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PUBLIC ADVOCATES OFFICE
California Public Utilities Commission

Prepared Testimony
On
Rulemaking to Advance Demand Flexibility
Through Electric Rates –
Income Verification Implementation

Public Version

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1 **CHAPTER 2 INCOME-GRADUATED FIXED CHARGE –**
2 **INCOME VERIFICATION IMPLEMENTATION & DESIGN**

3 (Witness – Alejandro Marquez)
4

5 **I. SUMMARY AND RECOMMENDATIONS**

6 This chapter provides the Public Advocates Office at the California Public
7 Utilities Commission’s (Cal Advocates) recommendations for Phase 1, Track A of the
8 instant Demand Flexibility Rulemaking concerning income verification for
9 implementation of the income-graduated fixed charge (IGFC). Cal Advocates proposes
10 short-term and long-term income-bracket assignment, income verification and income re-
11 verification processes.¹

12 Ideally, the state’s tax collection agent (the Franchise Tax Board, or FTB) would
13 coordinate with the California Public Utilities Commission (Commission) to assign
14 customer accounts to specific income brackets. As discussed in detail in this testimony,
15 until FTB data can be referenced to support automatic assignment of an IGFC, the
16 Commission should adopt an alternative method of income verification that allows for
17 accurate and rapid implementation. Therefore, Cal Advocates has identified a short-term
18 solution that would utilize presently available data from a private credit bureau (Equifax)
19 to implement IGFC until the FTB data (or another superior option) becomes available.

20 Cal Advocates’ proposal addresses the difficulty of ensuring a robust income
21 verification method capable of assessing a broad range of Californians’ income with
22 demonstrable success, rapid deployment, and uniform accessibility to the investor-owned
23 utilities (IOUs). Cal Advocates’ proposal allows for ongoing re-verification with reduced
24 customer input while maintaining a robust appeals process.

¹ Assembly Bill (AB) 205 (2022).

1 Cal Advocates recommends the following:

- 2 A. The Commission should require the IOUs to leverage existing
3 income information from customer programs with customer income
4 data in order to assign and verify customers into adopted income
5 brackets.
- 6 B. The Commission should require all customers not enrolled in an
7 income-qualified program to be assigned to the highest adopted
8 income bracket,² and allow an opportunity for subsequent
9 reassignment upon a method of verification.
- 10 C. For near-term implementation of the IGFC, the Commission should
11 utilize TheWorkNumber service offered by Equifax to assist with
12 income verification.
- 13 D. The Commission should adopt verification through
14 TheWorkNumber unless and until better alternatives (such as the use
15 of FTB data) become available.

16 **II. DISCUSSION OF CAL ADVOCATES' RECOMMENDATIONS**

- 17 **A. The Commission should require the IOUs to leverage**
18 **existing income information from customer programs**
19 **with customer income data in order to accurately assign**
20 **customers to adopted income brackets.**

21 Cal Advocates proposes an initial two-step process of customer assignment to the
22 income brackets. In the first step, the IOUs should leverage available income data from
23 existing low-income programs, such as the California Alternate Rates for Energy
24 Program (CARE) and Family Electric Rate Assistance Program (FERA), to support
25 assignment and verification into the adopted income brackets. In the second step,
26 discussed further in section 2, the IOUs should default all other customers onto the
27 highest income bracket. This design ensures customers who are enrolled in low-income
28 programs receive the lowest IGFC possible without taking additional actions.

29 Through their administration of existing low-income programs, IOUs already
30 possess information regarding income status for a large portion of customers that could

² Chau, Nathan & Nichols, Otto. "Cal Advocates' proposal of three income brackets and flatter differentiation of fixed charges between income brackets will facilitate implementation of IGFCs and ease rate pressures for the most vulnerable customers." Section C.3, p. 12. of Cal Advocates' Chapter 1 proposal.

1 be leveraged to default them to adopted income brackets. Depending on the utility,
2 approximately 88% to 95%³ of qualified residential accounts are enrolled in CARE, with
3 IOU projections totaling over 3 million households enrolled by 2026⁴; an additional 10%
4 to 20%⁵ are enrolled in FERA. These low-income programs require customers to be
5 below specific income thresholds. For example, the CARE program provides ratepayer
6 discounts of up to 35% on energy bills for households with incomes at or below 200% of
7 the Federal Poverty Line (FPL).⁶ The FERA program provides ratepayer discounts of
8 18% for electricity usage for households at or below 250% of the FPL.⁷ The first step of
9 the two-step approach would reduce the need of those customers to take further action
10 and allow the utility effectively assign known low-income customers to the appropriate
11 income bracket.

12 **1. Coordination of enrollment processes by**
13 **referencing CARE & FERA reduces the**
14 **need to outreach to already burdened**
15 **households.**

16 Research from the Energy Institute at Haas shows that existing high energy prices
17 disproportionately burden low-income households, stating that “(p)roportional to their
18 income, lower-income households are paying more than three times what wealthier
19 households are paying.”⁸ Pre-pandemic assessments of post-enrollment CARE

³ D.21-06-015, Sec. 4.1.2, 4.1.3, 4.1.5, p. 18 & 20. CARE Enrollment at PG&E 95% – SCE 88% – SDG&E 93%

⁴ D.21-06-015, Sec. 4.1.2, 4.1.5 & 4.6.3 p. 18, 20 & 77. CARE enrollment projections for 2021-2026 - PG&E 1.53 million – SDG&E 308k – SCE 1.22 million.

⁵ D.21-06-015, Sec. 5.1.2, 5.1.3, 5.1.4, p. 89 & 90. FERA Enrollment at PG&E 13% – SCE 10% – SDG&E 20%

⁶ Cal. Pub. Util. Code §739.1(a).

⁷ Cal. Pub. Util. Code §739.12(a).

⁸ Appendix A.1: Walsh, Dylan. “Report Reveals Inequity in Electricity Pricing, Calls for Rate Reform to Help Fight Climate Change: Haas News: Berkeley Haas.” Haas News | Berkeley Haas, September 28, 2022. <https://newsroom.haas.berkeley.edu/research/report-reveals-inequity-in-electricity-pricing-calls-for-rate-reform-to-help-fight-climate-change/>.

1 verification outreach by IOUs² to assess continued program eligibility demonstrated a
2 clear difficulty among low-income households with relaying income to IOUs. Customers
3 had a high non-response rate to IOUs when they requested income information, spurring
4 the removal of many customers from CARE. The 2019 Low Income Needs Assessment
5 report showed that over half (54%) of eligible households¹⁰ were likely still income-
6 eligible but failed to reply to recertification requests. This low recertification rate
7 demonstrates the need for a seamless assignment process of such customers to the correct
8 income bracket without requiring additional action.

9 The goal of instituting a concurrent application process for CARE and FERA
10 customers was recently framed in PUC Code,¹¹ with the Low Income Oversight Board
11 (LIOB) tasked with making specific recommendations.¹² The IOUS have existing cross
12 program agreements with water utilities that share CARE eligibility and extend discounts
13 for water customers.¹³ PG&E’s consideration of the joint-enrollment process states that it
14 “balance(s) ease of participation with customer choice/privacy” with seamless enrollment
15 “more attainable when” programs share a similar purpose or goal as then “laying the
16 groundwork to enhance customer experience/participation across multiple income
17 qualified programs.”¹⁴ Therefore, leveraging existing IOU data for automatic assignment

² Cal. Pub. Util. Code §739.1(I)(1) – [IOU authority to conduct CARE eligibility assessments that include verifying income & high usage post-enrollment verification that can require continued engagement from customer with IOU or be removed from the assistance program.]

¹⁰ Appendix A.2: 2019 CPUC Low Income Needs Assessment, Executive Summary, Informing CARE Program Post-Enrollment (PE) Processes, p. 3. Published December 13, 2019 & available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-efficiency/iqap/2019linavol1.pdf>

¹¹ Senate Bill (SB) 1208 (2022) added Cal. Pub. Util. Code §731 & Cal. Pub. Util. Code §910.8 to include development of a concurrent application process in partnership with other agencies, while making specific reference to CARE & FERA as eligible programs.

¹² Cal. Pub. Util. Code §910.8(a). To explore and make recommendations for expediting eligibility verification processes.

¹³ Appendix A.3: SB 1208 Subcommittee, 03/10/2023. Agenda Meeting Slides, p. 14. Slides available at: <https://liob.cpuc.ca.gov/wp-content/uploads/sites/14/2023/03/2023-03-10-SB1208-Subcommittee-Slides.pdf?emrc=9fea19>

¹⁴ Appendix A.3: SB 1208 Subcommittee, 03/10/2023. Agenda Meeting Slides, p. 27.

1 of customers to their IGFC bracket ensures an improved method of participation for low-
2 income groups actively enrolled in the CARE/FERA ratepayer assistance programs.

3 Cal Advocates’ proposal would also address Access & Functional Need (AFN)¹⁵
4 and low-income customers (referenced within the CPUCs’ Environmental & Social
5 Justice Action Plan)¹⁶ who often struggle to meet complicated income verification
6 schemes.¹⁷ As outlined in ESJ Action Item 2.3.3,¹⁸ the Commission should “leverage...
7 CARE... programs to cross-refer to other CPUC initiatives” while enhancing
8 coordination of low-income programs that include FERA.¹⁹ CARE customers that rent
9 their residence are largely comprised of seniors (26%) and non-English primary
10 households (56%), also called AFN customers.²⁰ Customers previously removed from
11 CARE, who failed to respond to IOU requests for information, referenced time
12 constraints in collecting necessary information, and difficulties understanding what
13 information was being requested.²¹ Income verification for implementation of IGFCs
14 will largely require active engagement by customers where engagement may be difficult.
15 Cal Advocates encourages the Commission to streamline the process where possible by
16 adopting the proposal to use existing IOU data to default customers to their respective
17 IGFC bracket. This two-step process will help the Commission meet its commitment of

¹⁵ CA Govt Code § 8593 – Access and Functional Needs Populations as defined in the Emergency Services Act by the State legislature. Includes non-English proficient, low-income, and older adults. Cited in CPUC’s Environmental & Social Justice Action Plan 2.0 p. 21-22 as population groups “warranting prioritization in policies and programs.”

¹⁶ Environmental & Social Justice shall be referred to as “ESJ.”

¹⁷ Appendix A.4: PUC Environmental & Social Justice Action Plan v2.0. Available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>

¹⁸ Appendix A.4: PUC Environmental & Social Justice Action Plan v2.0, Appendix A: Action Plan Items, 2.3.3, p. 33. Available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>

¹⁹ Appendix A.4: PUC Environmental & Social Justice Action Plan v2.0, Appendix A: Action Plan Items, 2.3.2, p. 33.

²⁰ Appendix A.2: 2019 Low Income Needs Assessment, p. 180. Available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-efficiency/iqap/2019linavol2.pdf>

²¹ Appendix A.2: 2019 Low Income Needs Assessment, p. 181.

1 furthering coordination of low-income programs for mutual eligibility.²² This measure
2 will also reduce the rate burden for low-income and AFN ESJ communities that need
3 greater assistance navigating application processes.²³

4 **B. The Commission should require all customers not**
5 **enrolled in an income-qualified program to be assigned to**
6 **the highest adopted income bracket and allow an**
7 **opportunity for subsequent reassignment upon a method**
8 **of verification.**

9 The Commission should direct the utilities to default customers not otherwise
10 enrolled in an income-qualified program to the highest adopted bracket. This is a
11 reasonable mechanism because there is no present mechanism that requires all
12 households verify their incomes with IOUs. As such, customer uptake of income
13 verification will require a multi-step process. For customers who feel they were
14 inappropriately defaulted to the highest income bracket, they may contact their utility to
15 provide permission for Equifax to pull and share income information per the Fair Credit
16 Reporting Act (FCRA).²⁴ This mechanism would ensure that Equifax data would only be
17 utilized to assign a customer to a lower income bracket and reduce their monthly bill.
18 This potential benefit, in the form of a lower IGFC is necessary to meet federal law
19 governing the circumstances under which a credit bureau may provide information.
20 Specifically, the benefit of a lower IGFC as approved by the Commission (a government
21 agency) is the test for complying with Federal Law.²⁵

²² Cal. Pub. Util. Code §731(a). – Streamlined congruent application processes to be explored by the CPUC

²³ Appendix A.4: ESJ Action Plan: 2.0: Goal 2.3.2 & 5.4.1: Consider Streamlined Application Processes and Enhance Coordination for Low Income and Clean Energy Programs – Access & Functional Need (AFN) communities need greater consideration when coordinating new policies/programs in order to minimize adverse impacts as seen during early public safety power shutoff events. Pg. 33 & 45.

²⁴ 15 U.S.C. §1681b

²⁵ 15 U.S.C. §1681b(a)(1)(d). “Determining eligibility for government benefits or licenses.”

1 **1. Small differentiation between the IGFCs for**
2 **the highest and moderate income brackets**
3 **will facilitate implementation of the IGFC.**

4 To moderate the consequences for a middle income bracket customer being
5 defaulted to the highest income bracket, the Commission should begin implementation of
6 an IGFC with a small fixed charge differential between the highest and moderate income
7 brackets. This approach would minimize initial bill impacts with default assignment to
8 the highest income bracket. See Chapter 1²⁶, rate design testimony for more rate design
9 details. Smaller fixed charge differentials for initial implementation of IGFCs will
10 mitigate concerns with any unforeseen delays in verifying income. Subsequent
11 proceedings may consider increasing such differentials when additional, alternative
12 sources of income information such as Franchise Tax Board (FTB) data, are available.

