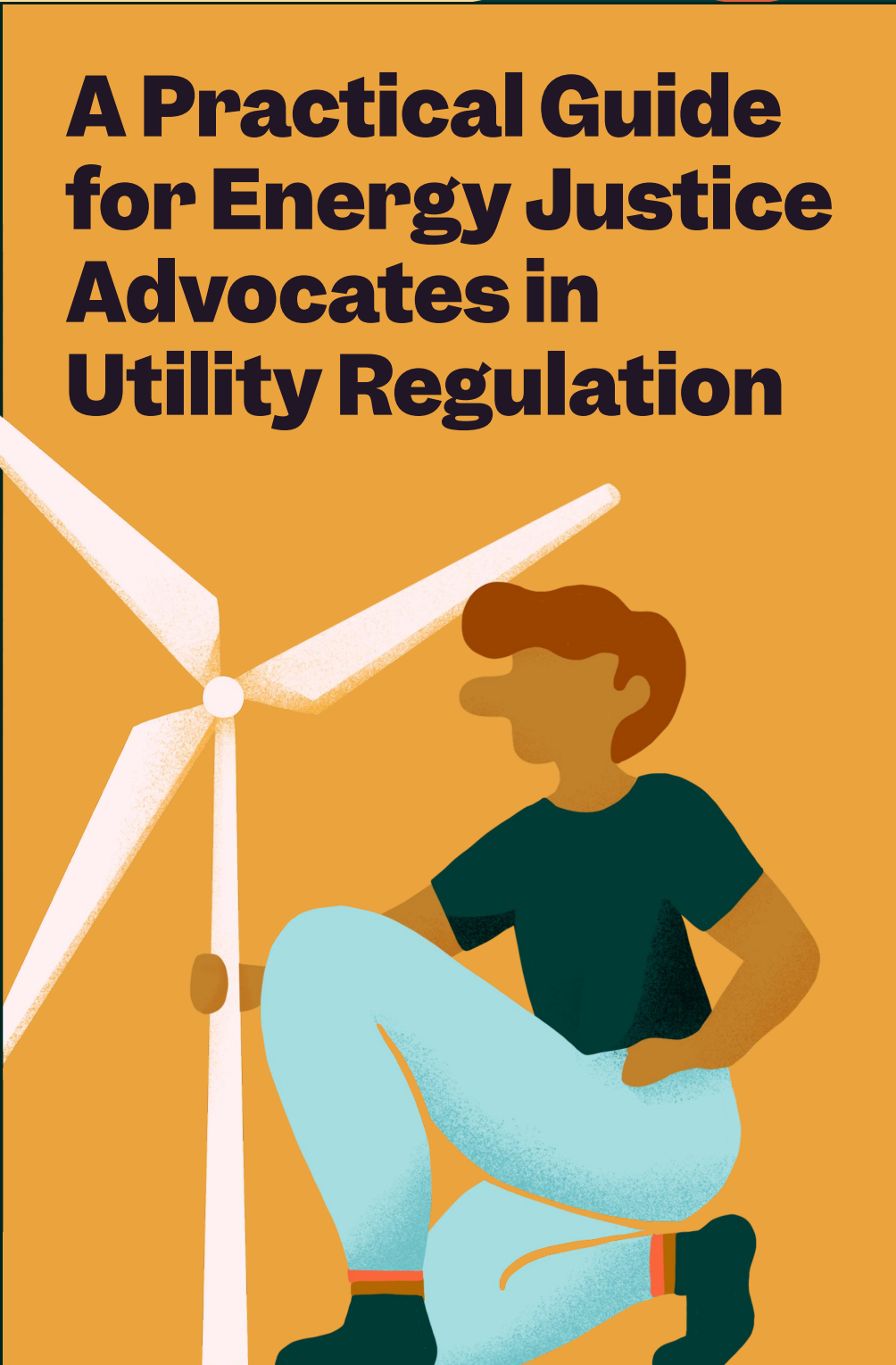



Amp Up the People



A Practical Guide for Energy Justice Advocates in Utility Regulation



 VOTE SOLAR

 initiative
for
energy justice

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Guiding Resources

This guide was influenced by and builds upon the work of many other organizations in the field of energy justice and utility regulatory advocacy. In particular, the authors wish to highlight the following resources as sources of invaluable insights in the creation of this guide:

- [Utilities 101: Guide, Video, and Slide Deck](#) (2020), Initiative for Energy Justice
- [Who Holds the Power: Demystifying and Democratizing Public Utilities Commissions](#) (n.d.), The Chisholm Legacy Project
- [The People's Utility Commons Curriculum](#) (2023), The People's Utility Commons
- [Utility Justice Playbook: History of Utilities and People's Utility Justice Playbook](#) (n.d.), Energy Democracy Project
- [Engaging With Public Utilities and Public Service Commissions Manual](#) (n.d.), NAACP
- [Electricity Regulation in the US: A Guide](#) (2016, second edition), Regulatory Assistance Project
- [Advancing Equity in Utility Regulation](#) (2021) Energy Technologies Area, Berkeley Lab

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About Vote Solar

Vote Solar is a solar advocacy nonprofit with a mission to realize a 100% clean energy future through a solutions-driven, people-first approach. Founded in 2002, Vote Solar advances just and equitable clean energy policy in state legislatures and public commissions across the United States. Our expertise comes from a deep understanding of the legislative process, regulatory interventions, and the ability to identify and accelerate solar solutions. We are adept at bridging communities and bringing diverse stakeholders together to forge inclusive coalitions and winning campaigns.

About the Initiative for Energy Justice

IEJ conducts research, provides policy analysis, and facilitates dialogue to advance concrete policy pathways toward energy justice. We partner with frontline organizing groups and allies striving for universal access to affordable, renewable, and democratically managed energy.

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Introduction

This joint guide was prepared by the Initiative for Energy Justice (IEJ) and Vote Solar, with significant contributions from dedicated UC Berkeley student researchers. This guide is designed as a tool to support individuals and organizations fighting for a more just and equitable clean energy system, with a focus on providing support for those on the frontlines of the climate and energy affordability crises. We hope that those reading this guide will gain an understanding of how energy utilities are regulated, why energy regulatory issues matter in their communities, and what can be done to create positive change.

Within this guide, you'll find:



Background on Utility Regulation

We break down the sometimes complicated world of energy regulation, so you can better navigate the utility regulatory system and advocate for your community.



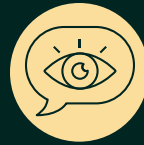
Engagement Strategies

Get practical advice on how to make your voice heard in regulatory proceedings and make a real difference in shaping energy policies.



Insights into Proceedings That Affect Energy Justice

Learn about some typical processes that happen at utility commissions and discover how they impact energy justice issues in your community.



Recommendations to Address Inequities

Find actionable recommendations tailored to community organizations like yours, policymakers, and regulators to help create a fairer energy system for all.



Glossary of Terms

We've included a handy glossary to help you understand the sometimes confusing language around energy regulation and justice.

We want to thank the UC Berkeley student researchers whose hard work and dedication have helped make this guide possible. Their insights and contributions have enriched our understanding of these issues and strengthened our collective ability to advocate for change.

This guide draws on many existing resources focused on energy justice in the utility system, many of which can be found in the “Guiding Resources” section. Of particular importance is IEJ’s *Utilities 101* report, released in 2020, which explains the electric utility landscape in the United States, the evolution of utilities and electrification, and the future of utilities.

Together, let’s work towards a future where everyone has access to renewable, affordable, and democratically managed energy and where frontline communities are at the forefront of the energy justice movement.

Background on Utility Regulation

Energy utilities¹ make decisions that impact critical aspects of their customers' daily lives. Despite the integral role that utilities and their regulators play, it can be hard to understand how utilities function and how regulatory decisions are made. Increasing transparency in how utilities are governed and regulated can make it easier for organizations and advocates to promote justice and bring about change through existing regulatory processes. However, the technical complexity and bureaucracy of public participation processes can often limit the public's ability to engage in regulatory proceedings and hold utilities accountable.

Although public participation and intervention opportunities in regulatory proceedings exist, they are often difficult to access. Understanding these complex proceedings is the first step toward effective utility justice advocacy.



To promote energy justice and a sustainable, livable future, public engagement and advocacy efforts must also aim to create fundamental reform within these systems. These reforms require going beyond increasing participation in the existing utility regulatory system, to changing decision-making structures to advance energy justice.

Below, we share information on how utilities are regulated, primarily by state utility regulators but also at the regional and federal levels.

State utility regulators

When it comes to issues related to our energy transition, affordability, and utility customer protection, some of the most important decisions happen at state-level regulatory bodies called **Public Utility Commissions (PUCs)**. These are also sometimes called Public Service Commissions (PSCs) or other titles.² For this guide, we will refer to these state-level regulatory bodies as PUCs.

Utility regulation is crucial for investor-owned utilities (IOUs) that operate as monopolies. These utilities can wield significant market and political power, making regulation necessary to prevent unjust or unreasonable energy costs, poor service quality, and/or inadequate infrastructure investments, among other things. PUCs are responsible for ensuring that utilities operate in the public interest by balancing consumer needs with financial viability.

Ultimately, utility regulation is meant to safeguard against monopolistic abuses while fostering a fair, reliable, and sustainable utility sector.

PUCs also play a critical role in shaping policies related to clean energy progress, energy affordability, and environmental justice. PUC commissioners are typically appointed by state governors or are elected, and are responsible for regulating investor-owned utilities and overseeing various aspects of electricity, distribution, and pricing. Each state is a bit different, but in general, PUCs determine how much utilities can charge their customers for energy and other essential services, which in turn affects what kinds of energy resources utilities rely on and what types of programs they operate.

¹ Energy utilities can include utilities that provide electric service, gas service, or both. They can vary in ownership and governance structure, from investor-owned utilities (IOUs) to city-run municipal utilities to cooperatives.

² See <https://app.insightengine.org/portal> for a full list of state PUCs and their websites.

PUCs are critical players in deciding how, when, and if the clean energy transition will play out. This happens in a variety of ways, from implementing state renewable energy standards, to approving utility investments in grid infrastructure, to overseeing energy efficiency and affordability programs. Because utilities are publicly regulated, advocates and other interested third parties can **intervene** in these processes to, among other things, promote fair and equitable rates, particularly for low-income communities that are disproportionately burdened by energy costs. Within PUC **proceedings** or **dockets**,³ advocates can work to advance ambitious clean energy targets, equitable distribution of renewable energy resources, and inclusive participation in clean energy programs.

In addition to these regulatory functions, PUCs often serve as forums for public engagement and participation. They hold hearings, accept public comments, and conduct stakeholder meetings. These public engagement forums can provide environmental and energy justice advocates with opportunities to voice their concerns, provide input on energy policies and decisions, and ultimately influence the outcomes of regulatory proceedings. Advocates can press for mechanisms that require PUCs to formally address and mitigate concerns or incorporate public feedback into their decisions to ensure that PUC public engagement processes are not conducted simply as box-ticking exercises. Advocates can also use proceedings to highlight environmental injustices, advancing programs that prioritize the well-being of frontline communities, and calling on regulators to consider environmental and social costs of energy infrastructure on environmental justice communities in their decisions.



PUCs are crucial spaces for energy justice and climate justice advocates to shape policies and decisions that have profound implications for equity, sustainability, and resilience in the energy sector.

By participating in regulatory processes, working for equitable outcomes, advocating for justice-oriented decision-making structures, and holding utilities accountable, advocates have the potential to play a vital role in advancing social and environmental justice goals within the energy system.

Regional market authorities

An **Independent System Operator (ISO)** and a **Regional Transmission Organization (RTO)** are entities in the United States that are responsible for managing the electric grid and ensuring reliable electricity delivery over large geographic areas. They play a critical role in utility regulation by overseeing the operation of the electrical transmission system and facilitating competitive **wholesale electricity markets**, where power generators sell electricity to intermediaries, such as utilities, which then distribute electricity to the end-users.

Unlike PUCs, ISOs operate across multiple states or regions, focusing on interstate grid reliability and market efficiency. While PUCs oversee utilities within their state, ISOs operate under the oversight of the **Federal Energy Regulatory Commission (FERC)** for interstate activities. Coordination between PUCs and ISOs can help to ensure a reliable, affordable, and well-regulated electricity supply for consumers across different states and regions.



Figure 1: ISO and RTOs in the United States. All ISOs and RTOs pictured are subject to regulation by FERC, excluding ERCOT in Texas.

Source: Sustainable FERC Project, <https://sustainableferc.org/rto-backgrounders-2>

³ Though often used interchangeably, a “proceeding” and a “docket” are related but distinct terms describing a formal process used by PUCs to review and make decisions on matters related to utilities. A proceeding is the overall process of hearings and decisions to resolve a case, whereas a docket is the official record of all documents and filings in a PUC case. Dockets are often given a specific number and online location (sometimes called an “e-docket”).

Addressing Energy Justice Issues in Utility Regulation

Utility regulatory proceedings touch on a wide variety of topic areas relevant to energy justice. Advocates interested in energy affordability and burden for low-income households, energy efficiency and demand reduction programs, community ownership of and decision-making over energy infrastructure, advancing distributed renewable energy resources to build intergenerational wealth, environmental justice concerns about peaker power plants, indoor air pollution, the effects of extreme heat and cold on vulnerable populations, and fighting utility monopoly power and political influence may all find themselves involved in PUC proceedings. This section described common PUC proceeding topics and relevant barriers and opportunities for advancing energy justice.

