



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

November 22, 2021

Monica Palmeira
News & Outreach Office
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Transmitted via email: ESJActionPlan@cpuc.ca.gov

RE: CPUC Environmental & Social Justice Action Plan, Draft Version 2.0

Dear Ms. Palmeira:

On behalf of the Rural County Representatives of California (RCRC), we appreciate the opportunity to provide comment on the California Public Utilities Commission (CPUC or Commission) Environmental & Social Justice (ESJ) Action Plan, draft version 2.0. RCRC is an association of thirty-seven rural California counties, and our Board of Directors is comprised of one elected county supervisor from each member county.

Rural counties are home to some of the state's most Disadvantaged Communities (DACs) and many of the ESJ Communities identified by the CPUC. Rural areas suffer impacts from natural disasters, are largely dependent on groundwater wells stressed by persistent drought, and have limited health care settings and providers. Our rural counties are also consistently underfunded in all areas of infrastructure. Not only is our energy unreliable at best—and deadly at worst—Voice-over-Internet Protocol (VoIP) has eroded the service quality of landlines that was more traditionally reliable given copper redundancy. Poor broadband quality and mobile phone coverage leaves many of our communities at a competitive disadvantage and has resulted in lost learning opportunities, exacerbated by stay-at-home orders and virtual learning environments during the COVID-19 pandemic.

The ESJ Action Plan is a valuable tool for Commission introspection as well as to seek to serve hard to reach consumers and those that are traditionally left behind. It is in that spirit that we offer the following suggestions to improve the outcomes of the ESJ Action Plan.

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Improve Public Transparency

The CPUC, as a whole, would serve all Californians better by demystifying its operational processes and removing cumbersome barriers to participate. Public engagement is especially important at the CPUC because, unlike the traditional marketplace, consumers impacted by CPUC decisions often have few alternatives to the services provided by the regulated utilities. Far too often, information provided by the CPUC is obscured through arbitrary and unintuitive search functions, incomplete dockets, and inconsistent calendars¹. Furthermore, many public meetings hosted by the CPUC require two technological platforms to view and listen—e.g., WebEx for viewing only and audio by phone only. Requiring two technologies *simultaneously*² is an unrealistic expectation for the viewing public and the CPUC should reduce technical barriers, not erect more. Having more than one technical option to tune into a meeting is preferable but requiring a minimum of two discourages both transparency and participation.

While we appreciate that public comments are now accepted in proceedings—if they can find the docket—that process can pose challenges for public agencies that need to submit a document via an attachment, which is a standard and common expectation. Unfortunately, the CPUC’s processes disenfranchise many members of the public and interested stakeholder communities by making participation overly cumbersome to navigate and rife with opportunities to disqualify participation. In addition to other participatory opportunities, organizations that serve specific constituencies or communities would similarly benefit by having the ability to submit a letter as public comment without having to become a formal party to a proceeding. We also urge the CPUC to honor basic public process protections afforded by the Administrative Procedures Act that governs other state agencies, including minimum written public comment periods and the duty to respond to public comments.

Though we understand the hesitation to create one-size-fits-all definitions that apply in all proceedings and decisions and for stakeholders or parties in proceedings to consider a more nuanced approach, there is a middle ground that would improve public transparency and simplify the conversation. We suggest the CPUC 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.³ Further, we urge the CPUC to map—and make publicly available—

¹ As one example, the ESJ Action Plan webinar (on November 3, 2021 and November 10, 2021) was noticed on the events calendar on CPUC’s website, but the Daily Calendar delivered via subscription never reflected either public meeting. The Daily Calendar via subscription service has many inaccuracies by way of omission or through inadequate descriptions.

² One recent example includes the November 8, 2021 workshop on PG&E’s Corrective Action Plan, Enhanced Oversight and Enforcement. The CPUC, as the host, did not enable audio on the virtual WebEx platform and public viewers had to use a separate telephone to simply listen in.

³ For example, the definition of “critical facilities” is often cross-referenced between proceedings and decisions, but those references are often outdated when made because they are themselves based on definitions that were updated in subsequent decisions. Admittedly, some of these particular problems may

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.

Additionally, more public participation hearings should be held as a common practice. One should not have to retain a lawyer to meaningfully engage in CPUC proceedings. The CPUC should consider how to break down some of the inherent barriers that presume the commenting entity has sophisticated legal expertise. The CPUC could provide more model templates and narrative instructions, for example. We understand many instructions are referenced in the Rules of Practice and Procedure, but more plain language would demystify the process and promote more public engagement. Similarly, providing a clearer timeline of events and upcoming deadlines for comments/participation in a dedicated tab in the respective docket would be immensely helpful and would drive timely public input. Finally, the CPUC should ensure that all rulings providing staff proposals or soliciting comments to the service list be immediately uploaded to the docket. Unfortunately, at times, e-mail rulings have been uploaded to the docket exceedingly late, thereby causing significant confusion amongst parties and other stakeholders.

