

November 14, 2018

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA  
94102

**RE: Draft EJSJ Action Plan**

Students currently enrolled in Environmental Justice Law: Race, Class and the Environment (Law 272.2, Fall 2018) at the University of California, Berkeley, School of Law School prepared the following comments on the Draft Environmental and Social Justice Action Plan (“EJSJ Action Plan”).

To: Commissioner Clifford Rechtschaffen  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

From: Elizabeth Glusman  
J.D. Candidate, Class of 2020  
University of California, Berkeley School of Law

Re: The CPUC’s Draft Environmental and Social Justice Action Plan

Dear Commissioner Rechtschaffen,

The CPUC’s Draft Environmental and Social Justice Action Plan (“Draft Plan”), as of September 17, 2018, is a positive step toward protecting all of California’s residents by setting priorities for Environmental Justice and Social Justice (“EJSJ”) Communities. As the Draft Plan acknowledges, EJSJ communities have historically been excluded from the planning and decision making processes in our government’s environmental and energy laws and policies. They have therefore also been denied the lion’s share of the benefits of the laws that do protect California’s residents and natural resources while having to bear the majority of pollution burdens.

First, thank you for articulating a clear definition of the CPUC’s definition of environmental and social justice. While the definition seems fairly comprehensive, I urge the Commission to incorporate an emphasis on *future* actions. The Draft Plan is guided by a definition that “seeks to come to terms with, and remedy, a history of unfair treatment of communities . . . .” (page 6). This definition could be strengthened by incorporating the notion that environmental and social justice also seeks to ensure ongoing and future fair treatment of EJSJ communities. Additionally, the Draft Plan’s definition of environmental and social justice could be improved by more incorporating more of the Principles of Environmental Justice adopted by the First

National People of Color Environmental Leadership Summit, October 24-27, 1991.<sup>1</sup> Importantly, the Draft Plan’s definition does not acknowledge that environmental and social justice demands mutual respect and treatment for all peoples, free from any form of discrimination or bias. Perhaps the CPUC intended to incorporate this principle by its citation to the CA Government Code § 65040.12, but this is not clear from the way the Draft Plan is written. Altering the definition of environmental and social justice will aid the CPUC in more effectively and justly define priorities and actions moving forward.

Second, I applaud the Commission for setting a goal to increase investments in clean energy that benefit EJSJ communities. The objectives under this goal seem well crafted to help improve the lives of EJSJ communities in a variety of ways. But the objective regarding costs and benefits is ambiguous and leaves the reader unclear about what kinds of costs and benefits the CPUC will be calculating or factoring into its decision-making process. Historically, policy decisions have focused on purely economic costs and benefits to actions affecting human health and the environment. Sometimes this has included economic calculations that attempt to accommodate health impacts, such as the value of days of work lost due to employees needing to take sick days due to the effects of pollution. It is unclear from the current objective if the CPUC will consider only economic costs and benefits, or will additionally consider environmental and health impacts. It is also unclear from the current objective *how* the CPUC will weigh these differing kinds of impacts. I encourage the commission to consider in its investment calculation health impacts of EJSJ communities and environmental health impacts while taking into account the short-term and long-term future costs and benefits of such impacts. To the extent permitted by its authorizing statute, the CPUC should also weigh these distinct categories so that health and environmental costs and benefits take priority over purely economic ones.

If the Draft Plan aims “to provide the CPUC with a roadmap for advancing equity across California” I respectfully suggest the Commission make these proposed changes (page 12). We need to put people and the planet first. Doing so helps ensure long-term sustainability and gets us closer to a just and equitable society. These changes will help the Commission achieve the nine goals it has listed in the Draft Plan and serve EJSJ Communities.

Respectfully,

Elizabeth Glusman  
J.D. Candidate, Berkeley Law, Class of 2020  
glusman@berkeley.edu

**To:** California Public Utilities Commission  
**From:** Kelly Armijo  
**Subject:** Comments on CPUC Environmental Justice and Social Justice Action Plan  
**Date:** 10/23/18

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*Principles of Environmental Justice*, adopted by Delegates to the First National People of Color Environmental Leadership Summit, October 24-27, 1991, Washington DC, *available at* <http://www.ejnet.org/ej/principles.html>.

<sup>1</sup> *Principles of Environmental Justice*, adopted by Delegates to the First National People of Color Environmental Leadership Summit, October 24-27, 1991, Washington DC, *available at* <http://www.ejnet.org/ej/principles.html>.

General Comments: The draft EJSJ goals set by the CPUC are overall significant, inclusive, and lofty. However, the action plan hinges on its feasibility and meaningful enactment and consideration of these factors is generally missing. For instance, an evaluation of the resources and staff required to carry out these goals is important to determine how feasible the plan is and how the plan might best be tailored to use existing resources. Further, the plan generally doesn't address accountability and how to ensure the goals are meaningfully fulfilled or enforced. This is particularly important in ensuring the action plan's survival through changes in administration and leadership. Finally, the plan is lacking an assessment of current EJSJ impacts. These practices should be addressed and prioritized to remedy past and ongoing EJSJ issues.

