



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Modernize the
Electric Grid for a High Distributed Energy
Resources Future.

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Rulemaking 21-06-017
(Filed June 24, 2021)

**JOINT REPLY COMMENTS ON ENGAGING ENVIRONMENTAL AND SOCIAL
JUSTICE AND OTHER VULNERABLE COMMUNITIES**

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The Climate Center, Sierra Club, Vote Solar, 350 Bay Area, GRID Alternatives, Center for Biological Diversity, and Wild Tree Foundation (hereafter referred to as the “Joint Parties”) respectfully submit these joint comments following the September 22, 2021 California Public Utilities Commission (“Commission”) workshop, during which the following question was asked: How should vulnerable communities be included in the High Distributed Energy Resources (“DER”) Future Proceeding? In response, we offer general community outreach recommendations made by other parties before the Commission, a short explanation of the importance of community engagement in this proceeding, and a list of community outreach recommendations specific to this proceeding.

I. COMMUNITY OUTREACH RECOMMENDATIONS GENERALLY

The Joint Parties suggest that the Commission first begin by reflecting on the Commission’s own Environmental and Social Justice Action Plan (“ESJ Action Plan”). The ESJ Action Plan defines ESJ communities as including, but not limited to:

- Disadvantaged Communities located in the top 25% of communities identified by Cal EPA’s CalEnviroScreen;
- All tribal lands;
- Low-income households (defined as households with incomes below 80% of the area median income); and
- Low-income census tracts (defined as census tracts with average household incomes less than 80 percent area or state median income).¹

¹ CPUC, *Environmental and Social Justice Action Plan*, at 9-10 (Feb. 21, 2019), available at <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/environmental-and-social-justice.pdf> [hereinafter “ESJ Action Plan”].

Goal 5 in the ESJ Action Plan states that the Commission aims to enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the Commission’s decision-making process and benefit from Commission programs.² The ESJ Action Plan specifically commits the Commission to a number of actions to achieve this goal, including creating early engagement opportunities for ESJ communities (Action 5.2) and creating a list of community groups in ESJ communities for outreach on Commission proceedings and programs (Action 5.7), among many other actions.³ Each of these actions can advance the outreach needed in this proceeding.

Second and more importantly, the Joint Parties recommend that the Commission draw generally from related existing recommendations in other Commission proceedings that have been offered from environmental justice parties, like the California Environmental Justice Alliance (“CEJA”), Communities for a Better Environment (“CBE”), and Leadership Counsel for Justice and Accountability on how best to conduct community outreach. In particular, we recommend the following examples:

- CEJA and CBE presentation “Community Engagement and Empowerment” by Seamus Guerin and Roger Lin to the Microgrid Incentive Program implementation workshop (July 21, 2021), as part of the Microgrid Proceeding (R. 19-009-009) (slides included as Attachment A to this filing).
- Joint Opening Comments of CEJA and the Leadership Counsel for Justice and Accountability on Identifying and Prioritizing Actions to Address the Needs of Vulnerable and Disadvantaged Communities (July 12, 2019) as part of the Climate Adaptation proceeding (R. 18-04-019).
- The San Joaquin Valley Affordable Energy Proceeding (R.15-03-010) generally, as it contained examples of how trusted community benefit organizations were able to do meaningful community engagement.

These reference points provide outreach suggestions from Commission stakeholders with direct experience in developing deep community engagement on topics relevant to the Commission’s work in this proceeding, and the Joint Parties recommend that those suggestions be reiterated here.

² *Id.* at 17.

³ *Id.* at 33-34.

II. THE NEED FOR COMMUNITY ENGAGEMENT IN THIS PROCEEDING

In the High DER workshop on September 22, the staff slide presentation noted the need to align the proceeding with the Commission’s Environmental and Social Justice (ESJ) goals, noting that lower income customers are less likely to invest in behind-the-meter solutions to lower their electric bills and that the Commission seeks alignment between its ESJ Action Plan and the High DER Future OIR scope.

