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Introduction

The Public Advocates Office at the California Public Utilities Commission (Cal Advocates) submits these comments on the California Public Utilities Commission’s (CPUC) October 26, 2021, *Draft Environmental & Social Justice Action Plan 2.0* (ESJ Plan). Cal Advocates, an independent office within the CPUC, is charged with representing the interests of customers of entities regulated by the CPUC. The entities regulated by the CPUC¹ include those providing essential services such as electricity, water, and communications services. And, the customers represented by Cal Advocates include those who are most vulnerable and those who bear a disproportionate share of the environmental, economic and social harms related to providing utility service. Thus, through its advocacy, Cal Advocates strives to achieve universal access to the lowest possible rates for customers, consistent with reliable and safe service and the state’s environmental goals.²

Cal Advocates recognizes both that some utility customers lack access to the same level of service as other customers, which results in economic and other harms, and that its state-wide focus may not always identify uniquely harmed or vulnerable populations. Accordingly, Cal Advocates applauds the ESJ Plan’s recognition “that some populations in California face higher barriers to access to clean, safe, and affordable utility services” and that the CPUC “must focus on communities that have been underserved” in order to correct these inequities.³ Cal Advocates’ comments include an overarching recommendation to improve the ESJ Plan’s overall approach to achieving its goals, as well as specific recommendations on four of the plan’s nine goals. Equally important, notwithstanding the recommendations made in these comments, Cal Advocates wishes to make clear that we do not purport to speak for ESJ communities; their involvement in the ESJ Plan moving forward is essential to achieving the goals of that plan. We look

¹ Entities regulated by the Commission include investor-owned utilities as well as other entities not defined as utilities. For ease of reference, Cal Advocates’ ESJ Plan comments refer to customers of entities regulated by the Commission as utility customers, even though some of those entities are not defined as utilities.

² Public Utilities Section 309.5(a).

³ ESJ Plan, p. 7.

forward to collaborating with them going forward.

Achieving the goals of the ESJ Plan requires meaningful engagement with members of ESJ communities.

Recognizing the need for the CPUC to rectify the harms suffered by members of ESJ communities is not enough. The ESJ Plan will fall short of its laudable goals without more meaningful engagement with members of ESJ communities. An approach that is too “top down” will fail to capture priorities from the perspective of community members and will risk overlooking their most important concerns.

Some of the participants at the November 10, 2021 webinar expressed concerns with the CPUC’s current level of community engagement. For example, one participant noted that meaningful participation of community members means more than just checking the boxes after a meeting or an event.⁴ Another participant observed that “there is a difference between getting input from the community and having engagement from community, so if the CPUC is limited in doing engagement, then the plan should reflect these limitations.”⁵ These comments illustrate the importance of engaging ESJ communities in ways that will allow them to understand how the CPUC works, which proceedings will most impact their communities, and how they can participate to shape the outcome of CPUC decisions that impact their communities. Without engagement and buy-in from ESJ community members, the CPUC will be unable to eradicate the impact of years of decisions that failed to adequately reflect the CPUC’s obligation to serve the interests of all Californians, including ESJ communities.

Goal 1: Consistently integrate equity and access considerations throughout CPUC regulatory activities

To fully consider ESJ communities in the CPUC’s decision making process will require a firm commitment and an expanded focus to identify, evaluate, and address issues potentially impacting those communities. Identifying potential ESJ issues from the outset of CPUC proceedings would allow parties to the proceeding more time to evaluate and address those issues.

⁴ Ayesha Abbasi, Asian Pacific Environmental Network. Mary Gordon, West Oakland Indicators Project, also advocated for meaningful community input.

⁵ WebEx comment of Jorge Rivera; Clovis Honore of GRID Alternatives cautioned that it is important to recognize that not all members of ESJ communities share the same beliefs as some groups that purport to represent those communities, and that it is important to hear from grass roots Community Based Organizations (CBO).

The CPUC should require applicants to identify relevant ESJ considerations in applications filed with the CPUC.⁶ The CPUC should adhere to similar requirements in its own processes by identifying ESJ considerations in its Scoping Memos,⁷ orders instituting rulemakings and investigations, and CPUC meeting agenda discussions.⁸

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities.