Goal 1: This goal is critical but is missing assurance that EJSJ issues are prioritized, addressed, and avoided rather than simply considered. Existing laws require a certain level of consideration (e.g. CEQA) but still don't manage to effect meaningful change – how would this goal effect meaningful consideration and change? Furthermore, how is meaningful participation ensured? The creation of a DAC advisory board is an important step to provide input; however, what power or decision-making influence does the board have? How will their input be weighed and considered?

Goal 2: This goal is missing education on how clean energy resources benefit communities and consultation to ensure communities actually desire such programs. There are many barriers to communities understanding clean energy resources, incentives, and costs, such as ensuring that these processes aren't overly burdensome to communities that already have large time constraints. Furthermore, creating infrastructure and incentives is important, but isn't useful to communities that struggle with initial investment (especially an issue in building EV usage). Furthermore, how would CPUC prevent rising values caused by clean energy resources, which may price out EJSJ communities?

Goal 3: This goal lacks consideration of existing water problems and measures to fix existing issues in a timely manner, as well as consideration of water contaminants besides lead and what steps will be taken if significant levels of contaminants are found.

Goal 5: This goal requires more clarity on ensuring meaningful participation. This goal also lacks recognition that participation structures may put the burden on communities to prevent being taken advantage of or to pursue benefits and that this may be prohibitive to some communities. It also lacks recognition of EJSJ communities' suspicion of government because of historic mistreatment and how this will be prevented in the future.

Goal 8: This goal lacks consideration of the resources and staff required to meaningfully carry out these goals, as well as how to actually ensure accountability and objective consideration of equity issues. In practice each of these factors is incredibly challenging.

Goal 9: This goal is important, but lacks clarity on what actions will be taken after monitoring reveals issues. For instance, are there consequences to following or not following these goals?

Re: Comment on CPUC Environmental and Social Justice Action Plan

To Whom It May Concern:

The CPUC Environmental and Social Justice Action Plan is a promising step forward in promoting equity for environmental justice and social justice communities in California. The nine goals cover a wide range of issues important to these communities and offer a roadmap for progress. Of note, I'd like to address two inter-related goals that focus on communication with the people affected most by these policies:

Goal 1: Use the CPUC's planning, permitting, and regulatory role to advance environmental and social justice goals

- CPUC Action 5: Launch a new public online comment system for each proceeding.  
Status: 2019 prototype

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

In regards to Goal 1, CPUC Action 5, I think this is a great idea and will assist in making this process easier and more transparent. However, I would suggest ensuring that the focus be more on developing a mobile application, rather than a straight-stick website, so members of the community who don't have computers can participate. In addition, the app should have a Spanish interface so those who don't speak English can participate and have their voices heard.

In that vein, Goal 5 is crucial to ensuring that every member of the community is involved in this process because without participation, there will be no buy-in in regards to all of the other goals and actions proposed by the CPUC Plan. CPUC should focus their resources in making this goal a priority (i.e., perhaps move this goal up in the numbering scheme). As a general recommendation, it is my understanding that perhaps online notices or mass mailings sometimes go unnoticed or ignored. In-person, door-to-door outreach might go along way in getting CPUC's word out on implementing these goals and inviting public participation throughout the process. In-person interaction is really the key. CPUC needs to have a human face and not just be a mere acronym on a website or mailing.

Finally, I am not sure the amount of resources (time and money) that CPUC has at its disposal to dedicate towards this endeavor. Perhaps the plan is overly broad and tries to do too much. If resource allocation is an issue, I recommend prioritizing and reducing the number of goals in order to effectuate the most change.

Thank you for your time.

Sincerely,  
/s/  
Deniz Baykan

October 23, 2018

Re: Berkeley Law Environmental Justice Class Comments on CPUC Draft EJSJ Action Plan

Dear Commissioner Clifford Rechtschaffen,

The CPUC Environmental Justice and Social Justice Draft Action Plan (EJSJ Plan) outlines several laudable goals including “enhanc[ing] outreach and public participation opportunities in order for EJSJ communities to meaningfully participate in the CPUC’s decision-making process.” I’d like to highlight some potential causes of EJSJ under-participation in the current decision-making process and suggest possible solutions that could be integrated into future versions the EJSJ Plan.

Fortunately, CPUC can increase EJSJ participation by identifying structural barriers to participation and actively working to remove them. In the context CPUC decision making, structural barriers are features of the decision-making process that make EJSJ participation more challenging. For example, if CPUC consistently chooses to hold public comment sessions during the traditional work day, would-be participants who cannot take time off work will be precluded from participation. Action steps under Goal 5 already identify and focus on many of these problems. Here are some additional solutions to other potential structural barriers to meaningful EJSJ participation:

- Hold public meetings where EJSJ communities can easily participate and contribute their point of view (as identified on page 28 of the EJSJ Plan).