Rate cases

A **rate case** is a process where utility regulators review and potentially adjust the rates charged to customers by utility companies. In short, rate cases are where utilities ask to raise customers' bills.

The process of a rate case can vary significantly depending on the state. These cases may occur on a standardized cycle in some states, while in others, they are triggered by events like rising utility costs or changes in state laws. Rate cases are often **contested**, meaning that advocates who want to participate in them require legal representation (discussed further in "Tips to engage in a formal or 'contested' proceeding" section).

In general, a rate case will begin with the utility submitting an application detailing its proposed rates to provide services to customers, including the **recovery** of costs and its expected profit margin.⁴ This process is necessary because it determines how much customers will pay for essential services like electricity, water, and gas. The ultimate goal of these proceedings is to determine, among other things, whether the proposed rates are **just and reasonable**. Advocates play a crucial role in shaping the understanding of what constitutes just and reasonable rates – including whether systemic injustices within the energy system need to be addressed.

Rate case proceedings are critical opportunities for public engagement on issues related to the renewable energy transition, energy affordability, and overall utility accountability. These proceedings are arguably the most directly impactful for customers, especially low-income customers who tend to have higher **energy burdens**, or pay a higher percentage of their income in utility costs, compared to wealthier customers⁵ (see Figure 2 below).

Black, Hispanic, and Native American Households Face % Higher Median Energy Burdens than that of White (Non-Hispanic) Households

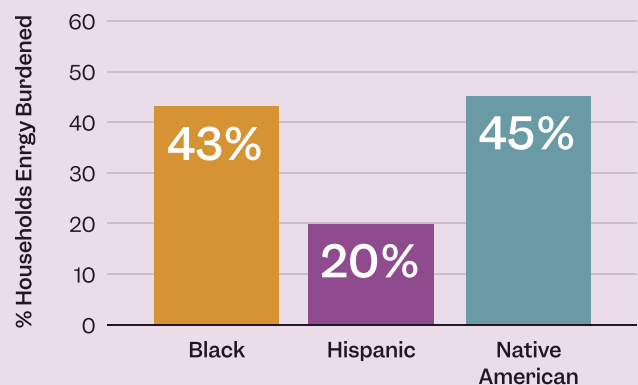


Figure 2: Low-income customers tend to have higher energy burdens, or pay a higher percentage of their income in utility costs, compared to wealthier customers.

Source: ACEEE's 2020 Energy Burden Report, <https://www.aceee.org/energy-burden>

⁴ In utility regulation, "recovery" is a term to describe utilities recouping expenses from their customers through energy bills.

⁵ Kimberly Clark, "Reducing Energy Burden: Resources for Low-Income Residents," Metropolitan Area Planning Council (blog), January 28, 2022, <https://www.mapc.org/planning101/reducing-energy-burden-resources-for-low-income-residents/>; Ariel Drehobl, Lauren Ross, and Roxana Ayala, "How High Are Household Energy Burdens? An Assessment of National and Metropolitan Energy Burden across the United States" (American Council for an Energy-Efficient Economy, September 2020), <https://www.aceee.org/energy-burden>

CAPEX BIAS

Utilities have brought record numbers of rate case requests to state PUCs since 2020, totaling \$18.1 billion in 2023 (the share of electric utility requests totaled \$13.1 billion).⁶ Some utilities argue that inflation, rising debt costs, and the need to upgrade aging infrastructure to advance clean energy technologies are the driving forces behind these requests to increase rates.⁷ However, a major underlying reason behind rising utility rates is the outdated regulatory model incentivizing utilities to build more capital-intensive infrastructure projects.

This phenomenon, known as **capex bias** or capital expenditure bias, stems from the traditional rate-making approach where utilities earn a rate of return – which includes profit – on their **capital investments**. Essentially, the more utilities invest in building or upgrading power plants, transmission lines, and other infrastructure, the higher their shareholders' earnings. This bias incentivizes utilities to prioritize capital expenditures over what may be more cost-effective solutions like energy efficiency, demand response, and distributed energy resources like rooftop solar.

As a result, utilities propose unnecessary and often fossil fuel-based infrastructure projects, driving up costs that get passed along to customers through higher rates. This outdated system needs to be reformed to align utility incentives with affordable, clean energy goals and remove the bias towards excessive capital spending.⁸

ADVOCACY IN RATE CASES

For frontline and energy justice advocates, rate cases provide an opportunity to raise a variety of issues related to affordability, access, equity, and the renewable energy transition. Though we do not go into every issue that advocates can raise in rate cases, we have shared some key issues below.

Advocates can work to ensure that utilities don't pass on unnecessary or inappropriate costs to customers and that funding is directed to important actions like ① building out new renewable energy resources instead of building out or maintaining fossil fuel resources, ② providing low-income bill payment assistance, and ③ increasing energy efficiency spending. Additionally, they can advocate for rate designs that support **distributed energy resources** (DER) like rooftop and community solar paired with storage, helping to address climate change, improve grid reliability, promote sustainability, and increase community ownership of energy resources.

One key issue in rate cases is a utility's **return on equity** (ROE).⁹ High ROEs not only drive up utility bills in general, they can drive the capex bias described above, make the clean energy transition more expensive, and make utilities less competitive.¹⁰ For advocates that care about an affordable clean energy transition, reducing the utilities' ROE can be a great issue to raise.

Other important issues to raise include whether or not various **infrastructure upgrades** are necessary to support a reliable system and a clean and equitable energy transition. In many cases, these upgrades might be necessary because existing grid infrastructure is aging and customers are experiencing dangerous outages. They can also be necessary to incorporate new renewable energy resources into the grid (either decentralized or centralized). However, some upgrades may be proposed under the guise of increasing clean energy generation or improving reliability, but in fact may be further cementing the use of fossil gas facilities and pipelines.¹¹ Engaging in rate case proceedings can illuminate which costs are necessary and useful and which may be contributing to fossil fuel lock-in.

6 Dan Lowrey, "Rate Requests by US Energy Utilities Set Record in 2023 for 3rd Straight Year," S&P Global: Market Intelligence (blog), February 7, 2024, <https://www.spglobal.com/marketintelligence/en/news-insights/research/rate-requests-by-us-energy-utilities-set-record-in-2023-for-3rd-straight-year>

7 *ibid.*

8 Kaja Rebane et al., "Making the Clean Energy Transition Affordable" (Rocky Mountain Institute, 2022), <https://rmi.org/insight/making-the-clean-energy-transition-affordable/>

9 In this context, equity is referring to financial equity (as opposed to debt). For the purposes of this discussion, equity can be thought of as the money that the utility gets from shareholders.

10 Ryan Foelske and Joe Daniel, "3 Reasons Why Climate Players Should Care About Utility Rate of Return," RMI (blog), April 22, 2024, <https://rmi.org/3-reasons-why-climate-players-should-care-about-utility-rate-of-return/> Luke Ashton, "Understanding Rate Cases Using FERC Data," HData (blog), March 21, 2022, <https://blog.hdata.us/understanding-rate-cases-using-ferc-data>

11 Rosemary Misdary, "National Grid Customers in NY Would See \$30 Higher Monthly Bills under Proposed Rate Hike," Gothamist, December 6, 2023, <https://gothamist.com/news/national-grid-customers-in-ny-would-see-30-higher-monthly-bills-under-proposed-rate-hike>

Rate cases also present an opportunity for advocates to scrutinize utilities' political activities and call on PUCs to prohibit utilities from charging customers for political actions. In many cases, utilities will charge expenses related to political trade groups, political contributions, or other activities aimed at influencing the political process. Advocates can argue that such expenses provide no direct benefit to ratepayers and should therefore be borne by shareholders rather than being recovered through customer rates. Advocates can also call for greater transparency around utilities' political spending and highlight potential conflicts of interest or undue influence. By intervening in rate cases, energy justice groups can push PUCs to hold utilities accountable and ensure that ratepayer funds are not misused for political purposes that may undermine the public interest. For further information on the rate design process and what is included, excluded, or passed off to customers, see the Regulatory Assistance Project's "Electricity Regulation in the US: A Guide."¹³



Rate cases provide opportunities for frontline communities, energy justice advocates, and others to bring up issues that are most important to them.

You don't have to be a utility regulatory expert to say that you don't want your energy bills to skyrocket, especially if that money is going to support harmful fossil fuel infrastructure or political activities with which you don't agree. You don't have to know the exact terminology a PUC might use to call for fair and equitable rates that benefit both consumers and the environment. Partnering with legal and technical experts to help amplify your voices in front of PUCs can be a helpful step, but everyone should feel comfortable bringing their lived experience and perspective to these cases.



Capitol News Illinois photo by Andrew Adams

¹³ Jim Lazar, "Electricity Regulation in the US: A Guide" (Regulatory Assistance Project, July 12, 2016) <https://www.raponline.org/knowledge-center/electricity-regulation-in-the-us-a-guide-2/>

Renewable portfolio standards

Over the past few decades, **renewable portfolio standards** (RPS) have emerged as pivotal tools in advancing renewable energy adoption across various states. Led by environmental and clean energy advocates, these standards require a specific proportion of a regulated utility's energy mix (e.g., 80 or 100 percent) to be sourced from renewable resources by a specific deadline. Alongside federal incentives, RPS laws have played a critical role in stimulating significant investments in renewable energy infrastructure nationwide.

IEJ's "Justice in 100: Analysis of the First Ten 100% Laws in the U.S." created an evaluation framework to assess the first ten RPSs to require 100 percent renewable or clean energy. The results of this evaluation showed uneven commitments to equity and justice in these policies, including definitions of "renewable energy" that have the potential to lock in fossil fuel infrastructure for decades to come.¹⁴ In general, the specifics of RPS programs vary significantly from state to state. Significant areas of difference include:



Definitions of Renewable or Clean Energy

Criteria for what resources are considered "renewable" or "clean" and count for RPS compliance can vary drastically from state to state. Solar, wind, geothermal, biomass (organic materials used for fuel), and some hydropower are included in most states' definitions. In some states, definitions of what types of biomass (e.g., municipal solid waste, wood waste, etc.) or hydropower (e.g., small- or large-scale) count as renewable or clean energy are defined. In addition, certain state RPSs allow for polluting energy sources, including "renewable" natural gas, traditional fossil gas, and even certain coal technologies, to count as renewable or clean energy.¹⁵



Distributed Generation (DG)

While some RPS laws explicitly include DG like rooftop solar, in compliance measures, others do not address it directly, and take an agnostic approach to the balance of distributed and centralized generation in a state's portfolio.



Resource Ownership

Some state RPSs include provisions related to utility ownership of renewable resources – for example, by allowing for power purchase agreements with third-party-owned resources, or by purchasing renewable energy credits (more below on RECs). However, true community-based ownership or involvement in renewable projects is rarely integrated into RPS frameworks, despite its potential to promote energy equity. In general, community ownership is driven through other policy mechanisms.

Addressing equity concerns in renewable energy extends beyond sourcing to include issues like responsible mining practices and ensuring strict environmental and labor standards throughout the supply chain. Nonprofits and energy justice-focused organizations can play a vital role in shaping these standards, their implementation, and advocating for complementary policies that promote equitable renewable energy development.

¹⁴ Initiative for Energy Justice, "Justice in 100: Analysis of the First Ten 100% Laws in the U.S.," Justice in 100 (Initiative for Energy Justice, August 2023), <https://iejusa.org/jin100report/>

¹⁵ *ibid.*

Renewable Energy Certificates (RECs) are central to RPS and CES compliance, representing the renewable attributes of energy generation and allowing for utilities that do not own generation resources themselves to still meet policy requirements. However, there are concerns about the equity and transparency of REC markets, particularly regarding sourcing and labor standards, and the effects of worsening local air pollution on environmental justice communities. Further, RECs can inadvertently result in greenwashing, where certain projects are promoted as more environmentally and climate-friendly than they are, including through double-counting of resources.¹⁶ Watchdogging REC program development and implementation is an important way for advocates to ensure that utilities are not taking advantage of RECs at the expense of ratepayers and the climate.

Of course, as renewable energy becomes a larger part of the energy mix, there may be a need for more nuanced or flexible approaches to compliance or to drive the adoption of specific energy sources within the mix. Many states have updated their RPS goals and timelines for this reason, to reflect how markets and technology have changed. For instance, Massachusetts has implemented a Clean Peak Standard to incentivize clean energy generation during peak demand periods. In multiple states including California and Colorado, utilities can “bank” excess renewable energy certificates for future compliance periods. Some states have credit multipliers or carve-outs to specifically accelerate small-scale solar deployment.¹⁷ These provisions can have both intended and unintended impacts. Engaging in dockets related to program design can help ensure that unintended consequences of bill language are mitigated or avoided.

Future areas of advocacy efforts for nonprofits and energy justice-focused organizations may include fighting projects that are not in line with energy justice and frontline community needs, even if these resources are technically RPS compliant (e.g., fighting polluting gas infrastructure), strengthening overall RPS implementation plans, establishing robust interim targets, and ensuring meaningful roles for distributed energy resources in RPS frameworks. By pushing for equitable and inclusive renewable energy policies, frontline organizations can help maximize the environmental and social benefits of clean energy transitions.