Because this proceeding will address how to incorporate high levels of distributed energy resources, local community benefits—particularly resilience—will be a central potential benefit of high DER deployment to all communities, with particular impact to ESJ communities. Power shutoffs disproportionately impact ESJ communities. Loss of electricity exacerbates and amplifies existing inequities, such as homelessness, substandard housing, and inadequate access to healthcare. In fact, a study from the National Bureau of Economic Research found that had a nationwide moratorium on electricity and water shutoffs been implemented during COVID-19, such a moratorium would have prevented 14.8% of COVID-related deaths.⁴ Disadvantaged communities are already disproportionately impacted by health burdens of fossil fuel electricity generation, while having the least resources to respond to a loss of power. It is vital that the Commission meaningfully engage environmental and social justice communities in the High DER Future proceeding: they have the most at stake.

III. COMMUNITY ENGAGEMENT RECOMMENDATIONS FOR THIS PROCEEDING

We urge the Commission to address key issues regarding meaningful engagement by ESJ communities in this proceeding. Organizations or individuals representing ESJ communities need to be authentic and trusted within their community. Organizations or individuals representing ESJ communities need to be resourced to participate. For many community based organizations (“CBO”), intervenor compensation is not a viable option due to their very limited and overextended resources

⁴ Kay Jowers et al., *Housing Precarity & the Covid-19 Pandemic: Impacts of Utility Disconnection and Eviction Moratoria on Infections and Deaths Across U.S. Counties*, (Nat’l Bureau of Econ. Res., Working Paper No. 28394, Jan. 2021), available at https://www.nber.org/system/files/working_papers/w28394/w28394.pdf. See also Center for Biological Diversity and Bailout Watch, *Powerless in the Pandemic: After Bailouts, Electric Utilities Chose Profits Over People* (2021), available at https://bailout.cdn.prismic.io/bailout/6d3d3f34-8a75-4ed5-9d42-225446bd32a8_Powerless_Report_v6.pdf (documenting the 1 million electricity shutoffs documented from 27 states between February 2020-June 2021, comparing against the \$1.25 billion in federal bailout money to top utilities).

and the long delay in intervenor claim payment. Presentations and contributions from organizations or individuals representing ESJ communities should be welcome at Commission workshops, and their representations at workshops should become part of the proceeding's official record. Relatedly, there are not currently any environmental justice organizations currently included as a party to the service list.

With these points in mind, we respectfully submit the following recommendations tailored to this proceeding, echoing similar recommendations from previous filings in other proceedings from CEJA and others:

- The Commission should start its community outreach early in the proceeding by holding widely publicized workshops inviting all interested EJ advocates, CBOs, and others to present their recommendations for how the Commission can get meaningful engagement from affected communities and to share a solid understanding of what the potential of a high DER grid can mean in terms of local needs and benefits for communities. The Commission should consider offering multiple workshops across the state, including the Central Valley, Inland Southern California, the East Bay, South Central Los Angeles, the San Gabriel Valley, etc. to capture regional barriers and opportunities with regards to high DER scenarios and to foster participation by a wide range of communities. Commission staff should provide a draft outline of a community engagement plan for comments during the workshop. The workshop should focus on listening, with Commission staff further refining the community engagement plan based on workshop findings.
- Following the workshops, the Commission should refine its plan to enhance community engagement in this proceeding, based on the learnings at the workshop, including specifying phases in the proceeding where additional community outreach would be appropriate on specific topics. The CPUC should designate specific staff to implement the plan and serve as points of contact with community representatives. The plan should describe how the goals and actions contained in the ESJ Action Plan will be incorporated into this proceeding.
- The Commission should consult the Disadvantaged Communities Advisory Group in developing the community engagement plan.
- The Commission should allocate financial resources in this proceeding to support participation in the proceeding by ESJ communities, funding community-based

organizations through a mechanism which is simpler and more accessible than CPUC intervenor compensation. This funding should be made available to compensate CBO participants in the initial workshop as recommended above as well as subsequent related proceeding participation. In particular, the Commission should pay qualified CBOs for participation on the Distribution Planning Advisory Groups for each utility in the Distribution Investment Deferral Framework process.

IV. CONCLUSION

The Joint Parties appreciate the Commission's interest in meaningful community engagement in this proceeding and look forward to ensuring robust and meaningful community engagement on the topics in this proceeding.

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Respectfully submitted,

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