13 **C. For near-term implementation of the IGFC, the**
14 **Commission should utilize “TheWorkNumber” service**
15 **offered by Equifax to assist with income verification.**

16 Until such time as the FTB or another more comprehensive method of income
17 verification is available, the Commission should utilize *TheWorkNumber* to allow
18 customers defaulted to the highest income bracket an opportunity to verify income and
19 move to another bracket. *TheWorkNumber* service allows the sharing of income data and
20 is administered in compliance with Fair Credit Reporting Act (FCRA) requirements.^{27 28}
21 The FCRA allows credit agencies to share data if they “intend(s) to use the information in
22 connection with a determination of the consumer’s eligibility for a license or other
23 (*government*) benefit granted by a governmental instrumentality required by law to
24 consider an applicant’s financial responsibility or status.”²⁹ *TheWorkNumber* has been

²⁶ Chau, Nathan & Nichols, Otto. “Cal Advocates’ proposal of three income brackets and flatter differentiation of fixed charges between income brackets will facilitate implementation of IGFCs and ease rate pressures for the most vulnerable customers” Section C.3, p. 12.” of Cal Advocates’ Chapter 1 proposal.

²⁷ [REDACTED] is a service provided by Equifax.

²⁸ 15 U.S.C. §1681b.

²⁹ 15 U.S.C. §1681b(a)(3)(d).

1 tailored primarily for government use consistent with these requirements. Cal
2 Advocates' proposal for assigning customers will allow those who proceed with income-
3 verification to receive a government benefit (movement to a bracket with a lower IGFC),
4 meeting the requirements of the FCRA.³⁰

5 Cal Advocates' proposal can be implemented promptly and has been demonstrated
6 to be effective because it already is actively used by other state agencies.³¹ It also
7 reduces administrative burden on IOUs to verify income. The Commission should
8 require the IOUs utilize *TheWorkNumber* to verify income (and re-verify as necessary).
9 Equifax has stated that they could offer *TheWorkNumber* within three to four months of
10 the signing of a Master Service Agreement (MSA) with the Commission.³² Equifax
11 already has MSA agreements in place with the Department of General Services (DGS),³³
12 and meets state contract procurement and bidding process requirements.

13 *TheWorkNumber* uses granular independent contractor income data (from Internal
14 Revenue Service Form 1099) in addition to salary and periodic cycle payroll information.
15 Equifax updates its dataset with each payroll period. Large firms that provide payroll
16 services for over two thirds of the working population directly share information with
17 Equifax on a day-ahead basis.³⁴ This dataset is comprised of nearly 600 million
18 employee records that can be immediately referenced for income verification.³⁵

³⁰ 15 U.S.C. §1681b.

³¹ Appendix A.5: *TheWorkNumber* is used in conjunction with other income verification sources available to the CDHCS that include the Internal Revenue Service, Social Security Administration and Franchise Tax Board as part of CalHEERS. Applicants receiving only Medi-Cal (Medicaid) coverage, not in conjunction with CalFresh or CalWorks, must use a separate *TheWorkNumber* product approved by the Federal government, Verify Current Income (VCI). Source available at: <https://www.dhcs.ca.gov/services/medi-cal/eligibility/letters/Documents/22-08.pdf>

³² Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 10

³³ Department of General Service: Equifax Master Service Agreement available at: <https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/Master-Agreements>

³⁴ Appendix A.7: *TheWorkNumber* Social Service Verification, p. 3.

³⁵ Appendix A.8: See: Product Sheet, p. 2. Available at: https://assets.equifax.com/wfs/theworknumber/assets/income_and_employment_verification_product_sheet.pdf

1 *TheWorkNumber* has access to previous years and determine which payrolls are live or
2 deactivated and no longer employed.³⁶ This look-back capability would allow the
3 Commission to establish clear parameters on what income ranges and periods should be
4 used to establish the IGFC.

5 **1. *TheWorkNumber* is utilized broadly and**
6 **successfully by other California agencies to**
7 **verify income eligibility for various**
8 **government programs.**

9 *TheWorkNumber*'s capability to efficiently assess income is reflected by broad
10 usage among other state agencies. For example, Equifax has partnerships with other state
11 agencies to utilize *TheWorkNumber* for auxiliary verification,³⁷ including the California
12 Department of Social Services (CDSS) and the California Department of Health Care
13 Services (CDHS). These agencies use *TheWorkNumber* to provide necessary income
14 information for programs administered under each department, including Food Stamps
15 and Medi-Cal. *TheWorkNumber* product pulls active income sources reported under an
16 individual's name, date of birth, or social security number, and shares those results with
17 the requesting agency. CDSS administers both the CalWORKS and CalFresh programs,
18 services with benefits restricted to those who earn under 200% of the FPL.³⁸ CDHS,
19 administering the Covered California program, likewise utilizes *TheWorkNumber* as an
20 auxiliary income-verification system for determining eligibility and subsidy allowance
21 for Californian's seeking healthcare coverage in the public marketplace.³⁹ The return rate
22 for income data to both CDSS and CDHS reflects some harder to collect data from some

³⁶ Appendix A.9: *TheWorkNumber* Sample Social Service Verification. p. 1. Available at:
<https://assets.equifax.com/ews/twn/assets/sample-output-social-service-verification.pdf>

³⁷ Appendix A.5: Defined by CDSS & CDHS as a backup income verification method for households not immediately present on the Income Eligibility Verification System (IEVS) for screening of benefit eligibility. CDSS has an exemption in FTB code permitting sharing of income data but may rely on Equifax for a live up-to-the-day record.

³⁸ Appendix A.10: CDSS Income Requirements, p. 1. Available at:
<https://www.cdss.ca.gov/inforesources/cdss-programs/calfresh/eligibility-and-issuance-requirements#income>

³⁹ Appendix A.11: CalSAWS Memo incorporating VCI with CalHEERS available at:
<http://www.calsaws.org/wp-content/uploads/2021/11/Medi-Cal-CMSP-CA-219076-JIRA-Extract.pdf>

1 low-income customers. The continued use of *TheWorkNumber* by several state agencies
2 for income data of low-income customers is suggestive of efficiency. A high return rate
3 even among low-income customers also indicates that *TheWorkNumber* would have a
4 broader capability to assess income from middle and high-income individuals. That is
5 because such individuals are more likely to have cyclical payroll payments that Equifax’s
6 product easily records through payroll providers.

7 Covered California utilizes *TheWorkNumber* as a dataset to determine eligibility
8 for government subsidies towards a healthcare plan listed on the Covered California
9 Market/Exchange. The subsidy allowances lowering healthcare plan costs are
10 determined by The California Healthcare Eligibility, Enrollment, and Retention System
11 (CalHEERS). CalHEERS is able to reference IRS and FTB records and supplements
12 records with active income from *TheWorkNumber* to create the Verify Current Income
13 (VCI) product.⁴⁰ ⁴¹The VCI database was created to ensure a smooth implementation of
14 the Affordable Care Act’s provisions and ensure applicant incomes are accurately
15 reported.

16 **2. *TheWorkNumber* provides uniform per-**
17 **customer pricing and would allow customers**
18 **to use a web portal to authorize IOUs to**
19 **perform income verification.**

20 Cal Advocates’ proposed method of income verification would meet the needs of
21 IOUs and customers.⁴² As discussed with Equifax, Cal Advocates’ proposal to use
22 *TheWorkNumber* would allow all IOUs within the State to access the income-verification
23 service at the same cost per customer so income verification and implementation would

⁴⁰ Appendix A.11: The CalSAWS System - An automated, integrated eligibility and case management system that supports key public assistance programs. Memo incorporating VCI with CalHEERS available at: <http://www.calsaws.org/wp-content/uploads/2021/11/Medi-Cal-CMSP-CA-219076-JIRA-Extract.pdf>

⁴¹ California utilizes VCI, provided by the federal government. California has opted to expand the database to include the entire *TheWorkNumber* product to ensure accurate income assessments are made. See: Appendix A.20.

⁴² Administrative Law Judge’s Ruling providing additional guidance for Track A proposals. 01/17/2023. Phase 1 Track A: Income-Graduated Fixed Charge Guidance Memo, Sec: Income Verification: p. 6.

1 not disproportionately burden smaller or multi-jurisdictional IOUs.⁴³ Equifax would
2 negotiate a fee for each income validation done.⁴⁴ This fee would be billed to the IOUs
3 and be recorded with a geographic mark that Equifax can reference along with the
4 customer's name for billing purposes.

5 Figure 1 below is a flowchart that shows implementation of Equifax's income-
6 verification tool and Figure 2 outlines the implementation protocols. A customer would
7 click on an application page linked from the IOU's website that would forward them to a
8 Commission branded portal. This Commission portal would direct customers to input
9 their name, address and date of birth. Social security number information is preferred but
10 not necessary unless no income information is found. The customer then acknowledges
11 and electronically signs a consent agreement for Equifax to conduct an income check that
12 will be provided to the Commission, most likely via a third party, as a score. This score
13 would denote an income range directly associated to one of the adopted brackets. The
14 output of a score, as opposed to detailed income information, maintains customer
15 privacy.⁴⁵ The information would then be stored and maintained by the Commission on
16 an internal server, similar to the LifeLine income verification process with CDSS that
17 requires that an individual's information is stored with the agency requesting it.⁴⁶ The
18 stored information can be labelled to allow easier access and implementation for IOUs,
19 such as by the customer's account number with their IOU. This score is then collected
20 via secure encrypted access to the Commission's server by the relevant IOU seeking
21 verification for a specific customer. The IOU would use the customer's score to assess
22 the appropriate IGFC. This process can be automated to allow IOUs to pull information
23 daily or monthly. Development of the Commission branded portal would be completed

⁴³ Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 4 & 5

⁴⁴ Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3 (a)

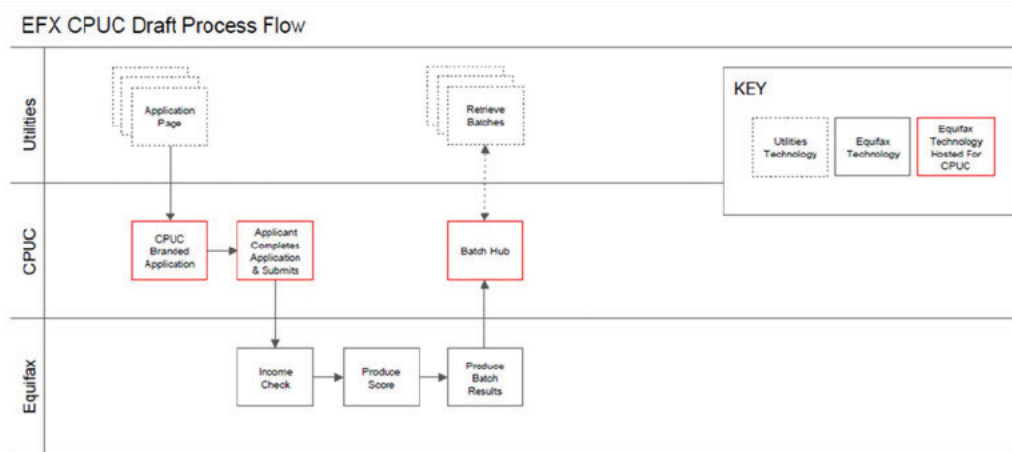
⁴⁵ Appendix A.12: Figure 3 of this chapter shows how this example works for the Lifeline program. Maximus, as the third-party administrator, receives a value from DSS as opposed to actual income-range when validating eligibility.

⁴⁶ Appendix A.13: Correspondence with PUC Communications Division, Lisa Bass. Question 1.

1 by Equifax’s contractors, and the IOUs would be responsible for collecting income
 2 values (in the form of scores) stored on the Commission server (or a server hosted by an
 3 entity under contract by the Commission).

4
 5

Figure 1: Equifax Implementation Flowchart



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Figure 2: Equifax Implementation Protocol

- 1) Applicant goes to Utility website. Website includes a link to apply for the benefit
- 2) Equifax hosts a CPUC Branded 'site' that includes the application.
- 3) If no exceptions (exceptions not illustrated), the submitted application leverages Equifax data to produce score.
- 4) Equifax produces a batch results that produces two separate files. One with the scores and the other with the supporting data supplied to CPUC.
- 5) Batches are uploaded to CPUC Equifax hosted batch hub where each of the utilities can securely pull the scores.

Note: Exceptions include no record of income found, etc. A manual process may be required for households where income was not found in the EFX sources, or if preferred, eligibility can be determined by stated income in such cases.

9
 10

11 *TheWorkNumber* minimizes administrative burden on IOUs compared to existing
 12 income-verification mechanisms that primarily rely on self-attestation.⁴⁷ The proposal
 13 also addresses concerns that the Commission or an IOU would have access to sensitive
 14 personal financial records and may be subject to a data breach. The method of verifying
 15 the income bracket associated with an account does not require the Commission or an
 16 IOU to ever receive or access any of the income information directly: neither

⁴⁷ CARE & FERA permit customer self-attestation for initial enrollment, a non-viable proposal when verifying income for this magnitude of customers.

1 organization would see anything more than an encrypted set of scores to assign a
2 customer to the appropriate income bracket.