- Coordinate with local EJSJ organizations to understand the work patterns of their community. Then, hold important meetings when community members are not at work.

- Ensure that meetings are held near public transportation hubs or actively work to provide transportation to/from meetings.

- Coordinate with local EJSJ organizations to provide childcare during public meetings.

- Commit to accepting and understanding qualitative or narrative descriptions of EJSJ community needs and concerns. That is, do not force EJSJ communities to fund technical/scientific work before voicing their concerns.

- Explain technical concepts in lay person terms but without misrepresenting the truth.

The worst outcome for EJSJ communities is that the CPUC implements a plan that conjures the illusion of meaningful participation without actually facilitating meaningful participation. That would have the effect of increasing the perceived legitimacy of decisions that do not substantively improve the lives of people in EJSJ communities. Fortunately, the current EJSJ Plan demonstrates a desire to support EJSJ communities, and I hope that the CPUC has the courage to implement a version of that plan that has the actual impact of saving lives across California.

Sincerely,

Rob Kutchin

To,

California Public Utilities Commission (“CPUC”),

Goal 8 of the Draft Environmental & Social Justice Action Plan provides that CPUC will improve training and staff development related to environmental and social justice issues within the CPUC’s jurisdiction. CPUC should develop training programs which involve community engagement. Along with collaborating with other state agencies, the training program should seek to work effectively with communities and other stakeholders.

In addition to establishing training programs, I support that CPUC is looking to conduct outreach sessions for their staff. These outreach programs should focus on the relationship between environmental justice and Title VI of the Civil Rights Act. Integrating minority outreach into its staff training programs will result in the integration of many more workers from low-income populations into the environmental justice industry.

Many staff members do not receive training to recognize and solve environmentally-related conditions. New or less experienced staff should have mentors who can provide on-the-job training and conduct job-related departmental meetings, and these mentors should provide technical consultation, advice and guidance to staffs of all levels on procedures and policies of environmental justice. This will improve the efficiency of the training programs.

Regards,

Upasana Niyogi

Clifford Rechtschaffen

Commissioner  
California Public Utilities Commission  
770 L St.  
Sacramento, CA 95814

Dear Mr. Rechtschaffen,

I am writing to comment on the California Public Utilities Commission's Environmental and Social Justice Action Plan. While I applaud the CPUC's efforts to improve its focus on how its actions impact disadvantaged communities, there is still room for improvement to ensure this evaluation is meaningful.

First, while certain areas throughout the draft note an effort to ensure public meetings are assessible to disadvantaged communities in remote, linguistically-isolated areas, this point can be emphasized from the beginning. In your discussion that the Commissioners will meet regularly to discuss the Commission's Strategic Directives and assess progress towards achieving these objectives, the meetings are only noted to be held in a public setting. This public setting should be further defined to ensure that disadvantaged communities can comment on this important reflection of the goals. Without the parties in these EJ communities to discuss changes they are seeing, the perspective of progress will represent only an outsider's perspective. For example, this meeting could have online access with a Spanish translator. I applaud inclusion of the objective to ask EJ communities directly how they wish to engage with the CPUC under goal 5. I urge you to ensure that funding is found for the positions you note that develop and deliver plain language documents that allow disadvantaged community members to understand technical issues. I also strongly support the positions noted that actually go to the communities to hear their concerns.

Second, while improving consideration of environmental justice issues is important, so is a method for holding decisionmakers accountable for making the hard choices to invoke true change in these communities. A beneficial addition would be to create a page on the CPUC's website that reflects where the agency is not meeting its designated goals. This will help hold the CPUC more accountable to its commitment to disadvantaged communities. Accountability can also be improved by defining more terms. For instance, what amounts to "equitable access to transportation services" should be defined to guide decisionmakers. Goal 6 can also have increased accountability. In addition to establishing a process for people to file investigative consumer complaints, the Action Plan should include a timeframe requiring the agency to respond to the complaint and a public tracking system to track response time and any remedial actions.

Third, the section on water quality could be improved to have more tangible objectives that can be tracked. A key aspect of this section should include data collection of the water quality in these communities. This data should be accompanied by a timeline of proposals to address the issues in order of severity of concern. This section focuses extensively on affordability, but many communities only have access to water that is contaminated, or water that they feel unsafe drinking without data confirming its safety. Especially given the state's recent affirmation of the right to clean drinking water, this section should be developed further. The climate change

section can also be improved. Although discussing how disadvantaged communities will be burdened by climate change is important, discussing options for funding to increase resiliency is equally as important.

Thank you for your time. I urge you to strongly consider these comments to ensure this new plan is meaningful to disadvantaged communities.

