

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



**Date:** April 4, 2022  
**To:** Agenda Distribution List  
(April 7, 2022 Commission Meeting) **Item 45**  
**Agenda ID # 20479**

**From:** Nicole Cropper  
Special Assistant, Executive Division

**Subject:** Environmental and Social Justice Draft Version 2.0 (ESJ  
Action Plan v.2 or Plan): Comment Summary Now  
Available

**Summary**

The CPUC is distributing a comment summary which outlines stakeholder comments and the CPUC's response to comments on the Draft ESJ Action Plan Version 2.0.

**Process for Vetting the ESJ Action Plan Version 2.0**

The ESJ Action Plan v.2 was developed by CPUC staff through regular meetings beginning in the late summer of 2021 in coordination with the industry divisions, the News and Outreach Office, Tribal Advisor, Office of the Commission, and staff for Commissioners Guzman Aceves and Rechtschaffen. During these meetings, participants revisited the original nine the goals and objectives to ensure they continued to direct attention to the appropriate communities, and update actions listed in the Plan.

Beginning in October 2021, the Draft ESJ Action Plan was available for public input. An early draft was introduced at the Disadvantaged Communities Advisory Group's (DACAG) quarterly meeting on October 14, 2021, and also discussed at the Low-Income Oversight Board meeting on September 24. A webinar seeking input on necessary revisions to the draft was held on February 3 and 4, 2021 with a second set of webinars to present the draft for comment were also held on November 10 and 17, 2021. As a result of these sessions and other public outreach efforts, the Commission received both verbal and written comments from various stakeholders. A draft of the Plan was circulated by Commission staff to the Commissioners on February 3, 2021 and is on the Commission website.

**Comment Overview**

Comments were originally requested to be submitted via email by Wednesday November 24, 2021. Due to technical difficulties at a briefing workshop, this deadline was extended to December 3, 2021. The following entities provided written comment. These letters are available to the public at [www.cpuc.ca.gov/ESJActionPlan](http://www.cpuc.ca.gov/ESJActionPlan).

1. California Air Resources Board (CARB)
2. California Cable & Telecommunications Association (CalCable)
3. California Emerging Technology Fund (CETF)
4. California Water Association (CWA)
5. Californians for Green Nuclear Power, Inc. (CGNP)
6. California Environmental Justice Alliance (CEJA) and Sierra Club
7. Center for Sustainable Energy (CSE)
8. GRID Alternatives
9. Long Duration Energy Storage Association of California (LDESAC)

10. Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
11. Pacific Gas & Electric (PG&E)
12. Protect Our Communities Foundation (PCF)
13. Public Advocates Office (PAO)
14. Rural County Representatives of California (RCRC)
15. Russian Riverkeeper
16. Sakura Conservation Strategies
17. Southern California Association of Governments (SCAG)
18. Small Business Utility Advocates (SBUA)
19. Southern California Gas Company (SoCal Gas) and San Diego Gas & Electric (SDG&E)
20. Southern California Association of Governments
21. Southern California Edison (SCE)
22. The Energy Coalition (TEC)
23. The Utility Reform Network (TURN)

Comment letters responding to the October draft ranged in level of detail, from in-document text edits to comments regarding overall CPUC processes and authority. Stakeholders provided thorough review of the draft Plan v.2 recommending further actions the CPUC should undertake to be truly accessible to ESJ communities. Of particular note, TURN and GRID Alternatives recommended including measures to align the CPUC's ESJ efforts with broader racial equity goals and actions in the ESJ Action Plan 2.0. While the ESJ Action Plan prioritizes communities of color and principles of racial equity, the Plan should not be considered the CPUC's primary effort to further racial equity work. CPUC staff working on implementing the ESJ Action Plan will work alongside the cohort of CPUC staff that participated in the California Capitol Collaborative on Race and Equity (CCORE) and the Diversity, Equity, and Inclusion Working Group to ensure shared goals and efforts are accomplished.

Industry groups comments represented their interests and outlined actions they have taken to ensure compliance with principles in the ESJ Action Plan. Advocacy groups implored the CPUC to ensure the principles and action items in the Action Plan are institutionalized into our processes. TURN, recommended opening a Rulemaking to ensure adequate public engagement in developing further ESJ related guidance.

Several commentors included helpful implementation-related suggestions, or program specific improvements which were either more appropriate to address in a relevant proceeding or were related to improving engagement with investor-owned utilities and sister agencies. For example, both GRID Alternatives and TEC mentioned working collaboratively with regulated entities and sister agencies but recommended extending engagement to Program Administrators and implementors. This feedback made clear that the CPUC should increase engagement on current activities as they relate to environmental and social justice. The CPUC did not revise the plan or action items based on these comments, but the feedback will inform future engagement strategies with these organizations.

Recurring themes from commentors that did inform revisions to the narrative, action items, or appendices focused on mitigating the impact of increasing rates on ESJ communities, maintaining transparency, and ensuring accountability with regards to how ESJ considerations are addressed in CPUC activities. Several commentors also recommended improving the availability of publicly available ESJ data and reference material.