3 Cost for implementation of the income verification system and portal would
4 require a flat activation fee per utility in addition to an assessment fee for each
5 verification conducted. The activation fee would be a one-time fee billed by Equifax to
6 each IOU to initiate service. Equifax would then be able to record the IOUs' service
7 territory internally to ensure each income verification is appropriately tallied as a
8 customer within the IOUs' service territory, before assessing the individual verification
9 fee.

10 Equifax's *TheWorkNumber* typically bills for each record received, or active
11 income source collected.⁴⁸ However, submission-based⁴⁹ pricing that assesses a fixed fee
12 per individual irrespective of how many records apply to that individual or are received
13 by Equifax can be procured by the Commission. This submission-based fixed fee is only
14 available for large volume-based contracts, which would be consistent with usage of
15 *TheWorkNumber* for implementation of IGFCs.

16 Submission-based pricing, in lieu of a record received approach, can help control
17 unexpected income verification costs as low-income individuals are significantly more
18 likely to hold dual employment or additional gig-related work.⁵⁰ This alternative fee, or
19 submission-based pricing, would reduce costs for implementation by avoiding the need to

⁴⁸ Equifax's *TheWorkNumber* is normally billed by "fetch." This is an internal reference to the quantity or amount of records "fetched" or records received by *TheWorkNumber* service with each individual record assessed a fee. An individual with two places of employment and additional side gig-work (i.e., Uber Eats, DoorDash) would have three records pulled as each are separately sourced incomes. See: Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3

⁴⁹ *TheWorkNumber* has a second billing method available that assesses a flat fee regardless of how many employment records are received. This second billing method is utilized by other California agencies as a means of instituting a fixed fee that's dependent only on number of individuals applying for services, for budgetary purposes. See: Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3

⁵⁰ Appendix A.14: Smith, Aaron. "Gig Work, Online Selling and Home Sharing." Pew Research Center: Internet, Science & Tech. Pew Research Center, August 14, 2020.
<https://www.pewresearch.org/internet/2016/11/17/gig-work-online-selling-and-home-sharing/#:~:text=In%20the%20case%20of%20gig%20work%2C%20workers%20who,be%20non-white%20and%20to%20have%20not%20attended%20college.>

1 pay additional costs for information about additional sources of income. Equifax has
2 provided an approximate quote [REDACTED] per individual for submission-based pricing,
3 inclusive of all employment records for the individual recorded and assessed when
4 determining total income.⁵¹ In contrast, the standard records received billing mechanism
5 has fees that range from [REDACTED] depending on the total number of customer
6 verifications conducted. The [REDACTED] customer submission-based pricing assessment is
7 [REDACTED]
8 [REDACTED]⁵² The assessment discussed includes the maintenance fee Equifax would bill for
9 the building and ongoing maintenance of the CPUC-branded online portal that would be
10 developed for customers use. Each utility would be charged the previously discussed
11 one-time activation fee by Equifax that would ensure each completed income verification
12 is assessed for payment by the corresponding IOU.⁵³ At additional cost, Equifax also
13 permits mail-in income verification for customers opting not to or unable to utilize the
14 web service. *TheWorkNumber* has multilingual phone support for disputes or questions
15 on income assessments. FCRA rules include a dispute process requiring
16 *TheWorkNumber*'s response and assessment for all complaints received, with a
17 guaranteed opportunity to customers that allow them to provide supporting
18 documentation to remedy any erroneous income assessment.⁵⁴
19

⁵¹ Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3

⁵² Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3.

⁵³ Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 3, 4 & 5.

⁵⁴ Appendix A.6: Equifax Implementation Timetable Correspondence, Question: 9.

1 **3. The Commission should require IOUs to**
2 **coordinate with community-based**
3 **organizationsto design Marketing, Education**
4 **& Outreach campaigns that sufficiently**
5 **inform a wide breadth of customers of the**
6 **new IGFC and income verification**
7 **requirements.**

8 Sustained Marketing, Education & Outreach (ME&O) campaigns by the IOUs can
9 develop a coordinated singular message on how customers can verify their incomes to
10 request IGFC bracket reassignment. Coordination with community-based organizations,
11 advertising campaigns (television, internet and mailed flyers) and mail/email
12 communication informing customers of a newly implemented IGFC should allow enough
13 time to build customer awareness. Several months in advance of the application of
14 IGFCs, customers should learn about IGFCs and their ability to move to another bracket
15 if they authorize verification of their income. Monthly statements mailed to customers
16 can reflect a projected bracket and IGFC prior to implementation with instructions on
17 how to verify onto a lower bracket for those eligible. Outreach must be coordinated early
18 and jointly by the IOUs and a uniform income verification tool adopted to ensure less
19 confusion to customers.

20 **4. An on-demand verification process must be**
21 **available for ratepayers to appeal their**
22 **assignment into a lower bracket.**

23 An on-demand process⁵⁵ customers can readily utilize for income verification to a
24 lower IGFC bracket must be readily available as a means of ensuring customers are not
25 being unfairly assessed a higher IGFC. This on-demand appeal process will assist
26 customers with change-of-income scenarios, including loss of employment.
27 *TheWorkNumber* is able to log active and inactive income sources with corresponding
28 dates. This ensures individuals do not have to relay any termination paperwork or

⁵⁵ On-demand is defined as readily available for customers, year-round, to income verify via *TheWorkNumber* for those on the defaulted highest tier. The ability to request re-verification for change of income scenarios should likewise be considered.

1 demonstrate their loss of employment. The ability to reference a date range and
2 active/inactive payroll data can accurately identify if an individual is unable to secure
3 employment or has had a reduction in earnings that warrant a reassignment to a different
4 IGFC.

5 Several other government programs have similar verification processes. CalFresh
6 requires participants to update the CDSS immediately upon changes in income earned,⁵⁶
7 with a yearly assessment of income. Covered California has an open enrollment window
8 paired with a list of qualifying life events,⁵⁷ including loss of employment, that permit
9 individuals to enroll in a healthcare plan within 60 days. The Commission should allow
10 customers to request an updated income assessment as an on-demand service if a
11 customer has a change of income scenario that would warrant assignment to a different
12 bracket. The Commission could also adopt a recertification period that requires updated
13 income assessments on an annual or biannual basis.

14 Some customers may prefer the ability to verify income without using
15 *TheWorkNumber* and provide information directly to the IOUs. For such customers, the
16 Commission could also allow utilization of an application similar to that of the low-
17 income customer assistance programs,⁵⁸ and require customers provide recent income
18 documents along with a previous year's tax return matching the account holders name to
19 ensure accuracy.

20 **D. The Commission should adopt verification through**
21 ***TheWorkNumber* unless and until better alternatives –**
22 **such as utilizing FTB data -- become available.**

23 Cal Advocates recommends an income verification model that is seamless for
24 customers, accurate and widely applicable. For the purposes of this Rulemaking,

⁵⁶ Appendix A.10: CDSS Income Requirements, p. 2. Link available at:
<https://www.cdss.ca.gov/inforesources/cdss-programs/calfresh/eligibility-and-issuance-requirements#income>

⁵⁷ Appendix A.15: CDHSC Qualifying Life Events. See: <https://www.coveredca.com/support/before-you-buy/qualifying-life-events/>

⁵⁸ CARE & FERA

1 *TheWorkNumber* best meets the requirements at present. The Commission should
2 consider utilizing FTB data as a long-term strategy for IGFC implementation.

3 Existing Franchise Tax Board privacy restrictions forbid the furnishing of tax
4 information⁵⁹ unless requested directly by the tax filer. Nearly 18.5 million tax returns
5 were processed by the FTB for tax year 2020, of a total adult population of just over 30
6 million.^{60 61} FTB's coverage of California residents' income information is expansive
7 and usage of this data for IGFCs should be considered as a long-term strategy if
8 requirements allow for it. The existing FTB framework permits the sharing of income
9 tax returns,⁶² but requires active engagement on the customers' part to initiate the request
10 to share their income information. The current FTB requirement would require
11 customers to mail requests to forward tax data to the utility and pay a \$20 fee.⁶³
12 Alternatively, online FTB access provides a slow, cumbersome process that requires
13 identity-verification and the ability to print and mail forms on the part of the tax-filer.
14 Both mailed and online direct access requests would lead to the FTB forwarding the
15 entire personal income tax form to the IOU, furnishing far more information than is
16 needed for the purposes of income verification for bracket assignment. These annual
17 processes would be cumbersome and unreasonably expensive to the customer.

18 Cal Advocates is concerned that customers would likely hesitate to provide IOUs
19 with this much private, confidential information which would stymie any attempt to use
20 FTB data at present. Such considerations may be a factor in using FTB data in the future.

⁵⁹ Cal. Rev. & Tax. Code §19552.

⁶⁰ Appendix A.16: California FTB data on total tax returns filed available at:
<https://data.ftb.ca.gov/stories/s/Personal-Income-Tax/2it8-edzu/>

⁶¹ 2020 ACS data on California's adult population, available at:
<https://www.census.gov/quickfacts/fact/table/CA,US/PST045221>

⁶² Franchise Tax Board Form 540- California Resident Income Tax Return.

⁶³ Appendix A.17: Request for Copy of Tax Return (Form FTB 3516) 2023. See:
<https://www.ftb.ca.gov/forms/misc/3516.pdf>

1 Exceptions for social service programs exist and can be narrowly tailored to
2 provide income verification information with the IOUs.⁶⁴ However, usage of FTB data
3 as a better alternative for income verification would require a statute that provides a
4 similar exception.

5 The Commission should work with the Franchise Tax Board to determine an
6 appropriate mechanism that would allow the FTB to provide the Commission with
7 information that IOUs could access for assigning a customer account to the correct
8 income bracket. The Commission or the IOUs would likely need time to negotiate the
9 scope of a data sharing agreement directly with the FTB, with an outline of what income
10 information could be shared and how it would be stored or accessible. Based on existing
11 exclusions for CDSS and EDD, an agreement with the Commission is more likely than
12 one with the IOUs but would require an additional contract with a third-party
13 administrator (TPA). This TPA would be responsible for managing confidential
14 customer information and providing the IOUs with appropriate information on bracket
15 assignment for customers. The FTB may need to determine and approve any TPA
16 agreement, further delaying a roll-out. A process would also need to be developed for the
17 customer to demonstrate either to the IOUs or the third party that they should be in
18 another bracket, with consideration that tax filings use the previous year' earnings and
19 may not reflect present conditions.

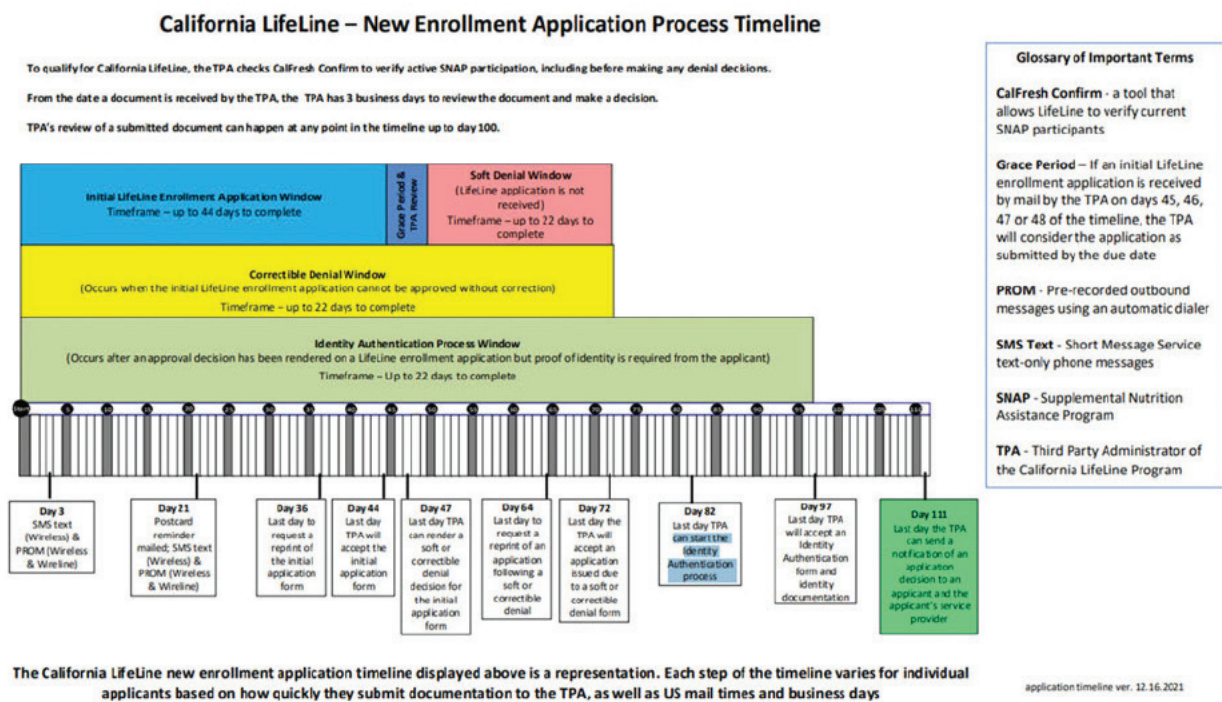
20 The CDSS utilizes the Income Eligibility Verification System (IEVS) program in
21 conjunction with CalFresh confirm for determining eligibility for low-income assistance
22 programs including CalFresh and CalWorks.⁶⁵ Difficulties in maintaining the IEVS
23 database has spurred CDSS to migrate towards a newer CalFresh Confirm program that
24 incorporates IEVS and income information from *TheWorkNumber*. CDSS has a data-
25 sharing agreement with the Commission to further government assistance programs under

⁶⁴ Cal. Rev.& Tax. Code §19555.