Sincerely,

Shelby Culver

To: California Public Utility Commission  
From: Ary Smith  
Re: Draft Environmental & Social Justice Action Plan  
Date: October 23, 2018

The CPUC's Draft Environmental & Social Justice Action Plan represents an important step in connecting the CPUC's role to California's policies of promoting social and environmental justice. This letter comments upon Goal 7, Promote business and workforce development opportunities in EJSJ communities, and offers suggestions for effectuating this goal.

Goal 7 pinpoints an important opportunity and challenge in the development of sustainable utility services, and I was pleased to see the CPUC's commitment toward ensuring a diverse workforce. In particular, I noticed the inclusion of LGBT-owned business enterprises in IOU's annual G.O. 156 reports. Because LGBT people, particular transgender people, are economically disadvantaged, this represents

CPUC's Supplier Diversity Procurement Program is implemented through General Order 156. This provides key guidance and reporting on diverse contracting, and I am particularly glad to see that CPUC also incentivizes contracting to LGBT-owned business enterprises. However, there are some flaws in G.O. 156's reporting scheme. When investor-owned utilities report their annual summaries of purchases and contracts, they separately split out contracts with minority-owned, women-owned, disabled veteran-owned, and LGBT-owned enterprises and the add together these percentages to determine their total investment. This overlooks the fact that some enterprise owners may hold multiple intersecting identities and register their businesses in multiple categories, and may result in inflated estimates of contracts with MWDVLGBTBEs.

This program is also successful at allocating contracts to existing business enterprises, but does not address the pipeline issues in the workforce that result in uneven allocations of contracts. This particularly disadvantages women, who make up only a tiny percentage of workers in skilled trades such as construction. Furthermore, as the Draft Plan points out, construction jobs are typically cyclic and the best-paid, benefitted jobs are union jobs requiring apprenticeships. Unions sometimes struggle to address racial and gender-based discrimination and inequity in their membership, so this may result in the best jobs continuing to go to people who have traditionally been privileged in the workforce.

To address these limitations, CPUC should consider the following options:

- Developing or supporting existing programs to address inequities in the construction workforce pipeline, such as training programs for women and transgender people
- Working directly with unions to encourage diversity in membership, and supporting unions in their negotiations with IOUs to advocate for high-quality jobs
- Incentivizing IOUs to directly hire traditionally disadvantaged members of the workforce, as well as contracting with MWDVLGBTBEs
- Developing voluntary programs with non-investor owned utilities, such as nonprofits, to set targets for diverse contracting

October 23, 2018

RE: Comments on the CPUC Draft Environmental and Social Justice Action Plan

Dear Commissioner Rechtschaffen,

I am a law student at the University of California, Berkeley and I'm writing to comment on the CPUC Draft Environmental and Social Justice Action Plan.

### **I. Items that I support**

The Draft includes many very relevant points for improving on EJSJ matters. In particular, I find it very important and useful that goal number 1 distinguishes between planning, permitting and regulatory role in order to include EJSJ elements on every level. This will be beneficial to achieving the highest possible overall effects in regard to EJSJ issues.

Goal number 5 is essential to any type of development or improvement of EJSJ aspects.

Communication and meaningful involvement and participation is at the core of any issue.

Consequently, it could be considered whether for symbolic reasons, goal number 5 could be "moved up" to be goal number 3 or 2 for example.

### **II. Items that I wish to see expanded**

The terminology of Goal number 2 focuses on investment in clean energy. Depending on the interpretation of that phrasing, it could be useful to expand the language and the include *divestment* from "dirty" energy as well, to emphasis the active shift in energy supplies.

Goal 3 could specifically list internet access, to emphasize its important role within basic communications.

Goal 7 could include a "just transition" provision. To have this specific terminology could serve as a reference point to the just transition movement and to the vast pool of information and research that it is linked to, on helping to implement such a just transition.

Regarding goal 9, if this is not already planned for with respect to the feedback-loop for example, the monitoring could be publicly accessible on a continuous basis. This could for example be done by providing live streams of the information being collected, or by publishing

regularly on the respective public platforms. The opportunity to weigh in on monitoring developments is part of creating meaningful participation opportunities.

I highly appreciate the CPUC's hard work on the Draft Plan.

Sincerely,

Sina Spiegler

October 23, 2018

Dear California Public Utilities Commission:

The California Public Utilities Commission's (CPUC) Environmental and Social Justice Action Plan encompasses many important aspects of environmental justice in disadvantaged communities. I would like to learn more and receive further clarification on the following aspects:

• **Goal 1: Use the CPUC's planning, permitting, and regulatory role to advance environmental and social justice goals**

o Will CPUC design the scope of each proceeding with key input from residents of Environmental and Social Justice (EJSJ) Communities?