Integrated resource planning

Integrated Resource Planning (IRP) is a long-term planning process with the purpose of ensuring utilities can provide reliable electricity to customers while considering other policy, environmental, and economic factors. The IRP process is like a strategic meeting between a utility company and regulators to decide on the best mix of resources for providing electricity at the lowest cost to consumers while achieving specific policy goals and equity outcomes. These goals and outcomes can vary by state but can include environmental justice impacts, environmental protection and conservation, reliability, risk mitigation, and meeting state-specific policy goals.¹⁸



When there is not sufficient regulation and engagement, the IRP process can look like a utility proposing its ideal mix of resources to ensure profitability without consideration for communities or the environment, while a PUC “rubber stamps” the plan without adequately scrutinizing it or listening to other stakeholders.

16 Enzo Bergamo, “Renewable Energy Credits: Decarbonizing the Grid or Just a Corporate Messaging Tool?” Kleinman Center for Energy Policy (blog), June 15, 2023 <https://kleinmanenergy.upenn.edu/news-insights/renewable-energy-credits-decarbonizing-the-grid-or-just-a-corporate-messaging-tool/> Nathan Frischkorn and Samuel Waxman, “Power and Pollution: Approaching Coal-Fired Power Plants and Renewable Energy Through a Racial Justice Lens,” *Chicago-Kent Journal of Environmental and Energy Law* 10, no. 2 (2021): 1–38.

17 State of Massachusetts, “Clean Peak Standard,” <https://www.mass.gov/clean-peak-energy-standard>; Galen Barbose, “U.S. State Renewables Portfolio & Clean Electricity Standards: 2023 Status,” Lawrence Berkeley National Lab, June 2023, https://eta-publications.lbl.gov/sites/default/files/lbnl_rps_ces_status_report_2023_edition.pdf

18 Mark Dyson, Lauren Shwisberg, and Katerina Stephan, “Reimagining Resource Planning” (Rocky Mountain Institute, January 2023) <https://rmi.org/insight/reimagining-resource-planning/> Jake Duncan et al., “Participating in Power: How to Read and Respond to Integrated Resource Plans.” (Regulatory Assistance Project, and Institute for Market Transformation, October 2021) <https://www.imt.org/resources/participating-in-power-how-to-read-and-respond-to-integrated-resource-plans/> Bharath Jairaj et al., “10 Questions To Ask About Integrated Resources Planning,” Working Paper, The 10 Questions Series: Frameworks for Designing Good Electricity Policy (World Resources Institute, Electricity Governance Initiative and Prayas, Energy Group, May 2014) <https://www.wri.org/research/10-questions-ask-about-integrated-resources-planning>

Though processes can differ by state, in general an IRP process requires that a utility explains what they expect for their business over a long-term time horizon, including predicting how much electricity will be needed (demand), ensuring there are enough power sources to meet that demand (supply), and detailing how they plan to comply with state laws regarding renewable energy and climate emissions. This generally involves using advanced computer models to analyze different scenarios and options, including retiring old power plants or building new ones, whether they run on fossil fuels or renewable energy. After sharing their analysis, the utility will provide its plan to achieve its preferred mix of resources over time. The utility's plan might consider factors like the type of power sources (such as **baseload, variable, or peaking power**), cost, reliability, energy efficiency and even the adoption of distributed energy resources (DERs) like solar panels.

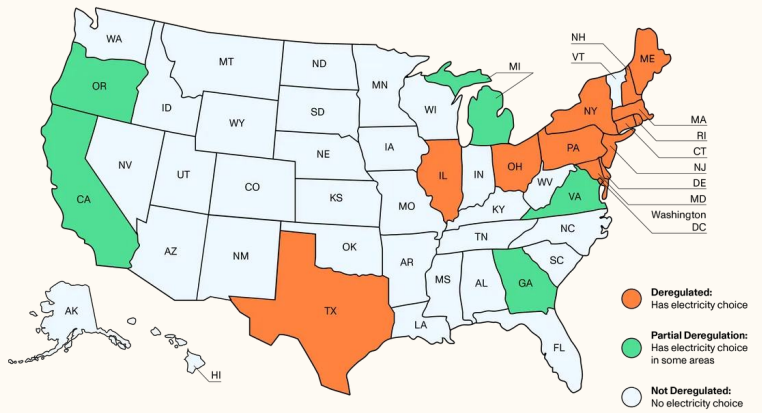


Figure 3: Energy deregulation status of U.S. states. Deregulated jurisdictions include Connecticut, Delaware, Illinois, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and Washington D.C. Partially deregulated states include California, Georgia, Michigan, Oregon, and Virginia. All other states are not deregulated.

Source: Zooley Liao, CNET, <https://www.cnet.com/home/energy-and-utilities/energy-deregulation>

IRPs vary from state to state in terms of how often they are required and how far into the future they plan, but in general, they look over a 10- to 25-year time horizon. The scope of an IRP can also differ depending on whether the state's energy market is **restructured** or **vertically integrated**. In general, many states require utilities that operate within their jurisdiction to submit an IRP to the state PUC. For some states with fully restructured markets – including in ISO-NE (New England), NYISO (New York), and PJM (mid-Atlantic) market territories – IRPs are done by the regional authority, not the states themselves. Some utilities that are not subject to the requirements of an IRP still produce long-term planning documents that are similar to IRPs (such as approvals for new power plants or long-term power purchase agreements). Utilities that span state borders are sometimes subject to IRP requirements for each state that the utility operates within, and may or may not do “cross-state” plans. States vary in which types of utilities are required to prepare IRPs – some only require IOUs to prepare and submit IRPs, while other states can require IRPs from cooperative utilities and municipally owned utilities.¹⁹ This is all to say that it can be complicated to understand what is required of utilities for long-term planning in different states. For this reason, as with rate cases, it can be extremely beneficial to work with legal and technical experts to intervene in IRPs, even if it's not required.

Despite their level of technicality, energy justice and frontline organizations have a lot to gain from getting involved in IRPs. These proceedings are key areas of intervention to advocate for more renewable energy and retiring fossil fuel plants. Advocates specifically concerned with the labor and workforce effects of the energy transitions can advance considerations like a "just transition" plan for workers and communities affected by these changes. Advocates can also scrutinize the modeling tools and assumptions used in the IRP process to ensure they reflect community needs and climate goals.

Various organizations have created guides for how to participate in PUC IRP proceedings. A report from the Regulatory Assistance Project and the Institute for Market Transformation, “Participating in Power: How to Read and Respond to Integrated Resource Plans” provides a useful overview of advocating for equity and justice within IRPs; the report outlines the content of most IRPs, and offers concrete questions to ask for each IRP section, possible suggestions that could be submitted to the PUC, and further sources for interested advocates, particularly advocates involved in local government.²⁰ The American Cities Climate Challenge Renewables Accelerator has also produced a support package for city-level participation and intervention in IRP proceedings.²¹

¹⁹ Dyson, Shwisberg, and Stephan, “Reimagining Resource Planning,” RMI, 2022, <https://rmi.org/insight/reimagining-resource-planning/>

²⁰ Institute for Market Transformation, “Participating in Power: How to Read and Respond to Integrated Resource Plans,” 2021, <https://imt.org/resources/participating-in-power-how-to-read-and-respond-to-integrated-resource-plans/> Institute for Market Transformation, “Public Utilities Commissions and Consumer Advocates: Protecting the Public Interest,” 2022, <https://imt.org/resources/public-utilities-commissions-and-consumer-advocates-protecting-the-public-interest/>

²¹ Celina Bonugli and Heidi Ratz, “Integrated Resource Plan (IRP) Support Package” (American Cities Climate Challenge Renewables Accelerator, n.d.) <https://cityrenewables.org/resources/integrated-resource-plan-irp-support-package/>

Energy affordability

Issues related to energy affordability come up in a variety of proceedings – including rate cases and long-term resource plans – but some states have taken up dockets to tackle energy affordability more directly or holistically. For example, California, New York, and Massachusetts have attempted to improve energy affordability through various strategies, considering rate design reforms, energy efficiency programs, bill assistance initiatives, and consumer protection measures.²² These dockets types can offer a critical platform for stakeholders to raise concerns, present evidence, and advocate for equitable policies and programs that prioritize accessibility, affordability, and equity in the energy sector.

One important example of an energy affordability issue at PUCs is **income-qualified discount rates**, or programs implemented by states or utilities to offer financial assistance to low-income individuals and households to make electricity service more affordable. Examples of these initiatives include California's CARE Program,²³ Massachusetts' Ratepayer Funded Programs,²⁴ Oregon's low-income rates enacted through legislation,²⁵ and Vermont's Green Mountain Power Energy Assistance Program.²⁶ Frontline and community-based organizations can play a crucial role in advocating for and shaping income-qualified discount rate programs to better serve their communities. To promote equitable access to electricity, advocates can call for clear and inclusive eligibility criteria, streamlined enrollment processes, meaningful discounts that reduce energy bills for high-burden households, and adequate funding sources. Working in coalitions with ratepayer advocates²⁷ and other energy justice-focused organizations can help organizations effectively engage in these dockets and influence policies that prioritize accessibility, affordability, and equity for all customers, regardless of financial status or race.²⁸

In addition to income-qualified discount rates, some state PUCs or individual utilities offer **bill payment assistance** programs to help low-income customers manage their utility expenses during financial hardships. These programs often collaborate with community partners to provide emergency bill payment assistance, access federal energy assistance funds, and offer flexible payment plans. For instance, Tucson Electric Power's Lifeline Program in Arizona offers a \$20 monthly discount and works with community partners to provide additional emergency aid.²⁹

Advocates engaging with PUCs should consider researching whether discount rate or bill payment assistance programs already exist in their respective states, collaborating with community agencies to understand where they could be developed or improved, advocating for the establishment of inclusive and effective support mechanisms, and educating community members about any available resources to help them maintain essential utility services.

22 Massachusetts Department of Public Utilities, "D.PU 24-15," January 4, 2024 <https://fileservice.eea.comacloud.net/FileService.Api/file/FileRoom/18395007> New York Public Service Commission, "Case 14-M-0565," January 9, 2015 <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={B9477FFE-87E4-427F-937A-12E490920EEB}> California Public Utilities Commission, "Rulemaking 18-07-006," July 23, 2018 <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/affordability>

23 California Public Utilities Commission, "CARE/FERA Program," <https://www.cpuc.ca.gov/lowincomerates/>

24 National Center for Appropriate Technology, "Massachusetts Ratepayer Funded Programs," LIHEAP Clearinghouse <https://liheap.acf.hhs.gov/dereg/states/masnapshot.htm>

25 Portland General, "Income-Qualified Bill Discount," PGE, 2024 <https://portlandgeneral.com/income-qualified-bill-discount> Oregon Health and Community Services, "HB 2475 Summary," October 14, 2021 <https://www.oregon.gov/puc/Documents/HB2475-Summary.pdf> Mark Dyson, Lauren Shwisberg, and Katerina Stephan, "Reimagining Resource Planning" (Rocky Mountain Institute, January 2023) <https://rmi.org/insight/reimagining-resource-planning/> Jake Duncan et al., "Participating in Power: How to Read and Respond to Integrated Resource Plans." (Regulatory Assistance Project, and Institute for Market Transformation, October 2021) <https://www.imt.org/resources/participating-in-power-how-to-read-and-respond-to-integrated-resource-plans/> Bharath Jairaj et al., "10 Questions To Ask About Integrated Resources Planning," Working Paper, The 10 Questions Series: Frameworks for Designing Good Electricity Policy (World Resources Institute, Electricity Governance Initiative and Prayas, Energy Group, May 2014) <https://www.wri.org/research/10-questions-ask-about-integrated-resources-planning>

26 Green Mountain Power, "What Is the Energy Assistance Program (EAP)?" Green Mountain Power, 2022 <https://greenmountainpower.com/help/what-is-the-energy-assistance-program-eap/>

27 Ratepayer advocates, such as Citizen Utility Boards (CUB) and other consumer advocacy groups often play a crucial role in representing the interests of utility customers, particularly low-income and vulnerable populations, in regulatory proceedings before PUCs and other relevant bodies. These advocacy groups work to ensure fair utility rates, transparent billing practices, equitable access to essential services, and the establishment and enhancement of income-based discount rates, bill payment assistance programs, and consumer protections. They often engage in research, policy analysis, public education, and grassroots organizing to empower frontline communities, promote equitable utility service delivery, and hold utility companies and regulatory agencies accountable to the public interest.

28 Duncan and Eagles, "Public Utilities Commissions and Consumer Advocates: Protecting the Public Interest."

29 Tucson Electric Power, "Lifeline Program," Tucson Electric Power <https://www.tep.com/customer-assistance/>

Utility shutoffs for nonpayment

Regulated utilities are generally allowed to disconnect customers from energy service due to nonpayment, though these disconnections are subject to various state-level requirements. For example, certain states prevent utilities from shutting off service **1** due to nonpayment during the winter or summer months, **2** during extreme temperature events, **3** for households that have elderly or young residents, **4** for low-income households, or **5** for households that have certain medical conditions. However, not all states provide these safety nets, and even when utility shutoffs are banned, these policies do not tend to prevent housing evictions due to nonpayment of utility bills.³⁰



Low-income, Black, and Hispanic households, renters, households with young children, individuals with medical conditions that require electricity access, residents of mobile homes, or residents of older homes without adequate insulation are more likely to experience energy insecurity and face utility disconnection.³¹

Advocates primarily concerned with utility shutoffs should first determine whether their state PUC tracks disconnections. If utility disconnections due to nonpayment are not tracked, advocates should begin by requesting that the PUC begin tracking disconnections to increase transparency.³²

If the state PUC does track disconnections, advocates should seek out PUC utility disconnection actions. Advocating for more robust shutoff moratoria with fewer restrictions around when and for whom the moratoria is in effect will increase the safety net for households struggling with energy insecurity due to affordability. Arrearage programs that forgive or partially forgive customer debt and allow for affordable monthly payments on overdue bills are another important area of focus.³³ Such protections reduce vulnerability to evictions and exposure to extreme weather events.³⁴

The COVID-19 pandemic expanded the use of utility shutoff moratoria to the general population.³⁵ Certain state legislatures passed emergency statutes that allocated funding or resources to emergency response actions or directed PUCs to ensure public safety and welfare. Some governors also declared a state of emergency and worked through the PUC to advance energy security for households throughout the pandemic. Through legislative or executive authority, PUCs were able to issue orders to utilities during the COVID-19 pandemic, directing utilities on how to respond to disconnection actions. Some utilities voluntarily enacted shutoff moratoria programs when there was no legislative or executive action.