## **Summary of Changes Made**

Both a clean version of the final ESJ Action Plan Version 2.0 as well as a redlined version to denote changes between the Draft and Final versions have been posted to the CPUC's ESJ website. Below is a more detailed summary of comments and revisions which is organized by headings in the ESJ Action Plan 2.0 for ease of reference.

### Comments on the Narrative

Several comments recommended clarifying edits in the Executive Summary and narrative portions of the ESJ Action Plan v.2 to ensure CPUC staff and the public utilize the Plan as a resource and guiding policy document on ESJ. Several commentors also recommended clarification on the responsibility of regulated entities to abide by principles in the plan.

#### Revisions: Executive Summary Narrative

- Removed reiteration of goals in the previous version of the Plan.
- Added specific goal attributed to 2019-2021 highlights and accomplishments.
- Revised existing language of goals for consistency.
- Added new narrative section, "Utilizing the ESJ Action Plan as a Resource"

#### Revisions to the Introduction & Background

- Revised existing language for clarity.
- Added new narrative section, "Purpose of the ESJ Action Plan"
- Added subheadings for clarification.

#### Revisions to Progress on Implementation

- Reorganized list of ESJ Core Team and Liaisons in alphabetical order for clarity.

#### Revisions to Critical Topics for Consideration

- Revised title of the section from "Critical Topics for Consideration and Alignment Across the CPUC" to "Critical Topics for Consideration."
- Added section, "Consideration of Rate Burdens on Low-Income Customers."

#### Revisions to ESJ Action Plan 2.0

- Revised the title of the section.
- Added section "Utilizing the ESJ Action Plan as a Resource."
- Clarified specific revisions to the goals and objectives.
- Added new objective 9.3 "Establish Accountability Measures" to develop a process for regular reporting of the CPUCs progress towards goals of the ESJ Action Plan.
- Added section Compliance and Enforcement to clarify the expectation of the CPUC for regulated utilities.

### Comments and Revisions on Goals

- CEJA/Sierra Club, GRID Alternatives, TURN, and TEC recommended that updated goals in the ESJ Action Plan 2.0 should include specific accountability measures.
  - The CPUC agrees that transparency and accountability are critically important to achieving equity. However, rather than include detailed metrics in the goals of the plan which are intended to be broad visions for achieving environmental and social justice, revisions were made to specific action items.

- CETF commented on Goal 3.4 recommending to revise the goal as follows: “Ensure implementation of new investments that offer ESJ communities’ access to high quality, reliable and cybersecure communications services at affordable rates with adequate data, speed and latency to access modern applications accessible in nearby urban areas.”
  - At this time, we elect to not revise the goal at this time as essential communications services are specifically defined in Decision 20-07-032<sup>1</sup>.
- PG&E commented on Goal 4 regarding extending essential communication services to ESJ communities and requested guidance on how to leverage existing outreach mandates in Disadvantaged and Vulnerable Communities (DVCs) from the Climate Adaptation Decision to conduct outreach to ESJ communities that may overlap but not be considered DVCs.
  - At this time, we do not revise the ESJ Action Plan 2.0 to reflect this comment but will consider ways to provide guidance to regulated entities.
- Finally, TEC recommended establishing measurable targets to maximize high-road careers under Goal 7.
  - Again, we do not revise Goal 7 as the goals are intended to reflect broad visions for ensuring equity rather than outlining specific directives; the action items serve this purpose. However, under the MOU with the California Workforce Development Board (CWDB) we will continue to leverage the expertise of CWDB staff to establish measurable workforce development targets to the extent possible under our jurisdiction.

#### Comments and Revisions to Action Items

- CWA recommended several revisions to clarify the language in action items under Goal 3 which include:
  - Action Item 3.2.1: “CWA recommends that the Commission expressly support legislative efforts to create a statewide low-income water CAP.”
    - The CPUC and particularly the Water Division generally agree with the comment and support the idea of a statewide low-income support system. In fact, CWA has made this recommendation before, and legislation was introduced and considered, but not passed. The suggested improved language in Action Item Section 3.2.1 includes “Explore additional opportunities to assist low-income water customers.” It would not be appropriate to say more in the ESJ Action Plan.
    - Action Item Section 3.2.2 is revised to include reference to “The CPUC’s broad regulatory authority to explore additional ways to improve access to safe and affordable drinking water.”
  - “CWA urges the Commission to remove references to the Drinking Water Needs Assessment out of the ESJ Action Plan 2.0 as it is inappropriate to utilize the information contained therein for purposes it was never intended to serve and without a full understanding of its circumstances.”
    - We agree with the comment and revise the language to remove the references.