⁶⁵ Appendix A.18: CDSS All County Letter No. 17-73, p.2, posted 07/13/2017. Discusses use of IEVS with *TheWorkNumber*. Available at: <https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-43.pdf>

1 LifeLine. This agreement, administered by Third Party Administrator (TPA) Maximus,
 2 has an extended verification process for individuals not receiving CDSS services. Under
 3 the agreement, customers are required to mail in documents that are manually verified.
 4 While useful for LifeLine, this agreement does not share granular income data, but rather
 5 provides only a yes/no value that restricts application of the existing agreements to a
 6 broader program. Figure 3 below, provided by LifeLine and available in the Appendix,
 7 demonstrates the application process and timeline for LifeLine.
 8

Figure 3



9
 10 Federal statute governing IEVS makes accessing the data for all customers
 11 difficult if not impossible at this time.⁶⁶ As shown, existing IEVS/CDSS coordination
 12 with Maximus (LifeLine TPA) is severely limited in Figure 3. The IEVS/CDSS only relay
 13 to Maximus whether a customer is eligible for a program, such as SNAP (Supplemental
 14 Nutrition Assistance Program)/CalWorks (cash aid for low-income families)/Medi-Cal

⁶⁶ 7 CFR. § 272.8.

1 (California-branded Medicaid) as a reference for program-based eligibility to qualify for
2 LifeLine. However, IEVS/CDSS do not provide actual customer income⁶⁷ or income
3 ranges which would be required for implementing the IGFCs. Further, CDSS programs
4 measure income at or below 200% of the FPL, providing no information on middle and
5 high-income customers. Therefore, IEVS data is not sufficient to implement IGFC
6 proposals with brackets above this limit.

7 **III. CONCLUSION**

8 The Commission should adopt Cal Advocates' proposed IGFC income verification
9 mechanism. Cal Advocates' proposal advances equity for low-income individuals while
10 addressing practical implementation challenges.

11

⁶⁷ Appendix A.12: "California LifeLine – New Enrollment Application Process Timeline" 12/16/2021.
See: par. 1.

APPENDIX A

Supporting Material

APPENDIX B

Witness Statements of Qualifications

1 **PREPARED TESTIMONY AND QUALIFICATIONS**
2 **OF**
3 **ALEJANDRO MARQUEZ**

4
5 Q1. Please state your name, business address, and position with the Public Advocates
6 Office.

7 A1. My name is Alejandro Marquez, and my business address is 505 Van Ness
8 Avenue, San Francisco, CA 94102. I work in Cal Advocates' Electricity Pricing
9 and Customer Programs Branch as a Regulatory Analyst.

10
11 Q2. Please summarize your education background and professional experience.

12 A2. I graduated in 2021 with a BA in Public Policy and Service from the University of
13 California, Davis with an emphasis on local and state policy. I've previously
14 worked at Sacramento ACT providing expert analysis and policy proposals for use
15 of CRRSAA/CARES COVID grant funding. My previous employment prior to
16 joining Cal Advocates was with the Department of Industrial Relations, assisting
17 injured workers at the Workers' Compensation Appeal Board in Oakland,
18 California.

19
20 Q3. What is your responsibility in this proceeding?

21 A3. I am responsible for testimony in Chapter 2, Income Graduated Fixed Charge -
22 Income Verification Implementation & Design

23
24 Q4. Does this conclude your prepared direct testimony?

25 A4. Yes, it does.

APPENDIX A.1

“Report Reveals Inequity in Electricity Pricing, Calls for Rate Reform to Help Fight Climate Change: Haas News: Berkeley Haas.”

Read the latest campus information on coronavirus (COVID-19) here → (<https://coronavirus.berkeley.edu/>)

(<https://haas.berkeley.edu>)



NEWSROOM ([HTTPS://NEWSROOM.HAAS.BERKELEY.EDU](https://newsroom.haas.berkeley.edu))

Report reveals inequity in electricity pricing, calls for rate reform to help fight climate change

September 22, 2022 | By Dylan Walsh

Researchers from the Energy Institute at Haas analyzed 11 million Californians' utility bills and concluded that one-half to two-thirds of the charges amount to a hidden electricity "tax." The report was commissioned by nonprofit NEXT 10.



Photo: Pgiarn for iStock

Every time a California resident switches on a light or toasts some bread, they're helping to pay for the damage wrought by wildfires across the state.

In fact, one-half to two-thirds of the electricity bills paid by Californians subsidize costs beyond providing the electricity itself. Some of these costs are closely related to electricity, like the maintenance of infrastructure or investments in energy efficiency, while others are more tangential, like wildfire mitigation and victim compensation.

“The price that we pay for electricity doesn't reflect the cost of supplying that electricity,” says Severin Borenstein (<https://haas.berkeley.edu/faculty/borenstein-severin/>), professor of the graduate school at the Haas School of Business and a co-faculty director of the Energy Institute at Haas (<https://haas.berkeley.edu/energy-institute/>). “And, importantly, all these programs that we finance through our electricity bills disproportionately burden low-income households. This amounts to a regressive tax.”

In a new report released today (<https://www.next10.org/sites/default/files/2022-09/Next10-paying-for-electricity-final-comp.pdf>), Borenstein and Energy Institute colleagues Meredith Fowlie (<https://are.berkeley.edu/users/meredith-fowlie>) and James Sallee (<https://are.berkeley.edu/users/james-sallee>)—both professors in UC Berkeley's Department of Agriculture and Resource Economics—analyze the impact of this hidden “electricity tax” on Californians. They recommend two significant policy reforms to ease the burden on low-income households and spur consumer interest in the adoption of electric vehicles, heat pumps, and other electric technology.

The researchers suggest shifting some of the systemwide costs into the state budget, which is funded by less regressive forms of taxation: income and sales taxes. The remaining system costs could be paid using a monthly fixed charge on electricity bills that is tied to income, and therefore more progressive.

The report, “Paying for Electricity in California: How Residential Rate Design Impacts Equity and Electrification,” was commissioned by Next 10 (<https://www.next10.org/>), a nonpartisan research nonprofit organization. It builds on the findings of a previous study (<https://www.next10.org/publications/electricity-rates>) released last year.

Tallying the invisible costs

The three largest investor-owned utilities (IOUs) in the state—Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric—combine to serve over 11 million people. The researchers matched electricity use from these customers with census data to paint a picture of how much households with different incomes were paying for charges beyond the cost of electricity. These costs include maintaining the grid as well as policy goals such as wildfire mitigation, compensation for past victims of wildfires, investments in renewable technologies, and subsidies for rooftop solar, energy efficiency programs, and low-income customers.

The report finds that in 2019, IOU residential customers were paying an effective electricity tax that averaged \$678 per year. The effective electricity tax was \$809 for typical PG&E customers, \$512 for SCE customers, and \$786 for SDG&E customers during the period covered by the study.

They found that the lowest-income households, earning \$25,000 or less per year, spend on average more than three percent of their income on these additional electricity charges. Households earning more than \$200,000 per year, by contrast, spend half-a-percent or less of their annual income.

“Proportional to their income, lower-income households are paying more than three times what wealthier households are paying,” says report co-author Fowlie, co-faculty director of the Energy Institute at Haas. She also explained that as California invests more money in climate change adaptation and mitigation measures, and as extreme heat becomes more common, “it’s a safe bet that those costs will increase, pushing prices even higher. We should be even more concerned going forward about this relative regressivity.”

On top of this inequitable distribution of costs, the current electricity rate structure discourages many of the actions that are necessary for California to achieve its goals for fighting climate change. The researchers estimate that these extra charges on utility bills reduce the adoption of electric heat pumps by about one-third, and of electric vehicles by between 13% and 33%. “This is particularly noteworthy given California’s recently adopted rule requiring 100% of new vehicles sold in 2035 be zero-emission.

“When people go to buy an electric vehicle or a heat pump, if they think carefully about not just the upfront costs but also the operating costs, then the amount California is charging these consumers is simply putting up a barrier to adoption,” Borenstein says. He noted, in contrast, that natural gas is

priced at roughly the true cost to society, and gasoline is priced below its true cost. “If we’re massively overpricing electricity while underpricing or correctly pricing these other, more carbon-intensive alternatives, then we’re undermining everybody’s incentives.”

A better way to pay

Two proposals emerged from analysis. The researchers advocate moving some of the system costs for the grid and policy goals out from under the purview of electric utilities and into the state budget. To cover remaining costs, they propose a fixed monthly charge based on income.

In the example the authors present for PG&E, e. Households in the middle of the income distribution would pay \$70-80 per month in additional fees. Those at the top of the income distribution would pay roughly \$150 in fees. Borenstein recognizes that this sum is not negligible, but points out that the accompanying decline in the price consumers pay for electricity would mean that even customers in the highest income bracket would see their overall bills go up by less than \$40 per month.

“Though economists play the role of the wet blanket, bearing bad news, I actually think this is a good news story,” Fowlie says. “Policymakers have at-the-ready the levers and instruments needed to respond to this issue.”

The strongest opposition to this work, interestingly, comes from the solar industry, as high electricity prices make solar installations more attractive. But, as the report makes clear, residential solar adoption occurs among predominantly higher-income customers. As these customers install panels and consume less from the grid, the current rate structure becomes even more inequitable, further shifting costs to low-income consumers.

The researchers are optimistic. Just this year, California Senate President Pro Tempore Toni Atkins put forward legislation to move some of these costs to the state budget; and California’s newest budget (AB205) requires the California Public Utilities Commission to implement an income-based fixed charge. It remains to be seen how large, and how progressive, this charge will be.

Borenstein sees this as significant progress. “Even two years ago, a lot of people were saying high electricity prices are a good thing as they force people to conserve,” he said. “Far fewer advocates and politicians are now talking this way, so the work we’ve done has moved the ball. They know the current system simply doesn’t work.”

Read the full report:

Paying for Electricity in California: How Residential Rate Design Impacts Equity and Electrification

(<https://www.next10.org/sites/default/files/2022-09/Next10-paying-for-electricity-final-comp.pdf>)

By Severin Borenstein, Meredith Fowlie, and James Sallee

Commissioned by Next 10. Read the press release (<https://www.next10.org/sites/default/files/2022-09/next10-energy-institute-electricity-rates-press-release.pdf>).

Media Contact: John Stodder (Better World Group) stodder.john@gmail.com

About the Energy Institute at Haas (<https://haas.berkeley.edu/energy-institute/>):

The Energy Institute (<https://haas.berkeley.edu/energy-institute/>) at Haas helps create a more economically and environmentally sustainable energy future through research, teaching and policy engagement. The Energy Institute produces research and analysis backed by rigorous empirical evidence and the frontiers of economic research so that energy and environmental policy and business decisions are based on sound economic and business principles.

About NEXT 10 (<https://www.next10.org/>):

Next 10 is an independent, nonpartisan, nonprofit organization that educates, engages and empowers Californians to improve the state's future. With a focus on the intersection of the economy, the environment, and quality of life, Next 10 employs research from leading experts on complex state issues and creates a portfolio of nonpartisan educational materials to foster a deeper understanding of the critical issues affecting our state.

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Featured Researcher



Severin Borenstein

Professor of the Graduate School, Faculty Director, Energy Institute at Haas

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Meredith Fowlie

Professor, Faculty Director, Energy Institute at Haas

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James Sallee

Associate Professor, Department of Agricultural and Resource Economics

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Trending

After SVB failure, Haas faculty raise concerns about systemic weaknesses in banking
(<https://newsroom.haas.berkeley.edu/haas-faculty-raise-concerns-about-systemic-weaknesses-in-banking/>)

APPENDIX A.2
2019 Low Income Needs Assessment,
Excerpt of Executive Summary Pg. 3, Pg. 180 & Pg. 181
Full report available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/energy-efficiency/iqap/2019linavol1.pdf>



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2019 California Low-Income Needs Assessment

Final Report: Volume 1 of 3: Summary of Key Findings

December 13, 2019



Contributors



Gomathi Sadhasivan
Steven Chang

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Glossary

Alternative-fuels (alt-fuels) customers: Low-income customers who do not have natural gas service and who use propane, kerosene/oil/diesel, and/or wood/pellets as their primary fuel(s) for space heating, water heating, and/or cooking.

California Alternate Rates for Energy (CARE) program: A rate assistance program offered by the IOUs that provides income qualified customers who earn 200% or less of federal poverty guidelines (FPG) a discount of up to 35% on their monthly electricity bills and up to 20% on their monthly natural gas bills.

CARE capitation agencies: Community-based organizations that provide services to local residents, including assistance with CARE enrollment, recertification, income verification, and/or high-usage processes.

CARE categorical participation: Participants who enrolled in or recertified for CARE by selecting in their CARE application the public assistance programs they participate in or that they are on fixed income instead of providing an annual income amount.

CARE-eligible nonparticipants: Low-income customers earning 200% or less of federal poverty guidelines (FPG), who have never participated in CARE as of July 2018, and who live in high poverty areas in California.

CARE enrollment: Process through which low-income customers enroll in the CARE program by providing their household size and annual income or selecting public assistance programs they participate in or that they are on fixed income in the CARE application and submitting the application to their IOU.