It is important to improve access to quality water, communications, and transportation services for ESJ communities, but mere access to those services is insufficient. Those services, as well as energy, must be offered at prices that members of ESJ communities can afford. The Commission oversees programs that allow qualifying customers to obtain services at more affordable prices, including the California Alternative Rates for Energy (CARE) program, the Lifeline Program and California Advanced Services Fund (CASF) for communications services, and California Alternate Rates for Water (CARW) Program. Despite these and other programs, customer bills continue to rise, so it is important that the CPUC's goal of improving access to essential services for ESJ communities include a commitment to improving access to essential services that are affordable to those communities.

Goal 5: Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the CPUC's decision-making process and benefit from CPUC programs.

One of the barriers to participation in CPUC proceedings by ESJ communities is their lack of knowledge of CPUC proceedings and the potential impact of those proceedings on their communities. To facilitate communications with ESJ customers, the CPUC should develop a comprehensive list of organizations (at the local, regional and statewide basis) that serve ESJ communities. As a starting point, the CPUC should query utilities and other regulated entities for lists of organizations that serve ESJ communities.

The CPUC should also develop a program to encourage customers to provide their contact information to the CPUC so that CPUC staff could communicate directly with utility customers about matters that impact them. This program might include a sign-up option on the CPUC's website and a requirement that regulated entities inform their customers of the option to sign up for CPUC emails on matters that impact customers.

⁶ See Rule 2.1(c) of the CPUC's Rules of Practice and Procedure, which requires applications to identify "relevant safety considerations" among the issues to be considered in the proceeding.

⁷ Commission Rule 7.3 currently requires the assigned Commissioner to issue a scoping memo for each proceeding, including issues to be addressed.

⁸ Commission agenda items currently identify "safety considerations" for each agenda item. See e.g. Public Agenda 3497, available at [424017649.pdf \(ca.gov\)](https://www.cpuc.ca.gov/~/media/CPUC/PDF/2021/03/20210303_PAG3497.pdf)

Monthly newsletters that summarize new CPUC proceedings and provide updates to ongoing proceedings are another way to make information about CPUC proceedings more accessible to ESJ communities. The recipients of these monthly newsletters would be organizations that serve ESJ communities,² as well as individuals that express an interest in the newsletter. The content of the newsletter should itself be determined in collaboration with community organizations, and include information about proceedings, service lists and the CPUC website. This information should also be available on the CPUC website.

The CPUC should also conduct qualitative, on the ground research in collaboration with ESJ community members about utility-related issues that impact them, via interviews or surveys. Also, the CPUC should require utilities to survey ESJ community customers regarding the effectiveness of certain utility communications. For example, it would be useful to know how many customers recalled receiving notices of public participation hearings (PPH) and whether they understood the contents of the notices. Such surveys should be managed by CPUC staff.

The CPUC should enhance collaboration with community-based organizations (CBOs) that serve ESJ communities by convening regular working group meetings that provide a venue for continuous engagement on the goals of the ESJ Plan and a platform for continuous feedback on the ESJ Plan. The precise topics and schedule for these meetings should be developed based on the needs and requests of the CBOs. An important topic would be whether CPUC community engagement efforts have fallen short of what is needed to foster meaningful participation by ESJ communities.¹⁰

In addition, because regular participation in a working group may require a commitment of time and other resources that exceeds the capacity of some organizations, the CPUC should consider holding an annual conference for ESJ community leaders. The purpose of the conference would be to allow ESJ community leaders to learn about current issues across the entities regulated by the CPUC and the potential impact of those issues on their communities. The potential value of such a conference, as well as the topics and logistics, should be discussed and developed in coordination with CBOs that serve ESJ communities.

The ESJ Plan observes that in response to the COVID-19 pandemic, the CPUC shifted its business activities to virtual platforms, which facilitated public access to CPUC meetings

² This is one use for a CPUC-compiled list of organizations that serve ESJ communities as described on page 3 of these comments.