---

<sup>1</sup> Decision 20-07-032 <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=344049206>  
20479

- Action Item 3.2.2: “Consider whether the CPUC should open an OIR on the subject of new standards for consolidation of water utility systems.”
  - We recognize that the process of consolidation may be ripe for review. We believe that the revised language in Action Plan Section 3.2.2 adequately captures the subject.
- Action Item 3.2.4: “When implementing Action Item 3.2.4, it is important for the Commission to ensure that the proposed actions make for a more robust evaluation of such water system consolidations without unduly delaying the processing of such critical consolidations, particularly where ESJ communities would benefit.”
  - We have no disagreement with CWA on this matter. However, we do not believe it would be necessary or helpful to expand the language in Action Item 3.2.4 from the current language.

Comments on Action Items from other commentors are below.

- CEJA/ Sierra Club: “the Commission can do significantly more than it currently is to ensure that small water systems subject to its jurisdiction are offering Customer Assistance Programs and Arrearage Management Plans” as it relates to Mutual Water Companies.
  - While there may be exceptional circumstances under which the CPUC may assert jurisdiction over a particular Mutual Water Company, it is not necessary to bring in references to such circumstances in the ESJ Action Plan or to Public Utilities Code Section 2705. Action Item Section 3.2.2 is being modified to include reference to “The CPUC’s broad regulatory authority to explore additional ways to improve access to safe and affordable drinking water.”
- SCAG commented on the lack of action items with regards to mobility and access opportunities in the ESJ Action Plan 2.0. Action item 5.4.1 is specifically dedicated to understanding key issues with regards to the Access and Functional Needs Community.
  - We revise action item 5.3.1 to include exploring mobility challenges of in-person meetings.
- GRID Alternatives commented on Action 9.1.2 Data Collection: Standardizing Data Requests & Key ESJ Indicators stating that data request standardization can help improve a variety of factors however, it is unclear which entities will participate in the working group outlined in the action item.
  - To understand the types of data the Commission currently gathers, staff will initially convene internally. Following this initial assessment and based on their findings, staff will discuss further actions necessary to ensure stakeholder priorities and concerns are thoroughly considered in any ongoing efforts in this space.

#### Comments and Revisions to the Appendices

- CEJA/ Sierra Club: Create a repository of ESJ-related reports on the ESJ Action Plan website for easy and transparent access, and for ESJ communities to cite when advocating before the Commission.
  - Revised definition of adaptive capacity.
- CPED: Include definition for transportation or transit dependent as these are mentioned in the document.
  - Added definition of transportation to Appendix C.

- RCRC: Create a centralized database of commonly used definitions and terms, and update them frequently, for ease of reference to the public and parties. Certain terms and definitions are cross-referenced by Commission Decisions, making it tedious and/or unnecessarily complex to understand.
  - Appendix C catalogues terms and definitions and outlines eligibility criteria of all consumer programs to date.
- RCRC: Map—and make publicly available—investments made in communities through various programs and funding. Since programs have limited funds, the Commission should map areas where investments are proposed and ensure that it doesn't, in effect, allow “redlining” in large areas of the state.
  - The Commission will consider ways to highlight investments in specific communities to the extent possible while protecting consumer privacy and data.

#### General Comments and Revisions

- Several commentors highlighted the lack of financial resources for communities to participate in CPUC processes and that the Intervenor Compensation program is a barrier to participation rather than an incentive. Commentors requested the CPUC explore alternative means of compensation for ESJ communities.
  - Action item 1.2.1 directs staff to assess the challenges with ICOMP and action item 1.2.2 directs staff to explore alternative funding concepts.
- Commentors mentioned the importance of integrating the ESJ Action Plan into all aspects of the Commissions activities.
  - While this first iteration of the plan was led by former Commissioner Guzman-Aceves and Commissioner Rechtschaffen, implementation efforts and this update have been led by staff in the Executive division exactly to ensure these principles are integrated Commission-wide. Staff will continue to monitor and will begin reporting updates on the progress of action items on a more regular basis.
- CETF provided several comments encouraging the CPUC to ensure equity in communications services especially regarding oversight and enforcement. CETF also provided specific programmatic recommendations.
  - We agree with CETF's perspective on ensuring equity and pursuing enforcement actions for non-compliance. The Commission will continue efforts under its regulatory authority to ensure compliance of its directives through the Enforcement Policy framework adopted in December 2020. No programmatic or proceeding specific revisions were made as it is more appropriate to work through established public process to incorporate an update.
- Sakura Conservation Strategies: Include Japanese American incarceration sites in the definition section.
  - A definition of Japanese American incarceration sites has been included in Appendix C.

#### Accountability and Next Steps

The ESJ Action Plan will be presented to Commissioners during the Regular Business Meeting on April 7, 2022 for adoption as a workplan. Staff will then continue implementation efforts and update the Commissioners, stakeholders, and the public on progress.

ESJ Action Plan v.2 Comment Summary  
Nicole Cropper  
April 4, 2022  
Page 7

Sincerely,

Nicole Cropper, Special Assistant  
Office of the Commission