CARE enrollment channel: Means through which customers can enroll in (and recertify for) CARE and include CARE capitation agencies, IOU website, IOU customer call center, direct mail, data sharing between IOUs, and others.

CARE high-usage verification: Process through which CARE high-users either reduce their usage to below 400% of their baseline allowance, through ESA participation and usage monitoring, or appeal their high-usage to their IOU; participants who do not reduce their usage or whose appeal is declined are removed from CARE for up to two years.

CARE high-users: CARE participants who monthly usage exceeds 400% (high-low user) or 600% (high-high user) of their baseline allowance and are selected for high-usage verification.

CARE income verification: Process through which CARE participants who are likely not income-eligible are identified via the IOU's monthly propensity modeling and are selected to verify their income (e.g., with tax forms, check stubs, etc.) or public assistance participation (e.g., with award letters, receipts, etc.) with their IOU; participants who do not provide the proper documentation or are no longer eligible are removed from CARE for up to two years.

CARE recertification: Process through which all CARE participants must recertify, or renew, their participation in CARE by completing and submitting the CARE application to their IOU; occurs every two years for most participants and those who do not provide their information or are no longer eligible are removed from CARE.

Current CARE participant: Low-income customers currently participating in CARE as of July 2018.

Energy Burden Metrics: Energy burden is the percentage of customers' annual income that is spent on their energy bills; modified energy burden includes the monetary value of public assistance programs in the income

of customers participating in such programs; alternative energy burden includes the annual cost of alt-fuels in the annual energy costs of customers who use alt-fuels.

Energy Savings Assistance (ESA) program: An energy assistance program offered by the IOUs that provides income-qualified customers who earn 200% or less of federal poverty guidelines a free home energy assessment, energy saving equipment repair, replacements, or upgrades, and an energy education.

ESA supervisors/lead contractors: Contractors working for firms qualified by IOUs to provide ESA services and who manage or lead teams that do ESA enrollments and assessments and/or installation of ESA heating, cooling, or enclosure measures.

ESA participants: Low-income customers who participated in ESA between January 1, 2016 and June 30, 2018 (recent participants), received ESA energy education, and received at least one of the targeted ESA measures.

Family Electric Rate Assistance (FERA) program: A rate assistance program offered by the IOUs that provides income qualified customers who earn 250% or less of federal poverty guidelines (FGP) and who have three or more household members a discount of up to 12% on their monthly electricity bills.

High poverty areas: Census tracts in California where 20% or more households earn 100% or less of federal poverty guidelines (FGP).

High service reliability customers: Customers living in areas with high electricity service reliability, measured as less than one standard deviation above the SAIDI or SAIFI mean values for each IOU.

Investor-owned utilities (IOUs): The four utilities that are subject to the 2017-19 LINA and who provide energy services to most California residents; they include Pacific Gas & Electric (PG&E), Southern California Edison (SCE), Southern California Gas (SCG), and San Diego Gas & Electric (SDG&E).

Low service reliability customers: Customers living in areas with low electricity service reliability, measured as one standard deviation or more above the SAIDI or SAIFI mean values for each IOU.

Past CARE participants: Low-income customers who formerly participated in CARE any time between January 1, 2015 and June 30, 2018 but were removed from CARE as of July 2018.

System Average Interruption Duration Index (SAIDI): Measure of an IOU's annual average duration of electricity outages, where larger numbers mean longer outages.

System Average Interruption Frequency Index (SAIFI): Measure of an IOU's annual average frequency of electricity outages, where larger numbers mean more frequent outages.

Targeted ESA measures: The heating, cooling, and enclosure measures that are the focus of the 2017-19 LINA and identified as higher-cost and/or labor intensive: furnace repair or replacement; central air conditioning (AC) tune-up, repair, or replacement; room/window AC replacement; evaporative cooler replacement; attic insulation; weatherization; and, windows and doors.

1. Executive Summary

1.1 Background

The California investor owned utilities (IOUs) provide two energy assistance programs to income-qualified customers with annual incomes 200% or less of Federal Poverty Guidelines (FPG). The California Alternate Rates for Energy (CARE) program provides discounted energy rates of up to 35% on their monthly electric bills and up to 20% on their monthly natural gas bills. The Energy Savings Assistance (ESA) program provides participants no-cost energy efficiency services, including an energy assessment, education, and equipment upgrades. These programs seek to alleviate low-income customers' energy burden and improve their health, comfort, and safety.

As per Assembly bill 327 (AB 327) enacted in 2013, the California Public Utilities Code Section 382(d) requires the California Public Utilities Commission (CPUC) to conduct a Low-Income Needs Assessment (LINA) every three years with the assistance of the Low-Income Oversight Board (LIOB). After conferring with LIOB members and other stakeholders, and in response to statutory mandates and directives set forth in Commission Decision (D.) 16-11-022, the CPUC's Energy Division staff determined the 2019 LINA needed to address the following overall topics:

- CARE program eligibility and participation barriers, including the enrollment process and the post-enrollment (PE) processes of recertification, income verification, and high-usage verification.¹
- Impacts of select ESA heating, cooling, and enclosure measures (targeted measures) on customers' health, comfort, and safety (HCS).²
- Energy burden and hardships of customers who rely on alternative fuels (propane, wood, etc.) for their primary energy source (alt-fuels customers).
- Energy burden and hardships experienced by customers living in areas that have less reliable electricity service (low service reliability customers) as indicated by each IOU's System Average Interruption Duration Index and System Average Interruption Frequency Index (SAIDI/SAIFI).³

The 2019 LINA is the fourth conducted on behalf of the CPUC and IOUs, which includes Pacific Gas & Electric Company (PG&E), Southern California Edison (SCE), Southern California Gas Company (SCG), and San Diego Gas and Electric (SDG&E). The 2019 LINA addresses four overarching research objectives (ROs) and the findings and recommendations are intended to provide information that may be useful for planning and/or implementing the next cycle of the CARE and ESA programs.

¹ Participants self-certify eligibility by reporting the 200% or less FPG annual income requirements or selecting other qualified public assistance programs they participate in (categorical participation). They are required to recertify their eligibility every two years or, for those on fixed income, every four years. A small percentage of participants are subject to post-enrollment verification (PEV) of income or categorical participation and are selected monthly via the IOUs' probability models and random sampling. Participants whose monthly usage exceeds 400% of their baseline usage are "high-users" who must go through the PEV process, participate in ESA, and agree to monthly usage monitoring, or make an appeal to their IOU in an attempt to justify their high usage.

² Targeted heating measures: furnace replacement, repair, or tune-up. Targeted cooling measures: central AC (CAC), room AC, and evaporative cooler replacement, and CAC repair or tune-up. Targeted enclosure measures: attic insulation, caulking, glazing, weather-stripping, wall repairs, and door and window replacements and repairs.

³ SAIDI is a measure of the average duration of electrical outages and SAIFI is a measure of the average frequency of electrical outages in an IOU's service territory.

1.2 Data Collection Methods and Sources

We used numerous sources and data collection methods to conduct the 2019 LINA and address the research objectives, including existing IOU customer and program data, customer survey data, ESA contractor in-depth interviews (IDIs), CARE capitation agency staff IDIs, and a brief literature review.

- The IOUs' customer, billing, service reliability, and program data were used to develop survey samples and in-depth interview (IDI) lists, calculate energy burden, and conduct select analyses.
- An omnibus customer survey designed to address multiple research objectives was conducted via web and phone survey modes in English and Spanish in March 2019 with 1,505 customers.
 - The survey averaged about 20 minutes to complete and included some common questions asked of all sampled customers about their characteristics and some customized questions asked only to customers in one of the sampled groups listed below.
 - The survey sample was stratified to include a sufficient number of low-income customers who:
 - Currently participate in CARE (current participants)
 - Previously participated in CARE but were removed or discontinued their participation (past participants)
 - Never participated in CARE but are income eligible (CARE-eligible nonparticipants) ⁴
 - Participated in ESA and received one or more heating, cooling, and/or enclosure measures (ESA participants)
 - Use alternative fuels such as propane or wood/pellets for space heating, water heating, and/or cooking (alt-fuels customers) ⁵
 - Live in areas with lower electric service reliability where more frequent and/or longer outages occur (low service reliability customers) ⁵
- Individual IDIs with 12 ESA program supervisors and lead technicians (at least two in each IOU territory) were conducted in March 2019, averaged about 50 minutes, and included questions about the impacts of ESA measures on participants' health, comfort, and safety (HCS).
- Individual IDIs with staff at seven CARE capitation agencies (at least one in each IOU territory) were conducted in February 2018, averaged about 30 minutes, and included questions about CARE enrollment trends and barriers among their immigrant and non-English speaking customers.

⁴ The surveyed CARE-eligible nonparticipants reported never previously participating in CARE and annual incomes of 200% or less of 2017 FPG. We limited the sample to nonparticipants living in areas of California with higher concentrations of eligible customers (Census tracts where 20% or more households earn 100% or less of FPG), which enabled us to obtain a sufficient number of survey respondents for high statistical confidence/precision. The results reflect the experiences of eligible nonparticipants in areas with high concentrations of eligible customers and others like them in the state and may potentially be found among the entire California population.

⁵ Alt-fuels customers were identified from survey responses and low service reliability customers were identified with IOUs' electrical reliability (SAIDI/SAIFI) data, and both groups are a subset of the four surveyed CARE and ESA customer groups. Alt-fuels customers do not use natural gas and low service reliability is based on electrical usage so neither group includes SCG customers. Due to the sample design for these groups, those who responded to the survey may not represent all low-income alt-fuels customers and low service reliability customers in California but the results do reflect the experiences of those surveyed and others like them in the state. In addition, the sample sizes of both groups are large enough for high statistical confidence/precision at the state level, but the sizes of the subgroups by IOU territory or CARE/ESA participation are too small for conclusive statistical results.

- The qualitative review of 11 recent studies focused on trends in and barriers to immigrants' use of public assistance programs like CARE.

1.3 Research Objectives, Questions, Conclusions, and Recommendations

The 2019 LINA includes four primary areas of inquiry that were developed into four overarching research objectives. The first objective (RO.1), about the effectiveness of the CARE program, is divided into two sub-objectives: RO.1a focuses on CARE PE processes and RO.1b focuses on CARE marketing, education, and outreach (ME&O), particularly among immigrants. The second objective (RO.2) is about the effectiveness of ESA program heating, cooling, and enclosure measures at improving participants' health, comfort, and safety (HCS). The third and fourth research objectives (RO.3 and RO.4) focus on the energy burden and unique hardships of low-income alt-fuels customers and low service reliability customers, respectively.

1.3.1 RO.1a: Informing CARE Program Post-Enrollment (PE) Processes

For the first subobjective of RO1, we compared current (retained) and past (removed) CARE participants at each PE process – recertification, income verification, and high-user verification – using data from the customer survey and the IOUs to inform the effectiveness of CARE PE processes. See Chapter 3 for summary results and Appendix C in Volume 2 for detailed results.

RO.1a Research Questions and Answers

What are the differences in characteristics between current (retained) and past (removed) CARE participants?

Surveyed current CARE participants are reportedly more likely than surveyed past participants to have higher energy burdens and greater economic hardship, among other associated characteristics indicative greater need for CARE, suggesting the overall appropriateness of the PE processes.

To what extent do CARE PE processes remove ineligible participants and retain eligible participants?

CARE PE processes appear to be removing most of the participants who are ineligible for CARE:

- Among the surveyed current CARE participants, 13% were income-ineligible based on the household information they reported in the survey.
- The ineligible current participants are very similar to ineligible past participants in that both demonstrate lower burden/hardship and less need for CARE.

The PE processes do not appear to be retaining as many eligible participants as possible:

- Over half (54%) of the surveyed past participants removed from CARE were reportedly still income-eligible and possibly could have been retained.
- The eligible past participants are very similar to the eligible current participants in that both demonstrate higher burden/hardship and a greater need for CARE.

The eligible past participants most commonly reported being removed from CARE because it was inconvenient to (42%) or they didn't know how to (23%) complete the PE process.

About 20% or less also reported not knowing why they were removed (21%), experiencing issues with the PE process (8%), not knowing they were removed (8%), moving residences frequently (8%), having privacy concerns (4%), and not needing CARE any longer (3%).

Only about 2% of the past participants were flagged by their IOU as participating in the Family Electric Rate Assistance (FERA) program.

What are the key differences in eligibility and characteristics between current and past CARE participants at the different PE processes?

Among the surveyed current CARE participants, each of the PE processes are removing most of the ineligible participants:

- About 18% of those recently enrolled reported ineligible household information but this is reduced to about 10% among those who recently recertified.⁶
- About 10% of those who recently income verified and 6% of those who recently high-usage verified are reportedly income-ineligible.⁷

In contrast, among surveyed past participants, the PE process appear to be removing many who are eligible for CARE:

- About 70% of those removed at income verification, 55% removed at high-usage verification, and 44% removed at recertification are reportedly eligible for CARE and removed for reasons other than ineligibility (e.g. inconvenience, didn't know what to do, etc.).

Trends in current and past participants' characteristics support these findings.

- Those removed at recertification demonstrated burden and hardship lower than those retained and were more likely to report not knowing that they were removed or no longer needing CARE.
- In contrast, those removed at income verification demonstrated burden and hardship that is more similar to those who were retained and were more likely to report not knowing how to continue on CARE or having privacy concerns.