• **Goal 2: Increase investment in clean energy resources to benefit EJSJ communities, especially to improve local air quality**

o How will CPUC deal with local demand for gas-powered vehicles and other non-clean energy resources?

• **Goal 3: Strive to improve access to high-quality water, communications, and transportation services for EJSJ communities**

o How will CPUC deal with unsafe water in non-utility service areas?

o What effects does the federal net neutrality ban have on CPUC's objectives in the communications area?

o What will be the cost of expanding broadband access to underserved and hard-to-reach communities and who will pay this cost?

o Why is there a focus on Autonomous Vehicles (AV) for disadvantaged communities? What does CPUC see as the benefits of AVs?

• **Goal 4: Increase climate resiliency in EJSJ communities**

o What are some of the challenges and opportunities of the interdependencies of essential services in EJSJ communities?

• **Goal 5: Enhance outreach and public participation opportunities in order for EJSJ communities to meaningfully participate in the CPUC's decision-making processes**

o How is CPUC outreach going to differ from past attempts to engage EJSJ communities?

• **Goal 6: Enhance enforcement to ensure safety and consumer protection for EJSJ**

**communities**

o Why is there a focus on pay phones? o What types of unfair business practices are in the residential rooftop solar market and core transport agent market for natural gas?

**• Goal 7: Promote business workforce development opportunities in EJSJ communities**

o How can CPUC encourage diversity when there is no mandatory percentage for diverse employment?

o How does the inability to have quotes (or affirmative action) factor into CPUC’s plans?

**• Goal 8: Improve training and staff development related to environmental and social justice issues within the CPUC’s jurisdiction**

o When have trainings really improved knowledge about race, implicit bias, and equity issues?

**• Goal 9: Monitor the CPUC’s environmental and social justice efforts to ensure that they are achieving their objectives**

o How will EJSJ communities be involved in CPUC’s feedback loops and program evaluations?

Thank you for your responses.

Sincerely,

Kimia Pakdaman

Master of Public Policy,

Class of 2020 Goldman School of Public Policy

University of California, Berkeley

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

RE: Comments on CPUC’s Draft Environmental and Social Justice Action Plan

Dear Commissioners of the California Public Utilities Commission,

Thank you for the opportunity to provide comments on the draft Environmental and Social Justice Action Plan.

I am pleased to see the Commission taking serious steps toward addressing some of the environmental impacts faced by EJSJ communities, but believe there are still many improvements to be made before this plan should be adopted.

First off, I am glad to see that the CPUC has prioritized the replacement of fossil fuel resources with clean and renewable fuels. Moreover, I commend the CPUC for acknowledging that clean and renewable fuel adoption has not always directly benefitted EJSJ communities, whether because of economic barriers or other burdens that keep EJSJ communities from being able to adopt clean fuels themselves. By prioritizing the replacement of fossil fuel resources with clean

and renewable fuels in a way that benefits EJSJ communities, the Commission is acknowledging this as a concern, and committing to resolving it. Furthermore, I appreciate seeing that this principle is tied to the commitment to improve local air quality. As evidenced by many EJ communities identified on CalEnviroScreen, air quality is a pertinent issue, which is reflected in other factors, such as asthma rates.

However, although I commend the Commission for prioritizing the replacement of fossil fuel resources, there is little discussion on how to do that in a way that benefits, and does not hurt EJSJ communities. One of my concerns with this lack of information for this plan, is that industry groups will deploy campaigns in these communities, using misleading information and scare tactics, to make EJSJ communities question whether this is a good thing for their community. For instance, many communities are hit with television, radio, and billboard ads about how moving from fossil fuel resources will cost jobs and hurt the economy. For many living in an EJSJ community, this is a serious concern. I would like to see the report give greater detail about how the CPUC is going to prevent these sort of campaigns from happening. I think this can be done with more focus on information and education in the community, but also a detailed plan about how the Commission plans to move away from fossil fuel resources, and comprehensively details the impacts of doing so.

To that point, I also commend the CPUC for prioritizing improvement of the methods and partnerships to enhance and track public participation from EJSJ communities, so they can meaningfully inform decision making in their communities. This has historically been a great concern by those living in such communities, that their voices are being heard, and has been a tactic by agencies and industry to ensure there is as little opposition to certain projects as possible. One serious concern I have with this goal though, is that there is no mention in the report about how to make this process more accessible. There are many goals about staff attending certain meetings and trainings, which may be beneficial to staff understanding of EJ issues, but does not say how that will help those in the community who want to be involved, actually be involved. I think one important step the CPUC can take is to commit to making all of its materials publicly available, and easy to find, and accessible in several languages, including, but not limited to, Spanish, Mandarin, Vietnamese, and Korean. There should also be a commitment to making these materials understandable to the lay person. This is something that staff can work on in their trainings, but needs to be made an explicit goal, so staff know what their audience is, and how making this material easier to understand, will better facilitate involvement in the decision making process.