Empower Local Liaisons to Act as Ombudsmen

While the CPUC Local Liaison office is focused on outreach to local governments, there needs to be a pathway for the CPUC Liaison to receive direct feedback from local agencies and be empowered to act as ombudsmen to the CPUC on behalf of those constituencies. As communities have begun to rebuild after another devastating wildfire season, problems have inevitably arisen during electric utility and telecommunications restoration efforts when communication channels with local government have broken down. Many locally elected officials have filed formal complaints with the Commission, but all too often feel they go unanswered. Many of the problems contained in these complaints are solvable if CPUC Local Liaisons are empowered to investigate local concerns and compel utility accountability. We urge the CPUC to enhance the Local Liaison office to not only improve the feedback loop over the course of their outreach, but to also better understand the impacts regulated entities are having on their customer base and directly filter that information up. We appreciate the CPUC's attention to problems when they arise; however, we believe that many of these issues could be successfully resolved between local government stakeholders, CPUC Local Liaisons, and regulated utilities without public officials having to elevate the matter by bringing it up during the public comment period at a CPUC Voting Meeting.

be resolved once the CPUC reconciles all of the de-energization-related decisions, however, this cannot be the only instance where the problem occurs.

Make Targeted, Equitable Investments

Using low-income metrics is an equitable and valuable tool to consider in the ESJ Action Plan. We appreciate the effort to take a more granular look at incomes in concentrated areas. Area Median Income (AMI), as a whole, can help identify areas in need of investments if done by census tract. However, using household AMI can put wealthier homeowners in one community at tremendous advantage over residents with far lower incomes in other communities. In general, we urge the CPUC to take a layered approach to all targeting efforts, including income thresholds. While household AMI can help identify larger areas, AMI by census tract can meaningfully target limited resources. The CPUC should also consider geographic equity so programs with limited funds can benefit ratepayers from multiple regions, recognizing that some issues the CPUC seeks to address may be experienced in isolated communities or regions rather than across the whole state.

Moreover, RCRC supports expanding access to vehicle charging infrastructure⁴ in ESJ communities, which include many rural areas. Rural areas (including those not identified as ESJ communities) have a dearth of vehicle charging opportunities. As the state moves toward greater electrification of private and public vehicle fleets, California must rapidly improve access to charging infrastructure – especially in rural areas where residents often travel greater distances to work, school, and the marketplace.

Take A More Holistic Approach of Small-Scale Biomass

Action Plan Item 2.2.3 calls upon the CPUC to conduct a study on emissions of small-scale biomass facilities to understand greenhouse gas and air emission impacts of those facilities. RCRC notes that local air quality management districts – those whose job it is to regulate air pollution and permit facilities – are far better positioned to perform the types of studies recommended. Indeed, Placer County Air Pollution Control District has already done some studies illuminating the emissions avoided by biomass energy generation.⁵ Furthermore, California's *Forest Carbon Plan* and *Wildfire and Forest Resilience Action Plan* already note the important role that biomass energy facilities play in reducing wildfire risk and improving forest health. Regardless, any study should focus more broadly on the role that biomass facilities play in facilitating wildfire risk reduction and improving forest health, and should compare emissions resulting from individual facilities with the avoided emissions that result from their operation.

Prioritize Keeping the Lights On

Action Plan Item 2.4.7 calls on the CPUC to monitor and collect data on the use and impacts of diesel back-up generators, especially in disadvantaged and ESJ

⁴ Action Plan Item 2.5.5, Improving Access to Electric Vehicle Charging for ESJ Communities.

⁵ Springsteen B, Christofk T, York R, Mason T, Baker S, Lincoln E, Hartsough B, Yoshioka T. 2015. "Forest biomass diversion in the Sierra Nevada: Energy, economics and emissions." *Calif Agr* 69(3):142-149.

Communities. We note that the CPUC only has authority over a very limited universe of diesel back-up generators that are currently in use in California. We also observe that those generators are generally intended to keep the lights on and facilities running as a last resort when the power goes out. Oftentimes, these generators will be found at critical facilities and infrastructure, like police stations, hospitals, fire departments, water systems, communications facilities, etc. where it is imperative that those facilities remain operational to preserve public health, safety, and the environment. Many more diesel back-up generators are used by residents (some of whom have sensitive medical needs requiring access to electricity) who have increasingly turned to those solutions as a result of declining electrical reliability from the grid. While we do not oppose the emergence and uptake of newer, cleaner generators, we caution that the Commission must focus on keeping the lights on and critical facilities running.

Thank you for your consideration of our comments. Please do not hesitate to contact me at (916) 447-4806 or lkammerich@rcrcnet.org if you have questions or would like to discuss further.

Sincerely,



LEIGH KAMMERICH
Regulatory Affairs Advocate