation, and protect long term shareholder value while simultaneously bringing about positive change for the environment and human rights.
Learn More: [www.asyousow.org/](http://www.asyousow.org/)

**Dollar Energy Fund**
Dollar Energy Fund is a 501 (c) 3 organization whose mission is to improve the quality of life for households experiencing hardships by providing utility assistance and other services that lead to self-sufficiency.
Learn more: [https://www.dollarenergy.org/](https://www.dollarenergy.org/)

**Energy Coordinating Agency**
To help people conserve energy and to promote a sustainable and socially equitable energy future for all in the Philadelphia region.
Learn more: [https://www.ecasavesenergy.org/](https://www.ecasavesenergy.org/)

**Interfaith Center on Corporate Responsibility (ICCR)**
The Interfaith Center on Corporate Responsibility is a coalition of faith and values-driven organizations who view the management of their investments as a powerful catalyst for social change. Our membership comprises nearly 300 organizations including faith-based institutions, socially responsible asset management companies, unions, pension funds and colleges and universities that collectively represent over $200 billion in invested capital.
Learn More: [www.iccr.org/about-iccr](http://www.iccr.org/about-iccr)

**National Association for The Advancement of Colored People, Environmental and Climate Justice Program:** The NAACP Environmental and Climate Justice (ECJ) Program works at addressing the many practices that are harming communities nationwide and worldwide and the policies needed to rectify these impacts and
advance a society that fosters sustainable, cooperative, regenerative communities that uphold all rights for all people in harmony with the earth.


**National Association of Regulatory Utility Commissioners**

Founded in 1889, the National Association of Regulatory Utility Commissioners (NARUC) is a non-profit organization dedicated to representing the State public service commissions who regulate the utilities that provide essential services such as energy, telecommunications, power, water, and transportation.

Learn more: [https://www.naruc.org/](https://www.naruc.org/)

**National Association of State Utility Consumer Advocates**

NASUCA is an association of 44 consumer advocates in 40 states and the District of Columbia. NASUCA’s members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts.

Learn more: [http://nasuca.org/](http://nasuca.org/)

**National Consumer Law Center**

Since 1969, the nonprofit National Consumer Law Center® (NCLC®) has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S.

Learn more: [https://www.nclc.org/](https://www.nclc.org/)

**National Association of Regulatory Utility Commissioners (NARUC)**

Founded in 1889, NARUC is a non-profit organization dedicated to representing the State public service commissions who regulate the utilities that provide essential services such as energy, telecommunications, power, water, and transportation.

Learn More: [naruc.org](http://naruc.org) (navigate to "Regulatory Commissions" under the "About NARUC" tab) or visit [www.naruc.org/about-naruc/regulatory-commissions/](http://www.naruc.org/about-naruc/regulatory-commissions/)

**National Energy Assistance Directors’ Association**

The National Energy Assistance Directors’ Association (NEADA) is the primary educational and policy organization for the state directors of the Low-Income
Home Energy Assistance Program (LIHEAP). LIHEAP is a federal program providing formula grants to states to help low-income families pay their heating and cooling bills. Learn more: http://neada.org/

**National Low Income Energy Consortium**
The National Energy and Utility Affordability Coalition (NEUAC), a 501 (c) (3) nonprofit organization, is a broad-based coalition of diverse member organizations and individuals dedicated to heightening awareness of the energy needs of low income energy consumers, fostering public-private partnerships and engaging in other activities to help address these needs. Learn more: https://neuac.org/

**Utility Emergency Services Fund**
UESF is committed to a holistic, preventive, and cost-efficient approach to assisting vulnerable families impacted by housing crises. We are a one-stop shop that offers immediate resources and empowers families to address the root causes of their utility and housing crisis. Learn more: https://uesfacts.org/
Electric Utility Basics

What is an electric utility?
Most people buy their electricity from a utility company. In a particular service area, a utility company is granted a monopoly on electricity, meaning that that company is the sole electricity provider. Utilities charge customers whatever rate necessary to cover the cost of service and also provide a reasonable rate of return on investments. In turn, the utility company is expected to make the necessary investments to provide reliable, low-cost power to customers within the service area.

What are the different kinds of utility companies?
Investor-Owned Utilities
- Regulated by state-level commission, average 400,000 customers
- Private companies with ownership shares held by stockholders
Publicly-Owned
- Managed by cities, municipalities, irrigation districts, average 2,000 customers
Cooperatives
- Member-owned, managed by elected board of directors, average 13,000 customers

How are utilities regulated?
A majority of electricity customers in the United States are serviced by investor-owned utilities (IOUs). IOUs are regulated by a state board, usually referred to as the Public Utility Commission (PUC) or Public Service Commission (PSC), that monitors its activities and approves rates. Publicly-owned utilities, which include municipal utilities and federal or state power authorities, and cooperatives are typically not regulated by the same state commissions. They are overseen by a variety of somewhat comparable regulating organizations such as co-op boards or municipal governments.

Utility regulators, particularly PUC/PSCs, hold powerful positions in shaping our energy systems. Commissioners establish regulations and policies that shape utility investments and operations. Other state policymakers and regulators also play a role in utility regulation and policy. State legislatures, for example, can pass policies such as renewable portfolio standards that mandate the percentage of the state energy portfolio that must come from renewable energy sources.
Access to electricity is not a luxury; in fact in many cases it is necessary for life. Utility disconnections can be deadly, and disproportionately burden communities of color and lower-income households. While we ultimately advocate for the elimination of utility service disconnections altogether, the following protections should be implemented to protect consumers from the life-threatening practice of utility disconnection.

**Procedural Protections**

1. Require multiple attempts by phone, in writing, and in person contact before disconnection;
2. Secure notification of disconnection by mail;
3. Require a post-disconnection notice to all customers;
4. Provide additional notice provisions for customers who can be disconnected remotely;
5. Restrict disconnections between 8:00am-2:00pm (or during hours of operations, and not later than 2 hours before close of business) on days when utilities have employees available for reconnections;
6. Provide notice and utility disconnection policies in multiple languages;
7. End policies surrounding disconnection and reconnection fees;
8. Cease the collection of deposits for utility service activation and/or reconnection;
9. Ensure that renters retain access to energy services when nonpayment is the fault of the landlord or other third party.
Seasonal Protections
1. Include seasonal protections with both temperature and date-based solutions;
2. Set disconnection arrearage minimums for customers who use utility services as the primary source of heating or cooling during periods of seasonal protection;
3. Provide utility services during extreme weather events that fall outside of seasonal protection periods.

Payment Assistance
1. Allow budget payment plans to distribute utility costs throughout the year;
2. Allow partial payment plans to customers to prevent disconnections;
3. Provide connections to social services and case management resources for households with delinquent bills (i.e. budgeting, food assistance, and other social services).

Protections for Households
1. Establish simple procedures for households to apply and be registered for protection from disconnection;
2. Implement customer surveys in advance of extreme weather seasons to screen for socially vulnerable individuals;
3. Ensure active outreach to socially vulnerable customers and households for inclusion in protection programs; and
4. Registration into these programs should be complimented with a notification to local and/or state emergency relief agencies and safety responders.