RO.1a Conclusions and Recommendations

CARE PE processes are removing most ineligible participants and are retaining most eligible participants overall. However, the PE processes are also removing many eligible participants, particularly the income verification and, to a lesser extent, the high-usage and recertification processes. The eligible past participants removed from CARE also demonstrate higher levels of burden and hardship similar to those who were retained and also reported being removed from CARE because it is an inconvenience or they don't know how to continue on CARE. Many of the past participants likely qualify for FERA but very few appear to be participating.

- **Recommendation 1a.1:** Consider updating the probability model used for selecting participants for income verification to reduce the number of potentially eligible participants who are selected (and then

⁶ Recertification is required of all CARE participants every two years for most participants and every four years for participants on fixed income.

⁷ Income verification is required of participants either randomly selected or selected via an IOU's probability model as likely to be income ineligible, which ranged from 2% to 5% of participants annually in 2018, and high usage verification is required of participants whose monthly electrical usage is greater than 400% of their baseline allowance, which ranged from 4% to 6% of participants annually in 2018.

removed). This could involve updating the inputs to the model and/or the algorithm(s) it uses with the inputs to identify likely ineligible.

- **Recommendation 1a.2:** Consider revising or updating the advanced ME&O notifications informing CARE participants of an upcoming PE process to more effectively reach participants and address concerns reported by the past CARE participants recently removed due to a reason other than ineligibility (e.g., inconvenience, don't know what to do, don't know why removed, etc.), including informing them about reduced rates available via FERA as an alternative to CARE.

1.3.2 RO.1b: Informing CARE Marketing, Education, & Outreach (ME&O)

For the second subobjective of RO.1, we compared CARE-eligible nonparticipants with current CARE participants, including subgroups of immigrants and non-English speakers, using data from the customer survey and the IOUs to inform the effectiveness of CARE ME&O. ⁸ According to the IOUs' 2018 annual CARE reports, CARE penetration is about 90% of the CARE-eligible population in California, leaving about 10% who are eligible nonparticipants. The eligible nonparticipants living in the high poverty areas of the state comprise about 36% of the total eligible nonparticipant population (or about 3.6% of the total eligible population). See Chapter 4 for summary results and Appendix D in Volume 2 for detailed results.

RO.1b Research Questions and Answers

What are the differences in characteristics between current CARE participants and CARE-eligible nonparticipants?

Surveyed CARE-eligible nonparticipants reported greater energy burdens but fewer other associated hardships than corresponding surveyed current CARE participants, suggesting that the nonparticipants may have less need for CARE overall even though they are reportedly income-eligible.

What are barriers to CARE enrollments among CARE-eligible nonparticipants that can inform how ME&O can be more effective?

Surveyed CARE-eligible nonparticipants reported lack of awareness of CARE (62%) as the most common barrier to enrolling in CARE.

Among the eligible nonparticipants who reported awareness of CARE, the most common barriers to enrolling include an uncertainty over eligibility (38%), a perception that enrolling is an inconvenience (30%), a lack of knowledge about how to enroll (25%), and a lack of need for CARE (11%).

Not knowing how to apply for CARE was cited more by those eligible nonparticipants with lower annual incomes (vs. those with higher incomes).

⁸ The surveyed CARE-eligible nonparticipants reported never previously participating in CARE and annual incomes of 200% or less of 2017 FPG. We limited the sample to nonparticipants living in areas of California with higher concentrations of eligible customers (Census tracts where 20% or more households earn 100% or less of FPG), which enabled us to obtain a sufficient number of survey respondents for high statistical confidence/precision. The results reflect the experiences of eligible nonparticipants in areas with high concentrations of eligible customers and others like them in the state and may potentially be found among the entire California population. In addition, for purposes of comparisons, we also limited the surveyed current participants to those only living in the same Census tracts as the surveyed nonparticipants.

How much does CARE maximize enrollments of low-income immigrant and non-English speaking customers?

About one-third of surveyed CARE-eligible nonparticipants reported a foreign-born household member (immigrant) or speaking a non-English language in the home, suggesting that CARE enrollments are not maximized among these subgroups.⁹

However, about one-third of current CARE participants also reported immigrant household members or speaking a non-English language, indicating that these subgroups are not underrepresented in CARE.¹⁰

In addition, comparisons between the nonparticipants and participants show that participants reported greater energy burdens, economic hardship, and other characteristics associated with higher burden and greater need for CARE, suggesting that immigrant and non-English speaking customers who likely most need CARE are participating.

What are barriers to CARE enrollments among CARE-eligible nonparticipant immigrants and non-English speaking customers that can inform how ME&O can be more effective?

Lack of awareness of CARE is also the greatest enrollment barrier reported by immigrant (70%) and non-English speaking (66%) CARE-eligible nonparticipants, even more than for nonparticipants without these subgroups (59%).

Among those who reported awareness of CARE, the most common barriers to enrolling include a perception that enrolling is an inconvenience (38%-39%), an uncertainty over eligibility (28%-38%), a lack of knowledge about how to enroll (23%-27%), and a lack of need for CARE (11%-17%).¹¹

Interviewed CARE capitation agency staff also reported that the immigrants they serve faced few barriers to enrolling in CARE but acknowledged they don't see all the immigrants in their communities who may face enrollment barriers and that awareness of CARE and their services could be improved.

In addition, a review of studies about trends in immigrants' enrollments in public assistance programs indicate that the CARE program already includes many the practices that help facilitate enrollments, like providing materials in multiple languages, allowing categorical participation, and leveraging community organizations, but it is too soon for definitive evidence about whether immigrants' use of public assistance like CARE is on a long-term decline and what may be causing the decline (e.g., no trust vs. no need).

RO.1b Conclusions and Recommendations

CARE-eligible nonparticipants, including immigrants and non-English speakers, reported characteristics indicating less need for CARE as those currently participating but are reportedly income-eligible, and either are not aware of CARE or perceive that they are ineligible, enrolling is an inconvenience, or don't know how to enroll. CARE has not maximized enrollments among immigrants and non-English speakers, but these

⁹ Based on survey responses, the CARE-eligible immigrant and non-English speaking nonparticipants are estimated to comprise about one-third of all the CARE-eligible nonparticipant customers in areas with high concentrations of eligible customers, about 11% of all CARE-eligible nonparticipants throughout the state, and about 1% of all CARE-eligible customers (participants and nonparticipants) in California.

¹⁰ If immigrants and non-English speakers were underrepresented in CARE, the percentage of CARE participants who are immigrants would be much lower than the percentage of nonparticipants who are immigrants. We find very similar percentages between the groups, suggesting equal representation.

¹¹ The surveyed low-income immigrant and non-English speaking nonparticipants who reported being aware of and interested in CARE are too small for conclusive statistical results. However, the results do reflect the experiences of those surveyed and others like them in the state and may potentially be found among the entire California population of the subgroups.

subgroups also do not appear to be underrepresented in CARE, and those who appear to need CARE most are currently participating. CARE capitation agencies also reported success in enrolling immigrant and non-English speaking subgroups in CARE but acknowledged that lack of awareness of the agencies and of CARE is a barrier.

If IOUs' prioritize increasing the CARE penetration rate above 90% through enrolling more nonparticipants, the following recommendations should be considered:

- **Recommendation 1b.1:** Consider revising and/or broadening existing ME&O strategies designed to increase awareness of CARE by, for example, using ME&O channels that have been underutilized or not utilized previously (e.g., text messaging, social media, media advertisements, etc.), including non-English languages spoken among different subgroups of customers that are not currently included in ME&O (if any), and/or expanding into areas where CARE has not previously been advertised (e.g., less in areas with concentrations of those on public assistance or fixed income and more in areas high concentrations of service, agricultural, and other low-wage employment; more in cooler climate zones, in the Desert/Mountain regions, and in areas with high concentrations of multifamily residences).
- **Recommendation 1b.2:** Consider revising ME&O to more effectively address the CARE-aware nonparticipants' reasons for not applying, like their uncertainty about their eligibility, lack of knowledge of how to apply for enrollment, and perception that applying is an inconvenience or too much trouble.
- **Recommendation 1b.3:** Consider expanding coordination with CARE capitation and similar agencies that provide services primarily to immigrant and non-English-speaking customers in an effort maximize enrollments and/or prevent attrition among CARE-eligible members of these subgroups.

1.3.3 RO.2: Examining ESA Program Health, Comfort, and Safety (HCS) Impacts

For the second research objective, we examined changes in HCS in the homes of recent ESA participants who received heating, cooling, and/or enclosure measures (targeted measures) using data from the customer survey, interviewed ESA contractor supervisors and lead installers, and the IOUs. See Chapter 5 for summary results and Appendix E in Volume 2 for detailed results.

What are ESA participants' perceptions of the non-energy HCS impacts of heating, cooling, and enclosure ESA measures and the conditions under which the measures provide more or less HCS impacts?

Surveyed ESA participants who received heating, cooling, and/or enclosure measure(s) reported improvements in the comfort of their home and, to lesser extent, in making their home a healthier and safer place to live.

- HCS improvements included reducing uncomfortably hot and cold temperatures, drafts, pests, and mold/mildew/fungus/moisture.

The greatest HCS impacts were reported by participants who received a cooling or heating measure in combination with enclosure measures.

- The greatest HCS impacts from single measures were reported by participants who received central ACs and evaporative coolers, followed by enclosure measures, then furnaces and room/window ACs.
- ESA participants also rated their home's overall HCS as better (or higher) than nonparticipants' ratings of their homes' HCS.

Surveyed participants who recalled receiving HCS advice from their ESA contractors reported the greatest HCS improvements, suggesting the importance of the ESA energy education.

- In addition, other conditions that reportedly lead to more or less HCS impacts varied across the HCS issues but include climate zone, housing type, household composition, and retirement status.

What are ESA contractors' perceptions of the non-energy HCS impacts of heating, cooling, and enclosure ESA measures and the conditions under which the measures provide more or less HCS impacts?

Interviewed ESA contractors' perceptions of HCS impacts were largely consistent with surveyed participants' perceptions.

- They reported HCS improvements in many of the participants' homes they serviced with the targeted measures, mentioned that cooling measures likely had the greatest impacts, followed by enclosure measures, and then the heating measures, and conveyed that the comfort of participants' homes was often the most improved, followed by safety and health.

Interviewed ESA contractors reported HCS impacts are often greatest in homes with elderly, disabled, or very young household members, and can vary by measure type, climate zone, and housing characteristics.

The ESA contractors also mentioned that rental homes, particularly multifamily units, where landlords will not sign installation waivers and homes without heating or cooling equipment or that are otherwise infeasible to service are not very common but often need HCS improvements that they are unable to receive.

The contractors could not identify any measures that could be cost-effective substitutes of the targeted measures and still deliver similar HCS impacts.

RO.2 Conclusions and Recommendations

The ESA heating, cooling, and enclosure measures appear to be delivering HCS improvements in participants' homes. The greatest HCS impacts are perceived by participants who received a combination of measures, followed by central ACs and evaporative coolers, then by enclosure measures, then furnaces and, lastly, room/window ACs. The targeted measures deliver the greatest improvements for participants who recalled receiving the energy education as part of their participation and who have household members who tend to be home more often (retirees) and/or who tend to have the greatest need for HCS benefits, like the elderly, disabled, and young children. Challenges to making HCS improvements are greatest in rental units where landlords will not permit installation of equipment and in other infeasible homes.

- **Recommendation 2.1:** Continue offering all the ESA heating, cooling, and enclosure measures in eligible homes and consider changing measure eligibility if there are restrictions by climate zone, housing type, or other characteristics not related to equipment safety or cost effectiveness requirements to ensure that customers who would greatly benefit from the targeted measures, and potential HCS improvements, are eligible to receive them.
- **Recommendation 2.2:** Consider implementing ME&O that will provide a follow-up energy education to participants a few weeks after they receive heating, cooling, or enclosure measures to increase awareness and persistence of HCS and other benefits. Examples include a direct mailer, an email, an onsite check-up from the ESA contractor, and/or a dedicated website or toll-free number.
- **Recommendation 2.3:** Consider increasing coordination efforts with landlords of rental units, particularly but not exclusively in multifamily buildings, to address their concerns about installing

equipment in their units. This could involve in-person consultations, ME&O addressing their concerns about split incentives and other issues related to upgrading equipment, and/or connecting nonparticipant landlords with participant landlords in their area.

1.3.4 Research Objective 3: Assessing Alternative Fuels Customers' Hardships

For the third objective, we assessed the burdens and unique hardships of low-income PG&E, SCE, and SDG&E alt-fuels customers, in comparison to non-alt-fuels customers, using data from the customer survey and IOUs.¹² See Chapter 6 for summary results and Appendix F in Volume 2 for detailed results.

What are the energy burdens, unique hardships, and key characteristics of alt-fuel customers compared to non-alt-fuels customers and how do alt-fuel customers' energy burdens and hardships vary by key characteristics and drivers?

Energy burden is higher for surveyed alt-fuels customers (8.7%) than for non-alt-fuels customers (5.5%) when it accounts for alt-fuels customers' self-reported annual alt-fuels costs.

Alt-fuels customers appear uniquely burdened by the costs of alt-fuels because their energy burden that accounts for only electricity costs (5.1%) is slightly lower than that of non-alt-fuels customers (5.5%).