Research conducted during these utility shutoff moratoria and in the subsequent years, including IEJ's policy brief on the subject, has confirmed the life-saving nature of the moratoria during the COVID-19 pandemic and has provided policy recommendations for expanding shutoff moratoria practices and streamlining their use.³⁶

30 Ashley J. Lawson and Claire Mills, "Electric Utility Disconnections," Congressional Research Service Report (Congressional Research Service, January 31, 2023) <https://crsreports.congress.gov/product/pdf/R/R47417>

31 Trevor Memmott et al., "Utility Disconnection Protections and the Incidence of Energy Insecurity in the United States," *iScience* 26, no. 3 (March 2023): 106244 <https://doi.org/10.1016/j.isci.2023.106244> Diana Hernández and Jennifer Laird, "Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope," *American Behavioral Scientist* 66, no. 7 (June 2022): 856–80 <https://doi.org/10.1177/00027642211013401>

32 Energy Justice Lab, Utility Disconnections Dashboard, 2023, 2023 <https://utilitydisconnections.org/>

33 Colette Brashears, Talia Lanckton, and Shalanda H. Baker, "Utility Shutoffs and the COVID-19 Pandemic: Policy Recommendations for Policymakers and Advocates Concerning Utility Shutoffs and Consumer Protections," Policy Brief (Initiative for Energy Justice, December 2020) <https://iejusa.org/utility-shutoffs-covid-19-policy-brief/>

34 Matthew Flaherty, Sanya Carley, and David M. Konisky, "Electric Utility Disconnection Policy and Vulnerable Populations," *The Electricity Journal* 33, no. 10 (December 2020): 106859 <https://doi.org/10.1016/j.tej.2020.106859> Memmott et al., "Utility Disconnection Protections and the Incidence of Energy Insecurity in the United States."

35 Shalanda H. Baker, Sanya Carley, and David M. Konisky, "Energy Insecurity and the Urgent Need for Utility Disconnection Protections," *Energy Policy* 159 (December 2021): 112663 <https://doi.org/10.1016/j.enpol.2021.112663> Dominic J. Bednar and Tony G. Reames, "Fleeting Energy Protections: State and Utility Level Policy Responses to Energy Poverty in the United States during COVID-19," *Energy Research & Social Science* 99 (May 2023): 103045 <https://doi.org/10.1016/j.erss.2023.103045> Brashears, Lanckton, and Baker, "Utility Shutoffs and COVID-19 Policy Brief"; Flaherty, Carley, and Konisky, "Electric Utility Disconnection Policy and Vulnerable Populations"; Kay Jowers et al., "Housing Precarity & the COVID-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across US Counties," Working Paper, NBER Working Paper Series (Cambridge, MA: National Bureau of Economic Research, January 2021) <https://www.nber.org/papers/w28394> Trevor Memmott et al., "Sociodemographic Disparities in Energy Insecurity among Low-Income Households before and during the COVID-19 Pandemic," *Nature Energy* 6, no. 2 (January 18, 2021): 186–93 <https://doi.org/10.1038/s41560-020-00763-9> Memmott et al., "Utility Disconnection Protections and the Incidence of Energy Insecurity in the United States";

36 Jowers et al., "Housing Precarity & the COVID-19 Pandemic"; Brashears, Lanckton, and Baker, "Utility Shutoffs and COVID-19 Policy Brief"; Baker, Carley, and Konisky, "Energy Insecurity and the Urgent Need for Utility Disconnection Protections."

Utility-initiated power shutoffs

Utilities are increasingly using broad power shutoffs across the grid to reduce overall blackout risk and reduce the risk of electricity-instigated wildfires during high wind events. These utility-initiated power shutoffs, distinct from the nonpayment-related power shutoffs discussed in the previous section, are meant to address increasing risks to people's homes, businesses, and entire cities due to wildfires and other disasters caused by the climate crisis and other risks in our energy system.

In states where utilities have initiated oversight of utility-initiated power shutoffs, these utilities might be required to submit reports to their state PUC detailing the numbers of customers de-energized, the utility's rationale for shutting off power, a description of damage to utility infrastructure due to the high-wind events, and efforts made by the utility to ensure that all customers (especially those with medical vulnerabilities that require consistent access to electricity) were notified of the shutoff event.³⁷ State PUCs will generally have the authority to determine whether utility actions, including power shutoffs, are required to protect public safety. Advocates can pressure PUCs to leverage this authority to regulate utilities as power shutoffs become more common in order to reduce the use of this tool and ensure that those who are most vulnerable to power shutoffs are not harmed by the practice. Not all state PUCs have started regulating utility-initiated power shutoffs; in some cases, utilities are using mass power shutoffs to reduce wildfire risk, but are not subject to regulatory requirements from the PUC.³⁸ In these cases, advocates should push for their state PUC to regulate the use of power shutoffs to reduce wildfire risk.

As an example, the California PUC began providing guidance on "public safety power shutoffs" in 2012.³⁹ Utilities in the state had requested authority to shut off power as a wildfire prevention measure.⁴⁰ The California PUC instituted public notice requirements, mitigation plans, and reporting requirements for all investor-owned utilities conducting these utility-initiated power shutoffs in 2018.⁴¹ Investor-owned utilities have relied heavily on these power shutoffs in California, shutting off power for almost 1 million customers in a single 2019 shutoff event alone.⁴² IEJ has published two policy briefs on the growing use of utility-initiated power shutoffs in California and western states, focusing on data deficiencies in the utility reporting requirements after shutoffs, and policy recommendations for alleviating the impact of these power shutoffs on environmental justice communities and medically-vulnerable customers.⁴³

The disproportionate effects of power shutoffs on underserved communities is a key area of energy justice advocacy in states where these power shutoffs are used. Where power is shut off, communities often rely on polluting and expensive diesel generators for back up power.⁴⁴ Advocates interested in commenting on, or intervening in, proceedings related to these utility-initiated power shutoffs should look for consumer protection groups, disability rights advocates, and utility justice organizations to partner with on advancing justice and equity in relevant proceedings. Energy justice advocacy efforts could include expanding the transparency and regulation of utility use of power shutoffs as a wildfire prevention tool, while also promoting infrastructure, energy efficiency, resilience, and decentralization improvements to reduce the use of power shutoffs.

37 Marisa Sotolongo, Cecelia Bolon, and Shalanda H. Baker, "California Power Shutoffs: Deficiencies in Data and Reporting," Policy Brief (Initiative for Energy Justice, October 2020) <https://iejusa.org/wp-content/uploads/2020/10/V3.3-Policy-Brief-CA-Shutoffs-Data-Brief.pdf>

38 Pacific Power, "Public Safety Power Shutoff," 2023 <https://www.pacificpower.net/outages-safety/wildfire-safety/public-safety-power-shutoff.html>
Puget Sound Energy, "Public Safety Power Shutoff," 2023 <https://www.pse.com/en/pages/Wildfire-preparedness/Public-Safety-Power-Shutoff>
Rebecca Moss, "WA Utilities Proactively Turn off Power as Wildfires Come West," Seattle Times, September 11, 2022 <https://www.seattletimes.com/seattle-news/times-watchdog/wa-utilities-proactively-turn-off-power-as-wildfires-come-west/>

39 The "public safety power shutoffs" nomenclature obfuscates the extreme impacts and life-threatening nature of these electricity shutoff events. For the purpose of this policy brief, and in line with IEJ's previous publications on this topic, we jettison the phrase "public safety," and instead use the term "power shutoffs" or "utility-initiated power shutoffs".

40 San Diego Gas & Electric Company, "Application 08-12-021," December 22, 2008 https://www.sdge.com/sites/default/files/application_20_0.pdf California Public Utilities Commission, "Decision 12-04-024," April 26, 2012 https://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/FINAL_DECISION/165063.PDF

41 California Public Utilities Commission, "Decision 19-05-042," July 12, 2018 <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M296/K598/296598822.PDF>

42 Sotolongo, Bolon, and Baker, "California Power Shutoffs: Deficiencies in Data and Reporting."

43 Marisa Sotolongo, Shalanda H. Baker, and Cecelia Bolon, "California's Wildfire Risk and Growing Energy Insecurity: Policy Recommendations for Energy Resilience in Vulnerable Populations," Policy Brief (Initiative for Energy Justice, December 2020) <https://iejusa.org/wp-content/uploads/2021/01/CA-Shutoffs-Policy-Brief-2-V5.pdf>
Sotolongo, Bolon, and Baker, "California Power Shutoffs: Deficiencies in Data and Reporting."

44 Leslie Guliasi, "Toward a Political Economy of Public Safety Power Shutoff: Politics, Ideology, and the Limits of Regulatory Choice in California," Energy Research & Social Science 71 (January 2021): 101842 <https://doi.org/10.1016/j.erss.2020.101842>

Other types of proceedings

This section has provided an overview of a few important types of proceedings that energy justice and other frontline advocacy organizations may be interested in participating or intervening in. In addition to these proceedings, there are many other types of proceedings and dockets that advocates can get involved in. For example, Certificate of Public Convenience and Necessity (CPCN) proceedings are held when a utility seeks to construct new power plants, transmission lines, or other major infrastructure projects. These proceedings are crucial for advocates to weigh in on the need for the proposed project, its potential environmental and community impacts, and to propose

alternative solutions such as energy efficiency or renewable energy investments.

Additionally, advocates may want to participate in rulemaking proceedings, where public utility commissions establish or update rules and regulations governing various aspects of utility operations. These proceedings provide an opportunity to advocate for rules that prioritize energy justice, affordability, and environmental sustainability.

Finally, advocates should stay vigilant and engage in sub-dockets or phases within larger proceedings that address specific issues impacting energy justice principles.

Where to start?

As a frontline or energy justice organization, there are many different types of utility regulatory proceedings you may want to prioritize getting involved in, depending on your specific goals:



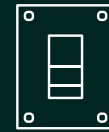
If you care about **energy affordability** and protecting vulnerable households from high energy burdens, you'll want to engage in:

- **Rate cases:** When utilities request rate hikes, you can intervene to advocate for affordable rates, equitable rate design, and robust low-income assistance programs.
- **Energy affordability program dockets:** Many states have special proceedings to design and fund percentage-of-income payment plans, arrearage management, and other affordability initiatives.



If your focus is on **transitioning away from fossil fuels** and toward clean energy, key proceedings include:

- **Integrated Resource Plans (IRP):** Utilities' long-term energy plans lay out future generation investments. You can push for renewable energy, energy efficiency, and moving away from fossil fuels.
- **Certificates of Public Convenience and Necessity (CPCNs):** When utilities propose new gas plants, pipelines, etc., you can intervene to question necessity and advocate clean alternatives.
- **Clean energy rulemakings:** PUCs often open dockets to design renewable energy and energy efficiency programs and policies.



If you're concerned about **utility shut-offs** and disconnections, seek out:

- **Disconnection policy dockets:** Some states examine disconnection policies and protections for vulnerable households in these proceedings.
- **Consumer complaint processes:** Getting involved here can shed light on problematic utility practices around shutoffs.

No matter your priority issue, steps to get involved include: monitoring PUC dockets, filing to intervene, submitting testimony and comments, collaborating with other advocates, and making your community's voices heard. A great first step is to reach out to other advocates already working at your state's PUC. They can provide guidance on the current key proceedings, share insights on effective strategies, and suggest ways for your organization to get involved in a coordinated fashion. Understanding where efforts are already underway can help prioritize your engagement for maximum impact. See below for more information on how to get started engaging with PUCs.

How to Engage at Public Utility Commissions

Finding information on PUC websites

One key skill to engaging in advocacy at PUCs is knowing how to navigate their often clunky and confusing websites to get the information you need. PUC websites are usually organized by “proceedings” or “dockets” (largely interchangeable terms, with “docket” often referring to the specific case number or location on the website). For example, a specific utility might have multiple ongoing cases at the PUC, including a request to increase their rates (called a “rate case”) and a request to get approval for their long-term energy plan (called an “integrated resource plan”). Each of these cases would be considered a separate, open proceeding and would have a specific docket number assigned to it. Another utility in the same state might have its own rate case happening at the same time. Although these are the same type of case, because they’re for two separate utilities, they’d be considered separate proceedings and would have their own distinct docket number. See <https://app.insightengine.org/portal> for a full list of state PUCs and their websites.