I believe this report is a step in the right direction, and I am glad to see the CPUC taking environmental and social justice concerns seriously. I hope to see the Commission continue to prioritize EJSJ communities, and hope it will consider some of my comments to improve our environment for the health and safety of all.

Thank you for the opportunity to comment on the proposed plan. Please keep me informed of any developments.

Sincerely,  
Adrianna Lobato

Citizen

The CPUC should be commended for its efforts its increased consideration of Environmental Justice principles and issues, and for implementation of policies and procedures that will help guide it towards those equitable goals. I submit this letter to briefly comment on the specific goals outlined, and to request clarification on how certain goals may be achieved under the regulatory authority of the CPUC.

**Goal 1: Use the CPUC's planning, permitting, and regulatory role to advance environmental and social justice goals.**

Being able to identify recurring EJ issues is crucial. How would a checklist continually be updated as new factors are discovered? Who determines what factors should be legitimately considered and at what threshold?

**Goal 2: Increase investment in clean energy resources to benefit EJSJ communities, especially to improve local air quality.**

Wouldn't investing finite CPUC resources into ZEV infrastructure disproportionately benefit the well-off, as they are the ones that can afford hybrid and EV's? Is there concurrent strategy within the CPUC's authority that could help overcome the biggest hurdle of EV/hybrid ownership (upfront cost of vehicle)? I assume the same problem exists in moving to solar.

**Goal 4: Increase climate resiliency in EJSJ communities.**

The checklist from "Goal 1" will likely be helpful here in addressing future climate change issues. However, defensible policy outcomes are very dependent on what climate change scenarios are considered. This goal is very important, though it is construed broadly enough that it is uncertain what will be implemented under this guiding principle here.

**Goal 5: Enhance outreach and public participation opportunities in order for EJSJ communities to meaningfully participate in the CPUC's decision-making process**

Encouraging engagement and dialogue between EJSJ communities is important, but there should also be more emphasis placed on eliminating barriers to *meaningful* participation. This is more than just "locations" for easy participation and contribution. As suggestions, CPUC should consider: what time the meeting is at, what the structure of the meeting is, having translators, allowing both written and oral comments, etc.

**Goal 6: Enhance enforcement to ensure safety and consumer protection for EJSJ communities.**

Beyond responding to complaints, unfair business practices (which are generally legal) from utilities themselves likely represent a larger amount of \$ losses than residential rooftop

solar/core transport agent market for natural gas. If this is the case, investment in enforcement of equitable business practices should be focused more there.

Adam Buchholz

10/23/2018

Response to Reading over the CPUC EJ plan, I was excited to see a state agency put such a strong emphasis on EJ considerations. The first thing that comes to my mind is how difficult this must have been to reach a place where the PUC could put forward something so apparently progressive. I do have a range of questions.

**Goal 2**

With respect to the second goal, replacing natural gas with renewables, we've seen that communities sometimes prefer natural gas to solar. How do you balance the desires of the community against what we "know" about what is "best" for them?

**Goal 3**

What is the CPUC's position on Net Neutrality?

**Goal 4**

I was excited to see that making a climate resiliency plan is high on the list of priorities. This is a topic that I think gets nowhere near enough attention, particularly given how soon major climate impacts are likely to occur. What do you see as the highest priorities for California's climate resiliency planning? What do you think are the major hurdles for California in its resiliency plans? What do you see as some of the hard choices the PUC will have to make, especially when it comes to allocating scarce resources between communities with different likely impacts? One can imagine a scenario where it would be so costly to prepare a community for climate change that some decision-makers would rather abandon it. How do you think the state will handle those kinds of conflicts?

**Goal 7**

I'm also curious about Goal 7, which requires the CPUC to purchase at least 21% of its supplies from minority-owned businesses. I think policies like this are one of the best ways to substantively address inequality in the US, but I'm surprised to see such a progressive idea made into such a high priority – was this difficult to get included? I'm also curious if there is information on how that breaks down between different minorities. I can see it as being easier to encourage some kinds of diversity than others – is there an effort made to balance purchases across different minority groups?

**Goal 9**

Finally, goal 9 is to monitor the PUC's efforts. This seems like one of the most difficult, particularly if the PUC will be carrying out the evaluations. Will you consider bringing in outside organizations to evaluate the PUC's success on these issues? What will you do to ensure that the standards for success are more than just a rubber stamp and a pat on the back?

October 21, 2018

Commissioner Martha Guzman Aceves

California Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

Dear Commissioner Guzman Aceves:

I write on behalf of the Legal Resources Centre to comment on the proposed California Public Utilities Commission (**CPUC**) Environmental and Social Justice Action Plan (the **Plan**). First, I would like to take this opportunity to thank you for the effort put into the Plan and the effort to take environmental justice concerns into account in the CPUC's policies.