Alt-fuels customers also reported greater economic and health hardships and other associated characteristics than non-alt-fuels customers.

How do alt-fuel customers' energy burdens and hardships vary by key characteristics and drivers?

The primary, unique drivers of alt-fuels customers' higher burden and hardships are living in the Central Valley region (vs. other regions), lower education, renting (vs. owning), and/or living in a manufactured/mobile home (vs. other housing types).

- Other drivers of burden and hardship, like being on fixed-income or public assistance, are similar between alt-fuels and non-alt-fuels customers.

In addition, the type of alt-fuel also has an impact:

- propane using alt-fuel customers reported greater burden and hardships than wood/pellets users and appear to be uniquely burdened by not having access to natural gas or electricity-using equipment since most reported this as the reason for why they use propane.

To what extent do CARE and ESA programs mitigate alt-fuel customers' energy burden and hardships?

Available evidence suggests that, among surveyed alt-fuels customers, those who have the greatest burdens and hardships have been participating in CARE, ESA, and/or IOUs' other energy assistance or efficiency programs compared to those with lower burden and hardships.

¹² Due to the sample design for this study, the surveyed low-income alt-fuels customers may not be representative of all such customers in the state and the sample sizes for the surveyed alt-fuels subgroups of CARE and ESA participants are too small for conclusive statistical results. However, the results do reflect the experiences of those surveyed and others like them in the state and may potentially be found among the entire California population of the groups.

In addition, trends in CARE and ESA program impacts among alt-fuels participants are similar to those for non-alt-fuels participants, suggesting that both groups receive benefits from participation.

- The benefits of CARE and ESA participation are slightly less than for non-alt-fuels customers because alt-fuels ESA participants' equipment that use alt-fuels is not eligible for ESA upgrades and alt-fuels CARE participants do not receive discounts on the costs of alt-fuels.

R0.3 Conclusions and Recommendations

The following conclusions and recommendations apply to the surveyed alt-fuels customers and others in California who are similar to those surveyed.

The surveyed alt-fuels customers have greater energy burden and other hardships than the surveyed non-alt-fuels customers, in part due to the higher costs of alt-fuels and lack of availability or uptake of less expensive options like natural gas service or possibly electricity-using equipment. Surveyed alt-fuels customers who reported the greatest need for CARE and ESA appear to be participating or have participated in the programs and the programs' benefits seem slightly less for alt-fuels than non-alt-fuels participants because alt-fuels are not discounted by CARE and alt-fuels-using equipment is ineligible for ESA upgrades.

- **Recommendation 3.1:** Consider providing unique ME&O to alt-fuels customers, particularly propane users, to inform them of options to switch to natural gas, electricity-using equipment, or other possible alternatives to help reduce their reliance on alt-fuels. This could be done through the CARE and ESA programs and through targeting ME&O in areas in California with high concentrations of alt-fuels customers (available via the American Community Survey).
- **Recommendation 3.2:** Continue monitoring alt-fuels customers' characteristics via ongoing research efforts, such as the Residential Appliance Saturation Study and other planned IOU and CPUC studies that provide opportunities to include alt-fuels customers, as well as monitoring their program participation in ESA and, to the extent possible, in CARE for whether there is differential participation based on alt-fuel usage.

1.3.5 R0.4: Assessing Low Service Reliability Customers' Hardships

For the fourth and final objective, we assessed the burdens and unique hardships of low-income PG&E, SCE, and SDG&E customers who live low electrical service reliability areas in California, in comparison to those who live in higher service reliability areas, using data from the customer survey and IOUs.¹³ See Chapter 7 for summary results and Appendix G in Volume 2 for detailed results.

What are the energy burdens, unique hardships, and key characteristics of low service reliability customers compared to high service reliability customers?

Energy burden is higher for surveyed low service reliability customers (6.6%) than for high service reliability customers (5.3%).

¹³ Due to the sample design for this study, the surveyed low-income customers who live in low service reliability areas may not be representative of all such customers in the state and the sample sizes for the surveyed low service reliability subgroups of CARE and ESA participants are too small for conclusive statistical results. However, the results do reflect the experiences of those surveyed and others like them in the state and may potentially be found among the entire California population of the groups.

Low service reliability customers reported few other hardships or associated characteristics compared to high service reliability customers, indicating that the groups are mostly similar on average.

How do low service reliability customers' energy burdens and hardships vary by key characteristics and drivers?

The primary, unique drivers of low service reliability customers' higher burden are non-white race/ethnicity, senior household members, smaller household sizes, and living in a manufactured/mobile home (vs. other housing types).

- Other drivers of burden and hardship, like being on fixed-income or public assistance, are similar between low and high service reliability customers.

In addition, low service reliability customers reported experiencing more outages but of shorter duration, on average, compared to high service reliability customers, and also reported that outages they experienced tend to cause more difficulty for their households compared to high service reliability customers.

To what extent do CARE and ESA programs mitigate low service reliability customers' energy burden and hardships?

Available evidence suggests that, among surveyed low service reliability customers, those who have the greatest burdens and hardships have been participating in CARE and/or ESA compared to those with lower burden and hardships.

In addition, trends in CARE and ESA program impacts among low service reliability participants are similar to those for high service reliability participants, suggesting that both groups receive similar benefits from participation.

RO.4 Conclusions and Recommendations

The following key findings and recommendations apply to the surveyed low service reliability customers and others in California who are similar to those surveyed.

Surveyed low service reliability customers have greater energy burden and electrical outages cause them more difficulty compared to high service reliability customers. However, there are few other differences between surveyed low and high service reliability customers, suggesting that low service reliability has little to no effect on customers' burdens and hardships. Available evidence also suggests that surveyed low service reliability customers who reported the greatest need for CARE and ESA are participating or have participated in the programs and that trends in the programs' impacts are similar for low and high service reliability customers

- **Recommendation 4.1:** Consider using SAIDI/SAIFI data to monitor CARE and ESA penetration rates in low and high service reliability areas for whether there is differential participation based on service reliability and to monitor energy usage patterns and bill amounts of low service reliability program participants relative to high service reliability participants to measure potential program impacts.

APPENDIX A.3

Low Income Oversight Board Subcommittee Meeting

Excerpt of March 10, 2023, Meeting, Pg. 14 & Pg. 27.

Full report available at: <https://liob.cpuc.ca.gov/wp-content/uploads/sites/14/2023/03/2023-03-10-SB1208-Subcommittee-Slides.pdf?emrc=9fea19>

Low Income Oversight Board

SB1208 Subcommittee Meeting

March 10, 2023

Webex Online Meeting

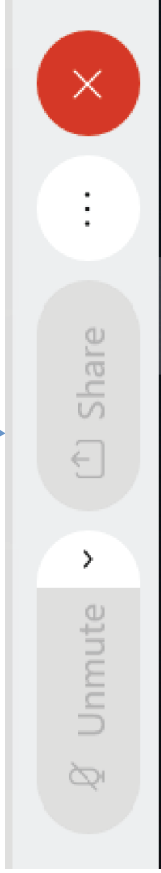


California Public
Utilities Commission

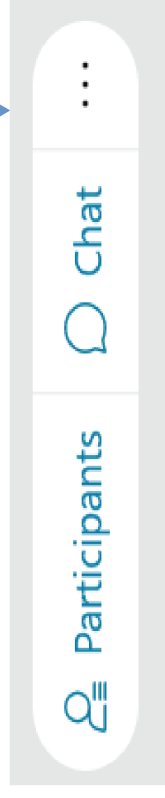
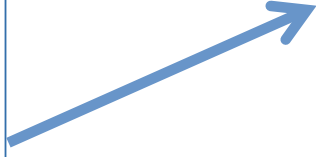


Webex Participant Guide

All attendees will be automatically muted and have video disabled



Click to see the participants



Click to see the Q&A and enter questions



This meeting is being recorded

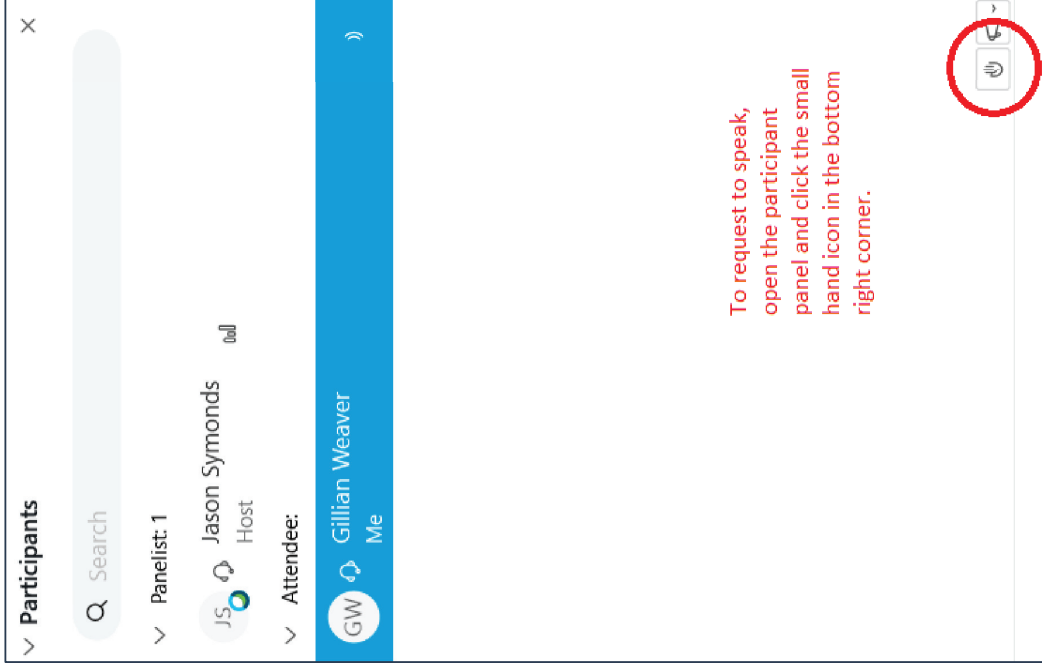
Welcome & Introductions

Low Income Oversight Board

SB1208 Subcommittee

- Benito Delgado-Olson – Governor Representative
- Jason Wimbley – CSD Representative
- Robert Castaneda – Public Member
- Lourdes Medina – Public Member
- John Tang – Water Utility Representative

Public Comment



Public Comment

- English - Please use the “Raise Hand” feature in Webex window to request to speak
- Public comment is intended to provide an opportunity for members of the public who wish to address the board on a topic that is not on the agenda. Members of the board are not allowed to take any formal action on an item not on the agenda. If possible, it is requested that public comment be limited to 2 minutes per speaker

Presentations



SDG&E ESA/CARE/FERA Leveraging Activities

March 10, 2023

SB1208 LIOB Subcommittee Meeting



SDG&E Meeting Discussion Items

1. Successful Joint Marketing and Outreach Strategies
2. Successful Joint Enrollment strategies
3. Data Sharing Effort with Outside Parties
4. Looking Forward

Successful Joint Marketing and Outreach Strategies

- Joint Marketing and Cross Promotional Strategies
 - Over 3,800 social media activities with partner network
 - Online page providing information on additional services, with direct links to additional programs and services
 - SDG&E Customer Assistance Program flyer in multiple languages used for outreach event and as part of ESA Program In-Home Energy Education
- Joint Outreach Strategies
 - Over 500 Events with CBO's and other community partners
 - Community events
 - Food Distributions
 - Cultural Fairs and Celebrations
 - SDG&E's Outreach and Tribal Relations teams work together to effectively engage and communicate with the 17 Federally recognized tribes SDG&E serves
 - Over 150 presentations
 - Various CBO staff meetings
 - CBO constituent gatherings
 - Other community partner gatherings

SDG&E Partner Cross Promotional Activities

Groundwork San Diego Chollas Creek
 3d · 📍

SDG&E provides assistance programs to help you with your monthly bill which can include up to a 30% discount. Find out if you qualify at sdge.com/assistance.

#sdge
 #SDGEassist



**Past due bills?
 We may be able to help.**
sdge.com/assistance

👍 Like 💬 Comment ➦ Share


Backcountry Communities Thriving
 📍 · 📍

These are challenging times for a lot of people in our community. Every opportunity for a discount helps. That's why San Diego Gas & Electric offers the Family Electric Rate Assistance (FERA) program.

FERA offers discounts to people who may be struggling to pay bills in households of three or more. See if you qualify to save 18% on electricity. Applying is quick & easy, even if you've never qualified, you may be eligible now.

We can help you sign up for the FERA program. Contact us at info@sdge.com to apply or learn more at <http://www.sdge.com/fera>.

#energydiscounts #savings #communitysupport #peoplehelpingpeople




Save 18% on electricity

👍 Like 💬 Comment ➦ Share

Kalusugan + Kalakasan Center for Health & Wellness
 August 17 at 10:01 AM · 📍

If you're behind on your energy bill, you may qualify for financial assistance. Learn more at sdge.com/assistance #sdge #SDGEassist



SDGE.COM
Get Payment and Bill Assistance | San Diego Gas & Electric
 Get Payment & Bill Assistance. There are many assistance programs av...











👍 Like 💬 Comment ➦ Share

Cross Promotional Strategies Online

Get Payment & Bill Assistance

We have many SDG&E, federal, state and local assistance programs to help with your monthly utility bills. Learn more below to see if you qualify.