Here are some tips for navigating utility websites and keeping track of proceedings at PUCs:



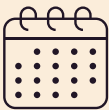
The search tool is your friend!

- Many PUC websites offer “e-docket” or “filings” pages where you can access detailed records of ongoing and past proceedings. Utilize the search functionality on these pages to narrow down your results.
- By entering relevant keywords or docket numbers, you can quickly locate specific documents related to your area of interest, providing valuable insights into ongoing regulatory activities.



Keep an eye out for formal notices:

- When a project or regulation is up for approval, PUCs usually release formal notices (most often on their website as a docket but also in newspapers, social media, public flyers, mailers, and fliers in the PUC buildings, etc.). These notices hold important details about what’s going on and how it might impact communities. For example, the notice might contain information on issues relevant to the proceeding, public comment opportunities, accommodations for disability services or translation, the date and time of the relevant meetings, and contact information for PUC staff.
- To find these notices, head to the PUC website and use the search bar. Try using keywords related to your interests or the specific project you’re curious about.



Stay updated on upcoming meetings and other engagement opportunities:

- PUC websites often have sections listing upcoming meetings. These meetings are where decisions get discussed and made, so they’re crucial for staying in the loop.
- Check these listings regularly. They usually give a quick rundown of what’s on the agenda and how the public can join in.
- For most PUC websites, there is an option to subscribe to email updates on specific proceedings. This is a good way to keep track of relevant filings and updates to the docket.



Reach out directly if needed:

- Can’t find what you’re looking for online? No worries! Sometimes, a direct chat with someone at the PUC can clear things up.
- Give the PUC office a call and ask to speak with the clerk. They can help answer your questions and point you in the right direction.
- Additionally, asking fellow advocates at energy, climate, and environmental justice organizations, as well as ratepayer advocacy organizations, is often a great way to find information and ask questions.

Understanding case types

Aside from the specific names and nature of proceeding categories, cases can be broadly described as either “formal” or “informal.” These descriptors are helpful in thinking about how proceedings are categorized, but are not hard and fast definitions. Importantly, formal cases require an intervention (or, a determination that a person or organization has demonstrated standing in order to participate), and there are findings of fact at issue (e.g. a utility’s rate case application). Informal cases do not require intervention and are primarily geared towards policy decisions. Some formal proceedings are considered contested cases (vs. uncontested cases). The definition of a contested case may vary slightly by state, but in general, these cases operate like court cases in many ways and require legal representation to be an official party to the case. A primary example of a contested case is a rate case. An example of a formal but uncontested case, depending on the state, could be an integrated resource planning (IRP) proceeding.

General elements of a PUC intervention process⁴⁵

Filing a Petition to Intervene:

Individuals, organizations, or companies that wish to participate in a specific regulatory proceeding or case must file a formal petition to intervene. This petition outlines their reasons for seeking intervention and demonstrates their standing and interest in the matter.

Review and Decision on Petitions to Intervene:

The PUC reviews the petitions to intervene and decides whether to grant intervenor status to those who have demonstrated a legitimate interest in the proceedings. The PUC considers factors such as relevance of the intervenor’s perspective, potential contribution to the decision-making process, and potential impacts of the decision on the intervenor.

Intervenor Rights:

Once intervenor status is granted, the intervenor gains certain rights in the proceedings. These might include the right to submit evidence, cross-examine witnesses, file legal briefs, present arguments, and attend hearings related to the case.

Participation:

Intervenors actively participate in the proceedings by presenting their perspectives, participating in discovery, providing expert testimony, submitting data, making arguments in favor of their positions, and in some instances engaging in settlement discussion. They work to influence the outcome of the regulatory decision.

Public Hearings and Testimony:

PUCs often hold public hearings where intervenors, along with other stakeholders, can present their views directly to the decision-makers and the public. This provides an opportunity for different perspectives to be heard.

Final Decision:

After considering all relevant evidence and arguments, the PUC makes its final decision. This decision takes into account the input from intervenors, other stakeholders, and the public.

⁴⁵ Vermont Public Utility Commission, “Public Participation and Intervention in Proceedings Before the Public Utilities Commission,” accessed May 2, 2024 https://puc.vermont.gov/sites/psbnew/files/doc_library/Public-Participation-and-Intervention.pdf

Tips to engage in an informal proceeding like a rulemaking or investigation

For most proceedings, **public comments** – either written or verbal – are a mechanism of participation available to advocates and the public at large. Within the public notice for a proceeding, there should be specific guidelines as to whether a PUC will offer opportunities for written public comments and/or accept verbal public comments during public meetings or hearings. If there is no information in the public notice, advocates can seek out further clarification from PUC employees.

Written public comments are an important tool for advocates who provide longer or more in-depth analyses and perspectives related to a specific issue. For **rulemaking** proceedings, this would be regarding whether a rule should be adopted as proposed or if changes are needed. For an investigation, this could be information that a community or organization feels is important for a PUC to consider. Written comments with more substantive information and longer statements are better provided before a proceeding to give PUC staff and Commissioners adequate time to review submitted materials.

In addition to written comments, advocates may provide oral testimony at **public hearings**. These are great opportunities to recruit community members and impacted individuals to provide testimony directly to Commissioners and can often be more meaningful than technical, written comments – especially if the testimony includes direct requests to Commissioners. It's important to ascertain if oral testimony is an option, whether time limits apply, if material presentations are permitted, and if Commissioners need to respond to oral testimony. Public hearings often have limited time for oral testimony, if available. In many cases, once a proceeding concludes, public comments can no longer be submitted for consideration.

Tips to engage in a formal or “contested” proceeding, like a rate case

Parties can intervene in proceedings and obtain **party** status in a number of ways, most commonly by filing a legal motion.⁴⁶ The requirements for intervention vary across states, but generally require a showing of the following elements:

- 1 a description of you/your organization and relevant contact information;
- 2 an explanation of your interest in the proceeding and why no other party can represent those interests; and
- 3 a commitment that your advocacy will not expand the scope of the proceeding or result in excessive administrative burdens. Many jurisdictions impose firm deadlines for filing motions for party status or intervention, which are generally set in statute and/or the applicable rules of practice and procedure.



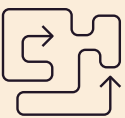
Intervention: An intervention represents the most demanding form of engagement, providing individuals and organizations with greater influence than those involved solely in public comment processes. But intervention can also cost money, including but not limited to staff time. Some states offer **Intervenor Compensation Programs** to offset costs, but compensation timing varies. If intervening isn't feasible or deemed resource-efficient, advocates can explore collaborating with other official intervenors aligned with energy justice goals. Researching past intervenors in similar cases can inform potential collaboration opportunities, fostering collective efforts toward equitable outcomes in energy regulation.

⁴⁶ In addition to filing a motion for party status, some jurisdictions may allow for oral motions for party status to be made at the pre-hearing conference or may automatically grant party status when a protest to an application is filed or comments are filed on a new rulemaking.

Formal but **uncontested** proceedings, like a long-term resource plan, might require a formal intervention but not require a lawyer to represent you or your organization. The standard for involvement in these proceedings is still that you have demonstrated standing to engage, and may in general require a higher level of technical or other analysis, but would not necessarily include legal processes such as briefing, discovery, and oral arguments. However, it is often helpful to partner with lawyers or nonprofits with legal expertise to ensure that you are meeting whatever administrative requirements the formal proceeding entails.

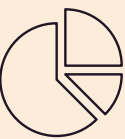
Contested proceedings (many of which are "adjudicatory" proceedings) represent a more formal, court-like process, in which official parties need to have legal representation. Contested proceedings typically feature an administrative law judge overseeing expert written testimony, evidentiary discovery, live oral testimony, cross-examination, briefing, and a decision. Examples of cases within contested proceedings include customer complaints against utilities, alleged violations of PUC rules or state law, or rate-setting cases.

To effectively engage in formal proceedings, consider the following tips:



Understand the Process

Familiarize yourself with the specific procedural rules and requirements governing contested proceedings at your PUC. Each jurisdiction may have unique processes, timelines, and submission requirements.



Gather Evidence

If you plan to participate as an intervenor or submit comments, gather relevant evidence to support your position. This may include data, studies, expert opinions, or testimonies from affected individuals or communities. In order to introduce evidence in a formal proceeding, you must be an intervenor (remember that public comments are not considered "evidence").



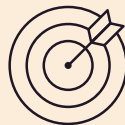
Form Coalitions

Consider joining forces with other stakeholders who share similar interests or concerns. Collaborating with like-minded organizations or individuals can amplify your advocacy efforts and provide collective strength in numbers.



Build Relationships

Establish positive relationships with PUC staff, Commissioners, and other stakeholders to enhance your credibility and influence within the regulatory process. Attend meetings, hearings, and public events to network and engage with decision-makers.



Be Strategic

Prioritize your engagement efforts based on the issues that are most critical to your objectives. Focus your resources on key areas where you can have the greatest impact, whether through written comments, oral comments, or intervention.



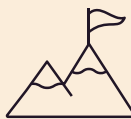
Stay Informed

Stay updated on developments in the proceeding, including new filings, hearings, and decisions. Regularly check the PUC website, subscribe to email notifications, and follow relevant news sources to stay informed.



Seek Legal Assistance

If the proceedings become complex or legal expertise is required, consider seeking assistance from attorneys or legal experts familiar with utility regulation and administrative law. They can provide valuable guidance and support throughout the process. See more on this in the "How to find technical assistance and legal support" below.



Be Persistent

Engaging in contested proceedings can be a lengthy and sometimes frustrating process. Stay persistent and committed to your goals, even if progress seems slow. Your perseverance can make a difference in shaping fair and equitable outcomes.

Tips to find technical assistance and legal support

For PUC proceedings that require additional technical or legal capacity that your organization may not have, the first step is often to ask around and find out which energy justice organizations are already involved in related or relevant PUC dockets or proceedings. There may be opportunities to join existing coalitions and benefit from shared resources.

Regional and national environmental and energy non-profits like the Environmental Law & Policy Center (ELPC), Southern Environmental Law Center (SELC), Earthjustice, and Sierra Club (among others) often provide legal capacity and sometimes technical assistance to local and community-based energy justice groups when asked.

Doing some research and asking staff at these organizations if they know of resources or are able to provide support is often a helpful early step in proceedings. These organizations can potentially assist not just with legal needs, but also with technical analysis relating to energy modeling, rate design, grid planning and other complex aspects of PUC proceedings. There are also think tanks and nonprofits that provide technical analysis for smaller organizations, including groups like RMI and GridLab. These groups often have staff researchers or can help connect local groups to universities and consultants for technical support.

Other nonprofits that sometimes provide legal and technical support to energy organizations engaging in PUC work include groups like the American Civil Liberties Union (ACLU), the National Consumer Law Center, and citizen utility boards (CUB), as these groups have expertise in energy and utility matters affecting underserved communities. They may be able to offer guidance, legal analysis, potential representation for interventions, or help connecting with technical experts.

Advocates can also explore local or regional law school clinics (e.g., the Green Energy Institute at Lewis & Clark Law School or the Abrams Environmental Law Clinic at the University of Chicago Law School) that focus on environmental or energy issues and reach out to staff. These clinics may be able to offer legal guidance or representation, provide research support from students and faculty, or help connect you with other organizations and experts in the area.

Finally, check if your state has an intervenor compensation program that funds legal counsel, expert witnesses, and technical consultants when officially intervening in PUC cases. Availability and specifics vary across states.



Photographer: Ronan Furuta



Photographer: Markus Spiske

Addressing Inequities in Utility Regulation

Utility commissions allow public participation in proceedings in part to help ensure that their decisions align with the best interests of the communities and consumers they serve. However, barriers often limit participation by the public or third-party organizations and instead support **regulatory capture** relationships between utilities and their regulators, where regulators begin to promote the interest of the businesses it regulates over the public interest.

To transform PUC advocacy and make participating in proceedings more accessible and effective, a variety of improvements can be made. One key example is including equity provisions in laws and regulations that center frontline communities, low-wealth communities, and communities of color, while ensuring accessibility in proceedings.



Two Utility Case Studies: Colorado and Michigan

Policy research interns from UC Berkeley conducted semi-structured interviews with frontline communities and organizations to explore intervention processes for two states in two different types of proceedings: Colorado's Xcel Renewable Energy Standard (RES) Plan 2022-2025 and Michigan's DTE Integrated Resource Plan (IRP) 2023.⁴⁷ The interviews included open-ended questions aimed at understanding stakeholders' experiences, concerns, and priorities, particularly regarding community solar projects and access to micro-grid services. The interviews were analyzed to identify common themes and insights to gain a nuanced understanding of stakeholder engagement and their reasons for intervention. Vote Solar staff and the student researchers also conducted a policy analysis of the utility plans and stakeholder engagement strategies, assessing the impact of interventions on plan modifications and their alignment with clean energy goals. Below are summaries of the interview findings, emphasizing the importance of inclusive engagement and responsive utility practices.

⁴⁷ DTE, "2022 DTE Electric Integrated Resource Plan (Summary)," 2022 https://dtecleanenergy.com/downloads/IRP_Executive_Summary.pdf
Xcel Energy, "2022-2025 Renewable Energy Standard Plan," 2022 https://www.xcelenergy.com/company/rates_and_regulations/filings/renewable_energy_plans_and_reports

Colorado Xcel Renewable Energy Standard Plan 2022-2025



Overview of the Initial Proposed Plan

Xcel Energy, an investor-owned electric and gas utility, has a goal to deliver 100% carbon-free electricity by 2050, with an interim goal to cut its carbon emissions by 80% by 2030 in order to meet the state's goal of transitioning to 100% renewable energy by 2040.⁴⁸

The RES plan lays out how Xcel plans to meet these clean energy goals for the next four years and puts forward renewable energy plans. These plans range from launching a “renewable” fossil gas program to expanding renewable energy resources (solar, wind, and energy storage).