In regard to Goal 5 (Enhance outreach and public participation opportunities in order for EJSJ communities to meaningfully participate in the CPUC's decision-making process), there are a number of issues that should be addressed before the Plan is finalized. Under point 4, the plan is to ensure that EJSJ advocates and leaders are informed of public hearings "where appropriate." The concern is that language could be used to exclude EJSJ leaders from certain decisions, since the CPUC has deemed it not appropriate in that instance. This leaves it at the discretion of the CPUC to decide whether it is appropriate, and this leaves it open to abuse. The sentence goes on to limit the affected persons who would be engaging with the CPUC to "consumers." It is undeniable that the CPUC should be hearing the views of consumers in EJSJ communities, but it is also undeniable that non-consumers might also be affected by the plans and policies of the CPUC. The meetings should target the EJSJ community as a whole, and not limit this to "consumers." This would improve that section.

Yours sincerely,  
Camilla A. Hyslop

10.22.2018

To the Commissioner of California's Public Utilities Commission (CPUC),

Reading CPUC's Environmental and Social Justice Action Plan has been inspiring and even hopeful. It is really significant to see that the CPUC is motivated enough to advance equity in its programs and policies for Environmental Justice and Social Justice (EJSJ) communities.

The Draft in question is very promising, and clear in what the objectives are. The first goal mentioned, regarding procedural equity in the decision-making procedure, rightly aims at facilitating EJSJ communities in expressing their thoughts and need in any procedure under CPUC's authority. The objective of public commenting is encouraging and necessary. What would be even greater, in creating a transparent and trusting relationship with the communities, would be if the CPUC could commit in responding to each "complete" and "valid" request within a specific timeframe, so that the public would be reassured that their comments are being heard

and considered. That could potentially be achieved through an online forum, since the legislature has already established and is developing the Internet for All Now Act.

Moving to the second goal stated, concerning investment in clean energy resourced in EJSJ communities, the budget reserved for installing solar systems to single-family and multi-families is very promising as is the commitment of providing discounts to the utility bills of low-income customers. Additionally, it would benefit everyone, if the Energy Division, or the appropriate Implementation Lead, published estimates about the average amount charged to customers accessing clean energy, beforehand, in order to ensure a smooth transition, have a transparent relationship between the providers and the customers, and perhaps even offer a chance for the consumers to be reassured that switching to clean energy resources is not only good for the environment but will eventually lighten their personal expenses. Such information could also be provided by the Energy Upgrade California campaign, as mentioned under Goal No 5 which will educate customers on the roll-out of Time-of-Use rates in DACs in order for customers to understand how to shift electric usage.

Furthermore, under the ambit of Goal No 7, CPUC could create customer service positions, such as hotlines, with employees available to answer questions, troubleshoot any issue during the installation and operation of solar systems. Perhaps even train people from within the communities to take over these positions, as is suggested under Goal No 7 regarding the workshops proposition. Similarly, another way of enhancing public participation of the EJSJ communities to open up different type of positions for EJSJ members, within the agency, such as expert positions or affiliated positions, in order for them to become part of the decision-makers in matters that directly affect them.

While, with regards to striving to improve access to high-quality water (Goal No 3) lead testing in water for all schools is a great and necessary idea, therefore the same initiative should be implemented in other public spaces such as hospitals, and have the results published to the public. Finally, in order to enhance enforcement as directed under Goal No 6, during the investigation of complaints, similar to what was suggested under the first paragraph, it would be extremely beneficial if complaining consumers from EJSJ communities could receive replies to their complaints and have a forum where a follow-up discussion could take place. Through this

forum, the objectives of Goal No 9 would also be achieved since the best way to monitor CPUC's efforts in EJSJ communities is to hear from these communities themselves.

I would like to once again stress how optimistic I am about CPUC's vision, after examining the Draft Action Plan and hope that the aforementioned minor comments will be helpful in completing and establishing a final Action Plan.

Kind Regards,

Chloe Dimopoulos

To: California Public Utilities Commission

From: Dorry Funaki

RE: Public Comment on CPUC Environmental and Social Justice Action Plan

Overall this is a very strong and comprehensive list of goals that the CPUC has listed in order to help advance equity within California. Below is an analysis of how effective and articulate I believe the goals are:

Goal 1: Use CPUC's planning, permitting, & regulatory role to advance social & environmental justice goals  
Need more definitive steps to clarify how they are going to use their role as a planning agency to help environmental justice causes. One of the actions listed was develop a "standard checklist", what will be in the checklist? Will there be any community input in regards to what will be placed in the checklist? Further detailed, explanations on what the steps are in the Action Plan will be greatly appreciated. Another area that I wish to see further explained is the new public comment system that they are proposing, what languages will it be in? Will there be something available for people who are blind? Also will the community EJSJ community have access to the internet/computer and be able to make public comment? The last portion that I want further expansion on is how they are going to measure awareness within a community.