¹⁰ See footnotes 4 and 5 at page 2 of these comments, referencing the November 10, 2021, webinar.

and hearings.¹¹ The ESJ Plan notes that even after the CPUC transitions back to in-person meetings “it is likely that virtual engagement opportunities will remain to ensure enhanced and broader access is still available to ESJ communities and the public.”¹² The CPUC should ensure that virtual engagement opportunities remain for the foreseeable future. Virtual engagement, including by phone¹³ and other platforms, removes one of the barriers to the participation of ESJ communities in CPUC proceedings. Moving forward, the Commission must continuously strive to remove barriers to participation and uplift the voices of those most negatively impacted by the environmental, economic, and social consequences of utility service provision and/or their lack of access to the level of utility service that is available to other customers.

Goal 9: Monitor the CPUC’s environmental and social justice efforts to evaluate how they are achieving their objectives.

In February 2021, the CPUC hosted the working group “Tracking and Measuring: Data Collection to Better Understand CPUC Impact in ESJ Communities.” This group focused on quantitative data and issues of collection, transparency, tracking, and impact on ESJ communities.¹⁴ Accurate data that reflects the location of ESJ communities, along with their access to services and proximity to environmental hazards is one important tool for identifying problems and developing solutions to the inequities faced by ESJ communities. The CPUC is uniquely positioned to collect and store data that supports the analysis of problems facing ESJ communities, as well as potential solutions.

Many of the CPUC’s energy-related programs use the CalEnviroScreen tool¹⁵ to evaluate and prioritize investment in communities disproportionately affected by air pollution and facing socioeconomic burdens. Other tools for identifying ESJ communities include maps prepared by the Home Owner’s Loan Corporation (HOLC). Areas identified as “C - Definitely Declining” or “D - Hazardous” from the 1930s HOLC maps, indicate the location of ESJ communities that were historically redlined and continue to experience lower access to broadband. The California Interactive Broadband Map illustrates areas that are served versus those that are unserved with fixed broadband deployment.¹⁶

¹¹ ESJ Plan, p. 17.

¹² ESJ Plan, p. 17 (emphasis added).

¹³ The importance of allowing phone participation in CPUC meetings was illustrated by the difficulties that many individuals experienced in using webex to participate at the November 3, 2021, webinar on the ESJ Plan.

¹⁴ ESJ Plan, Appendix B, p. 54.

¹⁵ The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment developed the Cal EnviroScreen

¹⁶ Available at: <https://www.broadbandmap.ca.gov/>

Storing this type of geographic data, as well as other data required or developed by the CPUC, such as trip information from Transportation Network Companies (TNC)¹⁷ or the location of socially disadvantaged farmers¹⁸ could help the CPUC evaluate and analyze issues faced by ESJ communities.¹⁹ With appropriate aggregation and protection for confidential information, ESJ communities could access the database to conduct their own analysis and recommend solutions to issues facing their communities. Developing such a database and the safeguards needed to protect confidential information should be the subject of an ongoing working group that includes participation by members of ESJ communities.

Cal Advocates appreciates the opportunity to make recommendations designed to increase the engagement of ESJ communities, support their participation in CPUC proceedings, and improve the CPUC's decision-making processes so that they better address the needs of ESJ communities. We look forward to collaborating with ESJ communities in order to achieve the goals of the ESJ Plan.

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¹⁷ See e.g. Decision 20-03-014, *Decision on Data Confidentiality Issues Track 3*, p. 4 (TNC companies submit annual reports that include information about the number of rides requested and accepted by TNC drivers within each zip code where the TNC operates, as well as the number of rides that were requested but not accepted by TNC drivers within each zip code where the TNC operates.). Available at [329477640.PDF \(ca.gov\)](https://www.cpuc.ca.gov/Pages/329477640.PDF)

¹⁸ See ESJ Plan, Appendix C, p. 83 (defining socially disadvantaged farmers).

¹⁹ Ideally, quantitative, and geographic data gathered in proceedings would be augmented by interview or survey data from members of ESJ communities, as recommended at page 4 of these comments.