Why Did Communities & Organizations Intervene?

Xcel was behind schedule on delivering funds that were agreed upon for community solar projects. These community solar projects would allow residents who are unable to put solar panels on their homes or apartments to participate in clean energy programs, with a focus on serving low-income customers.⁴⁹

Micro-grid services were only being offered to commercial customers, not residential, a major barrier to access for BIPOC, frontline, and low-wealth communities.⁵⁰

Michigan's DTE Integrated Resource Plan 2023



Overview of the Initial Proposed Plan

In 2019, DTE, an investor-owned energy utility, announced plans to reach net zero carbon emissions by 2050.⁵¹

The Michigan DTE Energy 2022 plan proposes accelerating DTE's decarbonization goals through a self-proclaimed “balanced and diversified approach” of transitioning to cleaner energy. This plan includes customer incentives, workforce development, and infrastructure transformation proposals.⁵²

Why Did Communities & Organizations Intervene?

Advocates want to see more investment in distributed energy resources like microgrids. These microgrids would be small neighborhood-scale grids powered by collectively owned community solar sites that would be designed to provide a more affordable option for low-income customers.⁵³

Overall affordability in access to clean energy needs to be addressed. DTE has among the worst reliability profiles and highest utility rates in the country.⁵⁴

Advocates want to see the coal-fired Monroe Power Plant close down, with a just transition for its workers. The power plant is one of the country's most significant individual contributors to pollution. While DTE intended to close the plant within its plan, it planned to charge Michigan ratepayers for continuing profits on the \$4 billion Monroe plant investment for years after its closure. Advocates argued that under this plan, DTE was essentially jeopardizing the health of its customers.⁵⁵

48 “Sunset Public Utilities Commission,” 40-2-125.5 Colorado Revised Statutes § (2019) <https://leg.colorado.gov/bills/sb19-236> Xcel Energy, “2022-2025 Renewable Energy Standard Plan.”

49 Michael Booth, “More Colorado Community Solar Gardens Moving Forward after PUC Rejects Xcel Effort to Postpone,” The Colorado Sun, April 11, 2022 <https://coloradosun.com/2022/04/11/colorado-community-solar-gardens-expansion/>

50 Vote Solar staff members involved in the primary coalition for Colorado Xcel Renewable Energy Standard (RES) Plan 2022-2025, interview, 04/07/2023.

51 DTE Energy, “Net Zero Carbon Emissions Goal Announced by DTE Energy Electric Company,” September 26, 2019

<https://ir.dteenergy.com/news/press-release-details/2019/Net-Zero-Carbon-emissions-goal-announced-by-DTE-Energy-Electric-Company/default.aspx>

52 DTE, “2022 DTE Electric Integrated Resource Plan (Summary).”

53 Nina Misuraca Ignaczak, “DTE Plan Calls for Early Coal-Plant Retirement, More Renewables. Advocates Call for Faster Progress, Local Ownership,” Planet Detroit, November 4, 2022 <https://planetdetroit.org/2022/11/dte-energy-files-plan-calling-for-faster-coal-plant-retirement-more-renewables-advocates-call-for-faster-progress-more-local-ownership/>

54 *ibid.*

55 *ibid.*

INTERVIEW RESULTS:

Key insights & patterns of inequity within the intervention process

This analysis uncovered several systemic barriers within the intervention process, highlighting how these barriers disproportionately affect frontline communities and organizations. These findings highlight many (but not all) challenges community-based and frontline organizations may face while engaging in proceedings before PUCs.

Technical Expertise & Language Justice

The intervention process is very technical and requires an understanding of complex vocabulary with a lack of multilingual resources and live interpreters/translators provided to community members. Without the proper tools and resources to effectively engage with the process, frontline, BIPOC, and/or low-wealth communities cannot navigate the process.⁵⁶

Political & Community Engagement

Most community members do not know about the role of the PUC and their right to intervene. Advocates have expressed that the funding of state & local programs focused on educating community members with the tools needed to navigate the regulatory system can be the biggest game-changer to increasing public participation and engagement within PUC cases.

Unclear & Lengthy Process

Participating in the process to intervene within PUC proceedings can be a complex process involving numerous players' participation. The lack of accessible information geared toward community members on how to maneuver the process to engage in intervening, hinders the ability of communities who are most impacted to participate in advocating for their necessities. Engaging within a case is often not feasible for working-class community members with the unrealistic time and financial constraints produced by the lengthy process.

Time & Location Accessibility

Accessibility appears to be the most profound barrier for frontline, BIPOC, and/or low-wealth communities to participate in proceedings. In general, many of these accessibility issues are correlated with the allocation of time resources, on-site location, and occurrence of proceedings that do not take into account typical work and family duties of community members.

Financial Constraints

Navigating the intervention process requires financial resources to cover legal representation, expert witness fees, production of documents, transportation costs, and more. While utility companies have access to a broader range of funds, frontline, BIPOC, and/or low-wealth communities might not and therefore often cannot participate without adequate financial support.⁵⁷

Equitable Representation within the PUC

Frontline, BIPOC, and/or low-wealth communities often do not feel reflected or visible within proceedings. The composition of PUC commissioners and staff often lacks diversity in terms of gender, race, and/or socioeconomic background, which can lead to disparities or bias in decision-making with case outcomes.

Lack of Class & Race Consciousness

Currently, the language used by PUCs is not tailored to how community members want to be identified. For example, "historically-marginalized communities" may differ from "disproportionately-impacted communities" and "underserved communities". There are frontline and community-based organizations that may have a relevant understanding of how respective communities would like to be addressed.

In general, our regulatory systems do not incorporate a "people-first" approach regarding those most affected by their decisions. Without a class & race-conscious lens that promotes community input, language justice, and accessibility, the intervention process (and regulatory system as a whole) has and continues to ostracize frontline, BIPOC, and/or low-wealth communities.

Capacity Constraints from Organizations Representing Communities Intervening

Organizations that provide community members legal support in PUC proceedings have expressed financial, time, and workload capacity constraints in equipping community members to testify effectively. Building community buy-in is an extensive process for these organizations that often coincides with short timelines and limited resources as organizations combat the urgency to move from one case to another.⁵⁸

⁵⁶ Sarah Hay, "How to Engage the Public: OIRA's New Guidance to Agencies," GW Regulatory Studies Center (blog), August 1, 2023 <https://regulatorystudies.columbian.gwu.edu/how-engage-public-oiras-new-guidance-agencies>

⁵⁷ Ililani Media, "PUC Equity Proceeding Must Upend Previous Approaches," July 11, 2023 <http://www.ililani.media/2023/07/puc-equity-proceeding-must-upend.html>

⁵⁸ Ganesh Sitaraman, "Reforming Regulation: Policies to Counteract Capture and Improve the Regulatory Process" (Center for American Progress, November 1, 2016) <https://www.americanprogress.org/article/reforming-regulation/>

Spotlight on Massachusetts: Utility justice



In 2021, the Massachusetts Office of the Attorney General (AGO) convened a Stakeholders Working Group (SWG) to explore barriers to meaningful participation in energy decision-making. The SWG included representatives from organizations focused on local environmental justice, state climate action, and national environmental, renewable energy, and legal advocacy. The SWG produced a report in May 2023 with their findings, *Overly Impacted and Rarely Heard: Incorporating Community Voices into Massachusetts Energy Regulatory Processes*.⁵⁹ In the process of writing this report, the SWG conducted interviews and focus groups with 50 individuals, circulated a survey answered by 600 people, and met over 18 months in order to develop recommendations for overcoming barriers to participation in the energy regulatory process in Massachusetts as the state decarbonizes its energy system. The report makes recommendations for changes at the Massachusetts Department of Public Utilities (DPU) and the state's Energy Facilities Siting Board (EFSB).⁶⁰

Procedural justice in the MA DPU and EFSB

The *Overly Impacted and Rarely Heard* report focuses predominantly on issues of procedural injustice within the regulatory process. Procedural justice “requires that traditionally excluded groups, frontline communities, and those otherwise marginalized due to the energy system work with policymakers to co-create and co-design a fair process for inclusion in energy decision-making.”⁶¹

In the context of the DPU and EFSB, procedural justice requires transparency, resources, and accountability mechanisms on the part of the public agencies; and engagement, outreach, and consultation actions that bring in community voices to the decision-making process.

Outreach, Engagement, and Consultation

A group of recommendations from the report focuses on reforming the DPU and EFSB approach to public engagement, recommending that the DPU and EFSB align their processes and decision-making with the state Environmental Justice Policy in order to integrate environmental justice principles into all policymaking.⁶² Recommendations from the SWG for improving outreach to low-income ratepayers and environmental justice populations include: revising how proceedings are publicized and promoted; requiring outreach and workshops before the proceeding begins; developing a public engagement framework that incorporates recognition justice⁶³ and allows for differences among communities; and following tenets of language justice, which require clear an inclusive language access protocols.

In addition, the report promotes adequate funding and continuous support for community outreach and input processes, so that community input is incorporated into decisions at the start of the decision-making process. The barriers to participating in formal proceedings are difficult to overcome for many communities and community groups. The SWG recommends that adjudications are supplemented or replaced, when possible, with workshops, information sessions, working groups, and conferences, which provide more opportunities for communication, education, and engagement.

59 Massachusetts Office of the Attorney General, Stakeholder Working Group, “Overly Impacted & Rarely Heard: Incorporating Community Voices into Massachusetts Energy Regulatory Processes,” May 2023 <https://www.mass.gov/doc/overly-impacted-and-rarely-heard-incorporating-community-voices-into-massachusetts-energy-regulatory-processes-swg-report/download>

60 *ibid.*

61 Shalanda Baker, Subin DeVar, and Shiva Prakash, “The Energy Justice Workbook” (Boston, MA: Initiative for Energy Justice, December 2019) <https://iejusa.org/wp-content/uploads/2019/12/The-Energy-Justice-Workbook-2019-web.pdf>

62 Massachusetts Executive Office of Energy and Environmental Affairs, “Environmental Justice Policy,” 2024 <https://www.mass.gov/info-details/environmental-justice-policy>

63 Recognition justice requires that individuals and groups participating in a decision-making process are not just tolerated, but respected, even when their perspectives diverge due to social, cultural, ethnic, racial, and gender differences. See Baker, DeVar, and Prakash, “The Energy Justice Workbook.”

Transparency, Resources, and Accountability

The SWG identified a gap in existing information on energy affordability and reliability, and recommended that the DPU and EFSB create and regularly report on metrics related to energy burden, insecurity, and poverty of ratepayers. In addition to reporting on these new metrics of energy justice, the SWG recommends that DPU and EFSB commissioners and board members have a baseline understanding of how energy equity can, and should, be incorporated into their work. In order to further transparency and accountability, the SWG recommended that the DPU commissioners be required to deliberate in open meetings accessible to the public, and that the DPU and EFSB summarize or publish stakeholder comments and agency response when issuing decisions. In addition, recommendations include establishing an Environmental Justice Advocate and an Office of Public Participation within the DPU.

Disconnect with Massachusetts climate bill

The Massachusetts Climate Roadmap Bill (2021) requires the DPU to prioritize equity and affordability in addition to reductions in greenhouse gas emissions in the commission's decision-making, and for the EFSB to incorporate environmental justice principles.⁶⁴ In alignment with this requirement, the SWG recommended that the MA DPU and EFSB open "a generic policy investigation with the goal of revising its approach to regulation based on recent climate legislation," with the goal of "prioritizing equity and affordability," and "incorporating EJ [Environmental Justice] principles into procedures and decisions."⁶⁵

The report also notes that several PUCs in other states have initiated similar efforts to incorporate equity into their decision-making. For example, Colorado created an EJ Unit of the Colorado Department of Public Health & Environment in 2021, granted intervenor status for the Colorado Office of the Utility Consumer Advocate for matters of EJ, decarbonization, and just transition, required the Colorado PUC to maintain a website to track its equity initiatives through legislation.⁶⁶

Some progress on aligning DPU and EFSB process with the environmental justice principles in the Climate Roadmap Bill has begun to take form. For example, the DPU's Order 20-80 requires non-gas alternatives to be considered for new gas infrastructure in the state, and removes cost

recovery for promotional activities by local gas distribution companies in order to reduce the state's dependence on fossil gas.⁶⁷ In addition, the DPU opened an inquiry (Docket 24-15) on energy affordability for Massachusetts ratepayers, and in order to increase transparency, has made the public comments it receives available online.⁶⁸

However, there are enduring environmental justice concerns with DPU and EFSB approaches to regulating energy infrastructure. The most prominent example is the state's continued support of a new substation in East Boston that is opposed by local environmental justice organizations, city councilors, and community members.⁶⁹ East Boston is a majority Latinx neighborhood with a long history of housing immigrant populations, and is located next to Logan International Airport.⁷⁰ The EFSB granted a special waiver for the utility constructing the substation, Eversource, to bypass the need for remaining state and local permits necessary for the project.⁷¹ It is clear that the issues of community consultation and accountability raised in the 2021 SWG report remain relevant to the DPU and EFSB today, in spite of the progress made in certain areas of recommendations. State legislation has been introduced in partnership with the MA Environmental Justice Legislative Table⁷² to reform the DPU and EFSB siting process in alignment with the report's recommendations.⁷³