Goal 2: Increase investment in clean energy resources to benefit EJSJ communities, especially to improve local air quality  
Agree with this goal, but getting confused with the Implementation Leads, and hoping they aren't creating redundant groups within the agency since there seems to be a lot of overlap between Goal 1 and Goal 2 in regards to community engagement and customer participation. But overall the action steps for this goal in regards to the ZEV infrastructure, steps for PG&E, and plans for solar are very comprehensive and show a path for implementation.

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for EJSJ communities  
This goal, like goal 1 and unlike goal 2 is vague and does not seem to have a clear path for implementation. In Transportation Services, I am curious as to how they will be accessing data for TNCs, because Lyft and Uber typically don't make their data public. Also the idea of TNCs redlining areas of concern is questionable because some communities that are experiencing gentrification and displacement might see the intrusion of TNCs as a bad thing. So this type of thing can be complicated and must be implemented with the

utmost sensitivity to the communities that they will be serving.

Goal 4: Increase climate resiliency in low-income and disadvantaged communities Again would like more clarification in how this goal will be implemented. There are only two actions listed under this goal, and one of them says to identify goals for more “resiliency”. Here again what does resiliency actually mean, and how will communities input be factored in here because sometimes what makes a community resilient can be the opposite of what a community actually wants.

Goal 5: Enhance outreach and public participation opportunities in order for EJSJ communities to meaningfully participate in the CPUC’s decision-making process This goals action plan is meaningfully listed out, but again I am worried about the overlap with the other goals, and hope that the Implementation Leads working on the action steps are not working in silos from one another.

Goal 6: Enhance enforcement to ensure safety and consumer protection for EJSJ communities Support this goal, and think the action steps are meaningful and easily implementable.

Goal 7: Promote business and workforce development opportunities in EJSJ communities This this is a great goal, and really like the plan for hiring “from the ratepayers who finance their projects, especially in disadvantaged communities”.

Goal 8: Improve training and staff development related to environmental & social justice issues within the CPUC’s jurisdiction Besides making it a requirement for equity training of CPUCs staff, will they also be making a concerted effort to diversify their own workforce? Hopefully to also ensure that these agencies look like the communities they are serving.

Goal 9: Monitor the CPUC’s environmental and social justice efforts to ensure that they are achieving their objectives I think this is a great goal, but am wondering how CPUC will be developing their baselines? Will the community in question be involved with how these efforts will be measured? Again more clarification on how this will be expanded.

Thomas Matthew

11/6/18

#### CPUC Comment

The CPUC Environmental and Social Justice Action Plan provides a useful overview of recent administrative and legislative action aimed at promoting climate health and environmental justice. It was encouraging to see such a thorough synopsis at the top of the document—it increases confidence that the drafters of this action plan have recognized and taken seriously the State Legislature’s current commitment to environmental and community health. The 9 goals outlined in the action plan are solid and appear to encompass a wide range of targets for intervention and improvement.

I appreciate the CPUC’s stated interest in proactive engagement with Environmental Justice and Social Justice (EJSJ) communities. The action plan acknowledges the challenge of allowing those most impacted by CPUC decisions to participate in the decision-making process. Further, the CPUC seems to recognize the importance of involving EJSJ communities at each stage of the multi-level decision-making process. Encouragingly, the CPUC Uses a definition of EJ that recognizes the need to remedy the effects of historical discriminatory practices through

current policy. I like that the action plan includes a plan to integrate data collection and analysis so that the CPUC will actually be able to quantify programs' effectiveness. It is encouraging that the action plan recognizes the usefulness of the CalEnviroScreen tool and takes seriously the various indicators of community disadvantage.

I think that the CPUC is wise to prioritize the improvement of local air quality near disproportionately burdened communities (Goal 2). I support the green tariffs and the action items that aim to increase access to rooftop solar projects for low-income single and multi-family housing. However, Goal 2, which aims to improve local air quality through investment in clean energy resources, relies too heavily on investment in electronic vehicle and zero-emissions vehicle infrastructure. I think that these are useful goals, but ultimately an inefficient use of resources in this early-stage of the mitigation effort. Investment in these technologies will yield marginal air quality benefits while primarily benefiting mid-to-high-income residents. Still, I do support the CPUC plan to deploy ratepayer-funded transportation electrification in a way that aims to provide immediate benefit to communities that are disproportionately affected by air pollution.

It is concerning that the action plan makes no mention of how to increase participation among linguistically isolated communities. The CPUC seems to lump these in with "low-income communities of color," but engaging with linguistically isolated communities entails a specific set of challenges that should be acknowledged and explicitly considered in any action plan. Moreover, while the action plan says the CPUC is committed to developing improved methods to enhance and track public participation from EJSJ communities, the plan includes very little specific information about how to accomplish this, beyond a vague intention to "reach out," and "build relationships."