64 "Massachusetts Climate Roadmap Bill," Mass. Gen. Laws § 21N-1 (2021) <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter8>

65 Massachusetts Office of the Attorney General, Stakeholder Working Group, "Overly Impacted & Rarely Heard." p.17

66 Massachusetts Office of the Attorney General, Stakeholder Working Group, "Overly Impacted & Rarely Heard." p.67

67 Massachusetts Department of Public Utilities, "Department of Public Utilities Issues Order 20-08," December 6, 2023 <https://www.mass.gov/news/departments-of-public-utilities-issues-order-20-80>

68 Massachusetts Department of Public Utilities, "DPU Issues Notice of Investigation on Energy Affordability for Massachusetts Ratepayers," January 1, 2024 <https://www.mass.gov/news/dpu-issues-notice-of-investigation-on-energy-affordability-for-massachusetts-ratepayers>

69 Brandon Truitt, "East Boston Residents Pressure Gov. Healey to Stop Construction of Eversource Substation," CBS News, March 22, 2023 <https://www.cbsnews.com/boston/news/east-boston-pressures-gov-healey-stop-construction-eversource-substation/> GreenRoots, "Boston City Councilors & GreenRoots Announce the Passage of the #NoEastieSubstation," GreenRoots EJ, March 22, 2023 <https://greenrootsej.org/news/boston-city-councilors-greenroots-announce-the-passage-of-the-noeastiesubstation>

70 John Walkey, "East Boston and Power: An Environmental Justice Community in Transition," Union of Concerned Scientists (blog), October 31, 2019 <https://blog.ucsusa.org/science-blogger/east-boston-and-power-an-environmental-justice-community-in-transition/>

71 Miriam Wasser, "State Clears East Boston Substation for Construction without 14 Local Environmental Permits," WBUR, November 30, 2022 <https://www.wbur.org/news/2022/11/30/east-boston-substation-efsb-greenroots-clf-permits>

72 The MA Environmental Justice Legislative Table is comprised of environmental justice organizations, many of whom were part of the SWG that authored the Overly Impacted and Rarely Heard report. The MA EJ Legislative Table works with legislators to advance EJ policy at the state level.

73 Adrian C. Madaro, "An Act Relative to Energy Facilities Siting Improvement to Address Environmental Justice, Climate, and Public Health," Pub. L. No. H.3187 (2023) <https://malegislature.gov/Bills/193/HD4024>

Cross-state Similarities

There are parallels between the barriers identified in Massachusetts and the procedural injustice barriers found in Michigan and Colorado. The systemic barriers within the intervention process identified in the Michigan and Colorado case study section above generally align with notions of procedural injustice. Lack of technical translation and language barriers; accessibility for meeting times and locations; the funding gap for regulatory education initiatives; financial constraints; the complexity of the intervention process; and capacity constraints for participating in the regulatory process are all barriers identified through interviews that disproportionately affect frontline communities and organizations. Similarly, in Massachusetts, the SWG's report focused on barriers to participation, or examples of procedural injustice, including key transparency, translation, accessibility, engagement, and accountability injustices.



Recommendations to improve accessibility and equity in the regulatory process

The policy recommendations outlined in this guide are primarily intended as a resource for advocates, community organizations, and frontline groups working to advance energy justice and equity through regulatory processes. However, these recommendations may also provide valuable insights for regulators, PUC staff, legislators, and policymakers seeking to improve accessibility and promote inclusive public participation.

For advocates, these recommendations offer concrete strategies to address systemic barriers and inequities that too often hinder marginalized communities' meaningful engagement in utility regulation and planning. By implementing measures like multilingual services, race-conscious framing, and expanded intervenor compensation, the regulatory arena can become more open and welcoming to diverse stakeholder voices.

At the same time, utility regulators, staff, and state legislators may find these recommendations instructive for proactively reforming processes, requirements, and institutional cultures to better serve the needs of all ratepayers equitably. This should not serve as a substitute for hearing from impacted community members directly or consulting with organizations that represent them, however. The democratic principles of public utility regulation demand accessible avenues for communities disproportionately impacted by energy decisions to substantively influence those decisions.

Improving Access and Community Engagement Using a “People-first” Approach



Providing *multilingual and language-access services* within the PUC:

- Adopt multilingual language access services tailored to state or local census demographics with the inclusion of individuals whose native or primary/secondary language is American Sign Language
- Provide oral on-site interpretation services between the state’s PUC and individual(s)
- Translation of vital documents into the most common non-English languages spoken within the state
- Create a language accessibility plan to be developed by the state’s PUC with guidance from a working group of frontline, BIPOC, and/or low-wealth entities/individuals
- Create language access coordinator positions within the PUC tasked with ensuring compliance of language-access services



Operating through a *class and race-conscious lens*:

- Implement virtual public hearings to allow public participants to testify remotely
- Hold public hearings during working-class friendly hours (e.g., before or after standard working hours) to optimize public participation
- Provide travel stipends or incentives as a public travel reimbursement (e.g., bus, subway, railway fare)



Creating a *community outreach and engagement-focused department* within the PUC tasked with:

- Developing meaningful relationships with, buy-in from, and feedback from the communities most affected by energy decisions
- Producing language justice-oriented external education content to demystify the PUC and its procedural processes
- Holding equity-focused workshops, webinars, and town halls to provide space for community members to interact with their state’s PUC



Expanding access to *intervenor compensation* programs:

- Create or expand access to programs where community representatives and public advocate are compensated by the state for their involvement in regulatory procedures of public interest

Democratizing Public Utility Commissions

Beyond these pillars for policy recommendations, public participation within the regulatory system as a whole cannot indeed be equitable without an intersectional transition to clean energy that emphasizes redressing generational harms faced by frontline, BIPOC, and/or low-wealth communities. To learn more about the Just Transition framework design, we recommend Climate Justice Alliance's handout on the principles of the model.⁷⁴ By dismantling core foundations of injustice (e.g., racial capitalism and colonialism), we can create just pathways for systematically oppressed communities to thrive.



Shifting the demographic make-up of the PUC from one that is majority White, male, and mid/high-wealth individuals to one that is reflective of the communities most affected by energy decisions.

- Explore whether elected commissioners prioritize energy justice and frontline, BIPOC, and low-wealth communities in their decisions compared to appointed commissioners.
- Establishing an equity oversight committee composed of frontline, BIPOC, and low-wealth organizations to address systemic barriers and install accountability measures toward members of the PUC



Expansion of the PUC to include mandatory seat reflection of frontline, BIPOC, and low-wealth communities

- Inclusion of mandatory equity seats that are designed to reflect the interests of communities most affected by energy decisions, such as an Environmental Justice or Youth seat prioritized to a community-facing member.

⁷⁴ Climate Justice Alliance, "Just Transition: A Framework for Change," <https://climatejusticealliance.org/just-transition/>

Glossary of Common Energy Justice & Utility Regulation Terms

ADJUDICATORY PROCEEDINGS: A legal process where a judge or decision-maker listens to evidence and arguments from both sides to decide a case.

BASELOAD POWER: The minimum amount of electricity that a utility or distribution company must provide to its customers at a steady rate over a given period of time.

BIPOC: Stands for Black, Indigenous, and People of Color and is intended to highlight the unique relationship to whiteness that Indigenous and Black people have, which shapes the experiences of and relationship to white supremacy for all people of color within a U.S. context.

CAPITAL INVESTMENTS AND “CAPEX BIAS”: Capital investments refer to the funds allocated by utility companies or energy providers for acquiring, maintaining, and upgrading physical assets. These assets include power plants, transmission lines, substations, and other infrastructure essential for the generation, transmission, and distribution of energy. 'CapEx bias' is a term used to describe a tendency within the utility industry to favor capital expenses (CapEx) over other kinds of expenses, such as operational expenses, because capital expenses help investors earn a profit.

CLASS CONSCIOUSNESS: Refers to the awareness and understanding that individuals have about their social and economic class, as well as their shared interests and common struggles with others in the same class. It involves recognizing the differences in power, wealth, and opportunities between different social classes and often leads to a sense of solidarity and collective action among members of a particular class to pursue their common interests and address social inequalities.

CLIMATE JUSTICE: The remediation of the impacts of climate change on poor people and people of color, and compensation for harms suffered by such communities due to climate change.

COMMUNITY SOLAR: A system through which local solar facilities are shared among community subscribers who receive credit on their electricity bills for the energy generated. Some community solar programs also allow communities to own energy produced right in their own communities.

CONTESTED PROCEEDING (SEE ALSO, UNCONTESTED PROCEEDING): In the context of a utility commission, this refers to a formal process in which the interests, rights, or obligations of parties are disputed and require adjudication. This type of proceeding typically involves a structured process of hearings, evidence presentation, and legal arguments before a decision-making body, such as a public utility commission. During these proceedings, stakeholders—including utility companies, consumers, advocacy groups, and regulatory bodies—may present testimony, cross-examine witnesses, and submit evidence to support their positions.

CUSTOMER METER: Meters measure how much energy is consumed. Some electric utilities are updating their meters to "smart meters," which allow for two-way communication, and have much more granular and real-time information, whereas historically, meter readings have occurred about once per month.

DEMAND CHARGES: Under some rate structures, utility customers are charged based on the maximum amount of electricity they use (a.k.a., peak demand). Rate structures with demand charges are common with commercial and industrial customers. A demand charge is often based on the customer's highest electricity use during a particular time interval (often 15 minutes over the course of a month), over which residential customers may have little control.

DISCONNECTION OR SHUTOFF: Occurs when a household or a customer's supply of electricity, gas, or another form of energy is intentionally disconnected or turned off by the energy provider due to non-payment or other reasons.

DISTRIBUTED ENERGY RESOURCES (DER): Generally small-scale electricity generation or storage technologies located close to the point of use. DERs can include solar panels, wind turbines, energy storage systems, combined heat and power systems, electric vehicles, and demand response programs. DERs can enhance grid reliability, provide backup power, reduce energy costs, and integrate renewable energy sources. Benefits include improved grid resilience, reduced transmission losses, reduced environmental harms, ratepayer savings, and energy democracy outcomes. DERs are key to modernizing the energy grid and promoting a flexible, efficient, and sustainable energy system.

DISTRIBUTED GENERATION (DG): Also called on-site generation or decentralized generation, DGs are the energy generation components of DERs – specifically creating electricity from sources that are near the point of consumption, as opposed to centralized generation sources such as large utility-owned power plants. DG usually refers to rooftop or community solar. Distributed generation systems have a variety of benefits including reducing the amount of energy lost in transmitting electricity, because the electricity is generated near the point of consumption, often even in the same building or facility.

DISTRIBUTION LINES: Connected to the other side of transmission lines and step-down transformers are the distribution lines, which carry lower voltage electricity shorter distances (i.e. the last few miles, to the grid's distribution system customers). These are the wires that connect customers to the grid and supply them with electricity.

DOCKET: Refer to official records or lists that document and organize information about specific regulatory matters or proceedings. These records include details about proposed regulations, rulemaking processes, public comments, and relevant documents related to regulatory decisions. Dockets help keep track of and make information accessible for public participation, transparency, and regulatory oversight.

ENERGY BURDEN: The percentage of household income that goes towards energy costs. The lower your income, the more you spend on energy as a percentage of your income. As such, high energy costs disproportionately impact low-income communities with a high energy burden.

ENERGY INSECURITY: Lacking reliable access to uninterrupted energy at an affordable price. Energy insecurity connects intimately to energy burden and utility disconnections.

ENERGY JUSTICE: Refers to the goal of achieving equity in both the social and economic participation in the energy system while also remediating social, economic, and health burdens on those disproportionately harmed by the energy system.

ENVIRONMENTAL JUSTICE: The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

ENVIRONMENTAL RACISM: A type of inequality where people in communities of color face a disproportionate risk of exposure to pollution and related health conditions.

FEDERAL ENERGY REGULATORY COMMISSION (FERC): An independent federal agency which regulates the interstate transmission and wholesale sale of electricity, oil, and fossil gas.

FRONTLINE COMMUNITY: Those that experience the "first and worst" consequences of climate change.

INCOME-ELIGIBLE DISCOUNT RATES: Reduced utility rates offered to low-income households to make essential energy services more affordable. These discounted rates are designed to alleviate the financial burden on economically disadvantaged consumers by providing them with access to electricity, gas, and other utility services at lower costs. Eligibility for these programs is typically determined based on household income levels, often in relation to federal poverty guidelines or state-specific criteria.

INDEPENDENT SYSTEM OPERATOR (ISO): An organization that oversees the coordination, control, and monitoring of the electrical power system within a specific geographic area. ISOs manage grid reliability, facilitate competitive wholesale electricity markets, and balance real-time supply and demand to maintain grid stability. They operate independently from electricity generators and sellers to ensure impartial grid access and fair market operations. Examples include the California Independent System Operator (CAISO) and the New York Independent System Operator (NYISO).

INFRASTRUCTURE UPGRADES: The improvements, modernization, and expansion of the physical assets and systems used to generate, transmit, and distribute electricity and gas. These upgrades can be essential for enhancing the reliability, efficiency, and capacity of the utility network to meet current and future energy demands. Infrastructure upgrades can include replacing aging equipment, installing advanced technologies, expanding transmission and distribution lines, and integrating renewable energy sources.

INTEGRATED RESOURCE PLAN: A process in which utilities forecast future electricity use and evaluate and propose their preferred options for meeting the forecasted need.

INTERVENE: To intervene in the context of energy and utility regulation means to formally participate in a regulatory proceeding or case before a public utility commission. Intervening allows stakeholders to present evidence, provide testimony, and make arguments regarding the issues being considered. This participation helps ensure that the decision-making process considers a diverse range of perspectives and interests.

INTERVENOR COMPENSATION: Refers to grants or reimbursement provided to individuals or groups who participate as intervenors in regulatory proceedings. This compensation is intended to cover the costs of their involvement, including legal fees, expert witness fees, and other related expenses. The purpose of intervenor compensation is to encourage meaningful participation from a broad spectrum of stakeholders, particularly those who might otherwise lack the resources to engage in complex regulatory processes.

INVESTIGATION: A formal inquiry conducted by a regulatory body, such as a public utility commission, to examine specific issues or concerns related to utility operations, practices, or policies. Investigations can be initiated in response to complaints, observed irregularities, or regulatory requirements. They aim to uncover facts, assess compliance with regulations, and ensure the proper functioning of the utility services.

JUST AND REASONABLE: A legal standard used in regulatory proceedings, particularly in rate cases before public utility commissions, to evaluate whether utility rates, terms, and conditions are fair and equitable to both consumers and utility companies. This standard ensures that the rates charged by utilities are sufficient to cover the costs of providing service, including a reasonable return on investment, while protecting consumers from excessive charges. The interpretation of what constitutes just and reasonable is determined on a case-by-case basis through evidence and arguments presented during regulatory hearings, with the goal of balancing the financial health of utility companies with the public's need for affordable and reliable utility services.

LANGUAGE JUSTICE: A key practice used in social justice movements to create shared power, practice inclusion, and dismantle traditional systems of oppression that have traditionally disenfranchised non-English speakers.

LOW-INCOME ASSISTANCE: These programs provide funding and/or other assistance for low-income residential customers who are unable to pay their electric bills.

LOW-WEALTH COMMUNITY: Refers to an area characterized by a relatively low level of financial & economic resources among its residents. These communities often face systemic challenges and may have limited access to essential services, educational opportunities, healthcare, and infrastructure.

MARGINALIZED COMMUNITIES/POPULATIONS/PEOPLES: Communities denied involvement in mainstream economic, political, cultural and social activities. Marginalization or social exclusion deprives a group from access to basic rights and participation in decision-making. Marginalized communities include, but are not limited to, frontline communities, low income and/or working class communities, and those historically disenfranchised by racial and social inequity (i.e. minority identities based on race, ethnicity, sex, gender, sexual orientation, and ability status).

MICRO-GRID: A small-scale, localized energy system that can generate, store, and distribute electricity independently or in conjunction with the main power grid. It's designed to serve a specific area, such as a neighborhood, campus, or remote community. Micro-grids can use various energy sources, including solar panels, wind turbines, and batteries, to provide reliable and sustainable electricity.

MONOPOLY: In the utility sector, a monopoly refers to a situation where a single utility company holds exclusive control over the sales of essential services, such as electricity, natural gas, or water, within a specific geographic area. Regulatory oversight is typically employed to ensure that monopolistic utilities operate in the public interest, balancing consumer protection with the need for sustainable and reliable utility services.

PARTY STATUS: Refers to the legal standing granted to individuals, organizations, or entities to participate in regulatory proceedings before public utility commissions or other regulatory bodies. Parties with party status have the right to present evidence, provide testimony, submit arguments, and cross-examine witnesses during hearings or investigations.

PEAKING POWER: Refers to electricity generation capacity that is specifically designed and operated to meet periods of high electricity demand, known as peak demand. Peaking power plants are typically used intermittently during times of peak demand, such as hot summer days or cold winter evenings when electricity usage is at its highest.

PEOPLE-FIRST: An approach or philosophy that prioritizes the well-being, needs, and rights of individuals before anything else. It emphasizes considering the interests and dignity of people as the primary focus when making decisions or developing policies.

POLITICAL ACTIVITIES: Can encompass a broad range of efforts undertaken by utility companies, industry associations, and other stakeholders to influence government policies, regulations, and decision-making processes related to the energy and utility sectors. These activities may include direct lobbying of elected officials, campaign contributions to political candidates or parties, participation in political action committees (PACs), and membership dues to industry trade groups engaged in lobbying activities. While some political activities focus on shaping legislation or regulatory policies, others aim to influence public opinion, support specific candidates, or advocate for industry interests. Transparency and accountability in political activities are essential to ensure that utility companies operate in the public interest and maintain public trust. Disclosure requirements for political spending, including industry association dues used for lobbying, are often subject to regulatory oversight to promote transparency and prevent undue influence on the regulatory process.

PROCEEDING (SEE ALSO "DOCKET"): Refers to a formal process initiated by a public utility commission or regulatory agency to address specific issues, such as rate cases, rulemakings, investigations, or licensing matters. Proceedings are often identified by a docket number and involve various stages, including public notice, hearings, discovery, and the issuance of orders or decisions.

PUBLIC COMMENTS: Submissions made by individuals, organizations, or entities to express opinions, concerns, or recommendations regarding proposed regulatory actions or policies. These comments are typically solicited by public utility commissions or regulatory agencies as part of the rulemaking process or other regulatory proceedings.

PUBLIC HEARING: A formal meeting or session conducted by a public utility commission or regulatory agency to gather input, testimony, and feedback from stakeholders and the general public on specific regulatory issues or proposals. Public hearings are typically held as part of regulatory proceedings, such as rate cases, rulemakings, or licensing matters, and provide an opportunity for individuals, organizations, and entities to voice their opinions, concerns, or support regarding proposed regulatory actions.

PUBLIC UTILITY COMMISSION (PUC): A Public Utility Commission (PUC), also known as a **Public Service Commission (PSC)** in some states, is a group of people who work under the executive branch of state government to regulate essential services such as electricity, water, and gas. It is the PUCs primary role to ensure that these services are delivered to customers in a safe, reliable and reasonably priced way.

PUBLIC UTILITY COMMISSIONER: The role of a public utility commissioner is present in all 50 states at the state level with their role centered around overseeing the functions of the PUC in regulating utility companies. The PUC operates as a board with multiple members.

RACIAL JUSTICE: A vision and transformation of society to eliminate racial hierarchies and advance collective liberation, where Black, Indigenous, Latinx, Asian Americans, Native Hawaiians, and Pacific Islanders, in particular, have the dignity, resources, power, and self-determination to fully thrive.

RATE CASE: A formal proceeding conducted by a public utility commission to review and determine the rates that a utility company is allowed to charge customers for the services it provides, such as electricity, natural gas, or water. During a rate case, the utility company presents evidence and justifications for proposed rate changes, including factors such as operating costs, capital investments, and expected returns on investment. Consumer advocates, industry stakeholders, and regulatory staff may also participate in the proceeding to ensure that the rates set by the commission are fair, reasonable, and in the public interest.

RECOVERY: In the context of utility regulation, refers to the process by which a utility company recovers its costs, investments, and expenses associated with providing utility services to customers. This can include the recovery of expenses related to infrastructure upgrades, maintenance, fuel costs, and regulatory compliance. Utilities typically seek to recover these costs through rates charged to customers, subject to approval by the relevant regulatory authority. Rate recovery mechanisms may vary depending on regulatory frameworks and can include mechanisms such as cost-of-service rates, rate riders, or performance-based incentives.

REGIONAL TRANSMISSION ORGANIZATION (RTO): An independent entity responsible for overseeing the operation and coordination of the transmission grid within a specific geographic region or interconnection. RTOs manage the transmission of electricity, ensure grid reliability, and facilitate the efficient and competitive operation of wholesale electricity markets. They also oversee transmission planning, congestion management, and the integration of renewable energy resources into the grid. RTOs play a crucial role in promoting grid reliability, fostering competition, and facilitating the transition to a more sustainable and resilient energy system.

REGULATORY CAPTURE: Refers to a phenomenon where regulatory agencies tasked with overseeing industries, such as utilities, become unduly influenced or controlled by the entities they are supposed to regulate. This influence can occur through various means, including lobbying, campaign contributions, revolving-door employment between regulators and industry, and informational asymmetries favoring industry interests. Regulatory capture can result in regulators prioritizing the interests of regulated companies over the public interest, leading to decisions that favor industry profits at the expense of consumers, environmental protection, or equitable access to utility services. Identifying and mitigating regulatory capture is essential for ensuring effective regulation and promoting energy justice in utility regulation.

RENEWABLE ENERGY: Energy that comes from naturally occurring sources that are continuously replenished, such as sunlight, wind, rain, tides, and geothermal heat.

RENEWABLE PORTFOLIO STANDARD (RPS) OR RENEWABLE ENERGY STANDARD (RES): An RPS or RES requires electricity suppliers to procure a minimum amount of electricity from eligible renewable or clean energy resources. The primary purpose of an RPS or RES is to increase the development and use of renewable or clean energy sources for electricity generation.

RESTRUCTURED MARKET (SEE ALSO VERTICALLY INTEGRATED MARKET): A restructured market, also known as a deregulated or competitive market, is a market structure in the energy sector where the generation, transmission, and distribution of electricity are operated by separate entities, fostering competition among suppliers and allowing consumers to choose their electricity provider. In a restructured market, utilities are typically unbundled, with generation companies competing to sell electricity to retail customers through competitive markets or contracts. This contrasts with vertically integrated markets, where a single utility company owns and controls all aspects of electricity supply, from generation to distribution.

RETAIL SERVICE: Refers to the provision of electricity, natural gas, or other utility services directly to end-use customers, such as residential, commercial, or industrial consumers. In regulated utility markets, retail service is often provided by vertically integrated utility companies, which own and operate the infrastructure necessary to deliver utility services to customers within their designated service territories. In deregulated or competitive markets, retail service may be provided by multiple suppliers, allowing customers to choose their service provider based on factors such as price, service quality, and environmental preferences.

RETURN ON EQUITY (ROE): A financial metric used to measure the profitability and efficiency of an investment, expressed as a percentage of the equity capital invested. In utility regulation, ROE is an important but often misused factor in determining the allowed rate of return that utility companies are permitted to earn on their invested capital, such as infrastructure investments in power plants, transmission lines, or distribution systems. The allowed ROE is typically set by regulatory authorities as part of the rate-setting process and can be important for regulators and stakeholders to scrutinize in order to balance the need for utilities to earn a reasonable return with the interests of consumers in maintaining affordable utility rates.

RULEMAKING: The process by which regulatory agencies establish, amend, or repeal rules, regulations, or standards governing the conduct of entities within their jurisdiction. In the context of utility regulation, rulemaking may involve the development of rules related to rate-setting, service quality standards, environmental regulations, or market rules governing competitive electricity markets. Rulemaking procedures typically involve public notice, comment periods, hearings, and the issuance of final rules by the regulatory agency, providing stakeholders with an opportunity to participate in the regulatory process and provide input on proposed regulations.

STANDING: Refers to the legal right of an individual, organization, or entity to participate as a party in regulatory proceedings before a public utility commission or regulatory agency. To have standing, a party must demonstrate a sufficient interest or stake in the outcome of the proceeding, such as being directly affected by the issues under consideration. Parties granted standing typically have the right to present evidence, provide testimony, cross-examine witnesses, and advocate for their interests during hearings or investigations, ensuring that the regulatory process considers a diverse range of perspectives and interests.

SYSTEMIC BARRIER: A persistent and often deeply ingrained obstacle or hurdle that exists within a system or institution, making it difficult for certain individuals or groups to access opportunities, resources, or benefits. These barriers are typically the result of longstanding practices, policies, or biases that disadvantage or discriminate against specific people based on characteristics like race, gender, or socioeconomic status.

TRANSMISSION LINES: The transmission network consists of higher voltage lines – typically 115 kV to 500 kV (including lines that connect generation to the bulk transmission system – "gen-tie" lines); the distribution network consists of lower voltage lines typically between 2 kV and 35 kV. Transmission lines are carried on larger towers, such as the ones paralleling Interstate 5 through much of the Willamette Valley, while distribution lines are often carried on smaller wooden poles like those running up and down the streets of many residential neighborhoods.

UTILITY COMPANY: A business or organization that provides essential public services such as electricity, natural gas, water, or sewage disposal to homes, businesses, and institutions.

VARIABLE POWER: Refers to electricity generation from renewable energy sources, such as solar and wind, that is subject to fluctuations or variability based on factors like weather conditions or time of day.

VERTICALLY INTEGRATED MARKET: A market structure in the energy sector where a single utility company owns and controls all aspects of electricity supply, from generation to transmission and distribution. In a vertically integrated market, the utility company is responsible for owning and operating power plants, transmission lines, and distribution systems, as well as selling electricity directly to retail customers within its designated service territory. This contrasts with restructured or deregulated markets, where generation, transmission, and distribution functions are operated by separate entities, fostering competition among suppliers.

WHOLESALE MARKET: A marketplace where electricity is bought and sold in bulk quantities by wholesale market participants, such as electricity generators, wholesale suppliers, and large industrial consumers. In a wholesale market, electricity is traded at wholesale prices through organized markets or bilateral contracts, typically conducted through electricity exchanges or power trading platforms.