Español

 LIHEAP Federal Utility Assistance	 CARE - Save 30% or more	 FERA - Save 8% on your electric bill	 Neighbor-to-Neighbor Fund [®]
 Debt Forgiveness	 More Time to Pay Your Bill	 Medical Device Discount	 Energy-Saving Home Improvements
 Phone Bill Discount [®]	 Home Internet Service Discount [®]		



LIHEAP Federal Utility Assistance

Families struggling financially may qualify for financial assistance toward their past-due energy bills under the Low-income Home Energy Assistance Program (LIHEAP). These federal programs are managed by two separate agencies and will be based on your zip code. Learn more and find your zip code in the links below.

MAAC Agency[®]

CUI[®]



My Account Customer Service Pricing Plans Electric Vehicles More Info

Residential Businesses NewsCenter Outages Wildfire Safety Search Contact Us

Select Language Powered by Google Translate

Smart Thermostat Program for Your Home

Being green and saving green is easy with SDG&E's Smart Thermostat program. By enrolling, you help conserve energy and keep power flowing to all Californians. Plus, you can earn over \$95 in rewards. Business customers, [click here](#).



Are you a CARE or FERA customer?

You could be eligible to receive a no-cost smart thermostat.

[Find out if you qualify](#)



My Account Customer Service Pricing Plans Electric Vehicles More Info

Residential Businesses NewsCenter Outages Wildfire Safety Search Contact Us

Select Language Powered by Google Translate

No-Cost Home Energy Upgrades through Our Energy Savings Assistance Program

Whether you rent or own, you could be eligible to receive free energy-efficient home improvements that can make your home more comfortable and save you money now and for years to come. With our [Energy Savings Assistance Program](#), you may be eligible to receive no-cost products and installations:

- Smart thermostats
- Energy-efficient lighting
- Door weather-stripping
- Replacement of qualified appliances* such as refrigerators or AC wall units
- Caulking
- Minor home repairs
- Low-flow showerheads
- Water heater blankets

*Appliances must meet age requirements to qualify for replacement. Crayon may be required for appliances who own appliances and pay rent or utility bill.



Cross Promotional ME&O Program Materials



CUSTOMER ASSISTANCE



Support available when you need it

Whether you're interested in financial assistance, flexible payment options or ways to save energy, we can help.

SAVE MONEY

Save 30% or more on your monthly bill

With the California Alternate Rates for Energy (CARE)¹ program you can save on your energy bill every month. Eligibility can be based on participation in certain public assistance programs or current household income and the number of people living in your home. To apply, visit sdge.com/care.

Lower Electric Rates

If you do not qualify for CARE, you may be eligible for the Family Electric Rate Assistance (FERA) program.¹ FERA provides income-qualified households of three or more with a reduced electric rate that can save 18% every month on your bill. To apply, visit sdge.com/fera.

Medical Devices

The Medical Baseline Allowance Program offers more energy at the lowest price to customers who rely on certain medical devices for their well-being. This program is not income based. For a full list of qualifying devices or to apply, please call 1-866-463-0070 or visit sdge.com/medical.

Debt Forgiveness

Qualified residential CARE or FERA customers may be eligible for financial assistance to help reduce outstanding account balances through SDG&E's Arrearage Management Payment (AMP) Plan. For details, visit sdge.com/AMP.

Help Paying Your Bill

If you meet established income guidelines, you may qualify for emergency bill payment assistance and home repair services through the Low-income Home Energy Assistance Program (LHEAP). Call 2-1-1 to learn more. San Diego customers can also visit 211sandiego.org or if you're in Orange County, 211oc.org for more information.

Neighbor-to-Neighbor

A one-time assistance payment toward your SDG&E bill may be available from the Neighbor-to-Neighbor program. If you're facing an interruption of service and don't qualify for government assistance, call 2-1-1 to see if you qualify.

Help is just a click or phone call away.



Online
sdge.com/assistance



By phone
1-800-411-7343

CUSTOMER ASSISTANCE

PAYMENT OPTIONS

Online Tools

Pay Online with My Account – It's convenient, easy and secure. My Account gives you the power to manage and monitor your energy cost and use. You can also schedule service requests and moving services, make payment arrangements, sign up for Energy Alerts, view outages, and receive alerts mid-cycle with your current and projected costs. Save time when you pay online with Auto Pay or on our mobile app with Text to Pay. Visit sdge.com/MyAccount to enroll.

Payment Arrangements

Need more time to pay your bill? We can help. Extend your bills due date to give yourself more time to pay or split your bills over time with a down payment and monthly installments. For more information, visit sdge.com/MyAccount.

Level Pay Plan

If you'd like to have more predictable energy bills each month, our Level Pay Plan (LPP) is free and can help. LPP will average your annual energy use and costs during a 12-month period. You pay an average bill amount each month instead of actual charges. To apply, visit sdge.com/MyAccount.

Third-party Notification

You can designate a friend, relative or community agency to receive a copy of your late payment notices from us. This "third party" can remind you that your payment is late and offer advice or assistance. To enroll, visit sdge.com/thirdparty.

Vision Impairment

If you or someone you know is vision impaired, information from your SDG&E bill is available in braille. To make a request, call us at 1-800-411-7343.

Automated Notification of Outages

If extreme heat poses a health risk for anyone in your home and your living space must be kept at a constant temperature, sign up for advance notification phone calls about state-directed relating outages. To learn more, visit sdge.com/tempensitive.

SAVE ENERGY

Free services and appliances for your home

If you qualify for the Energy Savings Assistance Program¹ we'll provide free energy-saving home improvements to your apartment.



Please note that renters need written permission from landlords to receive these services. Call 1-866-597-0597 or visit sdge.com/asa to apply.

Cash Back on Energy-Saving Products and Projects

To help you save energy and money, we offer cash back for qualifying purchases and upgrades you make to your home. To see available rebates, visit sdge.com/rebates.

My Energy Survey

To learn how your home uses energy, take our free My Energy Survey. You'll receive a customized report that shows where your energy dollars are going and an action plan with tips and ideas based on your answers to the survey. Visit sdge.com/survey.

CONTACT INFORMATION

For more information on our programs and services, including income qualifications and referrals to community agencies, contact us at 1-800-411-7343. TDD/TTY call 1-877-899-7343 or voice (emergencies): 1-800-611-7343. You can also visit our website at sdge.com/assistance.



Joint Program Enrollment Strategies

- Online CARE/FERA application
 - Enrolls customers in the appropriate program (CARE or FERA)
 - Provides leads for the ESA Program
- Customers participating in the ESA Program are provided information on CARE/FERA and can sign on the ESA Program form to request automatic enrollment into CARE or FERA
- Partnership with San Diego 211
 - Serve as a CARE/FERA capitation contractor and provide customers with ESA Program information
- SDG&E has partnered with LIHEAP agency
 - Held multiple events at SDGE branch offices and LIHEAP provider offices to support enrollment in LIHEAP and provide customer program enrollment facts for CARE, FERA and ESA
- SDG&E partners with San Diego County Water Authority to leverage enrollments for customer receiving water and energy saving measures
 - SDG&E receives rebates from SDCWA for customers enrollment in overlapping areas

Joint Enrollment Strategies

English

Sign up or manage your participation in our assistance programs (CARE/FERA).

To receive a discount, you must maintain acceptable energy usage levels. If you receive High Usage Charge notifications, your participation in the program may be affected. Learn more about the [High Usage Charge](#) and how to manage your energy use.

*Required fields

Account Number*	<input type="text"/>
SDG&E Account Number*	<input type="text"/>
First 12 digits found at the top of your bill. If you can't find it, try logging into My Account .	
<input type="checkbox"/> I do not know my SDG&E account number	
<input type="checkbox"/> I receive my SDG&E bill from my landlord	
Account Holder	
Enter the primary account holder's name or the co-applicant's name. You may not apply if your name is not on the account. Call (800) 560-5551 if you need assistance.	
Account Holder First Name*	<input type="text"/>
Account Holder Last Name*	<input type="text"/>
<input type="checkbox"/> I am the account holder or co-applicant*	
<input type="checkbox"/> I'm not a robot	

Next

Data sharing endeavors with outside parties/entities

- CARE/FERA customer data is shared with Cal-American Water and SoCalGas
- Reviewing monthly list of customers receiving LIHEAP payments to target customers not enrolled in CARE or FERA
- DAC/SASH Data Sharing Efforts
 - Annual data sharing of ESA Program participants
 - Bi-Annual sharing of DAC-SASH participants for ESA Program targeting and CARE/FERA enrollment

Looking Ahead

- Continue with leveraging efforts that support providing customers with information on all programs and services
 - Online strategies for cross promotional activities
 - Partnerships with community-based organizations, tribal relations and contractors
- Continue to utilized joint enrollment strategies to streamline customer participation in SDG&E programs.
 - Joint program applications, lead generation, partner networks
- Continue with data sharing opportunities to leverage program enrollments and support new efforts
 - Clean Energy, LIHEAP, joint utility and water authorities
 - Support the implementation of SB1208

Informing and enabling cross program participation for PG&E customers in CARE/FERA, ESA, and non-PG&E assistance programs

Low Income Oversight Board
SB 1208 Subcommittee Meeting
March 10, 2023



Agenda

- Marketing, Education and Outreach Approach
- Approaches to Facilitate Cross Program Participation
 - Example 1: Energy Savings Assistance Program (ESA)
 - Example 2: Rate Discount Programs (CARE/FERA)
- Data-sharing Considerations
- Questions/Comments

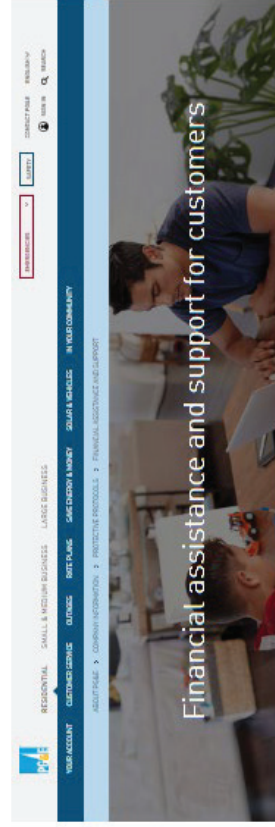
Successful mixed marketing and outreach campaigns

to inform customers of CARE, FERA, ESA, and non-PG&E assistance programs





ME&O: One-stop Information Shop (online)



www.pge.com/billhelp (pictured)

- Aggregating program information and making it easy for customers to find programs including

For Past Due Bills: CAPP, LIHEAP, AMP and REACH

For Reducing Future Bills: CARE/FERA, ESA

For Additional Support: Medical Baseline, California Lifeline, Low-cost home internet

- Cross-promotion of this link and these resources in news releases, social media, and other customer support campaigns

- Plus, email and direct mail campaigns include LIHEAP and the Arrearage Management Plan (AMP), and leverage communications related to the CAPP distribution to cross-promote

ALERT: As part of the 2022 California Energy Payment Program (CEPP), PG&E distributed over \$277 million in bill credits. This credit may pre-qualify individual customers, and may vary by rate class. For more information, visit [www.pge.com/cepp](#). This credit is available for customers who have a PG&E bill for service between March 1, 2023 and December 31, 2023. Not applicable to commercial and other special rate classes. For more information, visit [www.pge.com/cepp](#).

Explore our support programs

Are you struggling to pay your bills? We have a variety of programs to help. For more information, visit [www.pge.com/billhelp](#). These financial assistance programs offer assistance for paying past-due bills. Additional support programs provide guidance on reducing future household expenses. Not all qualify for several programs at once and you can begin applying or enrolling now.

Get help with past due bills

- Low-Income Home Energy Assistance Program (LIHEAP)**
Get up to \$1,000 to help pay household energy bills.
• Make a one-time payment at your particular energy bill meter. If you are unable to make a payment, we will help you set up a payment plan.
- Community Help REACH Program**
Get up to \$1,000 to help pay household energy bills.
• Make a one-time payment at your particular energy bill meter. If you are unable to make a payment, we will help you set up a payment plan.
- Arrearage Management Plan (AMP)**
For up to \$5,000 in unpaid bills on a 12-month payment plan.
• Are enrolled in the CARE, FERA, or FERA program.
- Payment Arrangement Plans**
Set up a payment plan to pay your bills back in small, easy payments.
• Select your own bill payment amount, up to \$150 per month.
- Medical Baseline Program**
Get up to \$1,000 to help pay household energy bills.
• Make a one-time payment at your particular energy bill meter. If you are unable to make a payment, we will help you set up a payment plan.
- California Lifeline Program**
Get a monthly discount on your phone service.
• Also get a \$20 discount on phone contracts.
• No more than one discount per household.
- Budget Billing program**
Average out your energy costs for more predictable monthly payments.
• Estimate by service to help you compare charges.
- LIHEAP**
Get up to \$1,000 to help pay household energy bills.
• Make a one-time payment at your particular energy bill meter. If you are unable to make a payment, we will help you set up a payment plan.
- LIHEAP**
Get up to \$1,000 to help pay household energy bills.
• Make a one-time payment at your particular energy bill meter. If you are unable to make a payment, we will help you set up a payment plan.

ME&O: One-stop Information Shop (on paper)

Solutions for saving money and managing energy bills
Programs, tips and tools for your home



Discount and assistance programs

Reduce monthly bills with CARE or FERA. PG&E and FERA programs offer income-qualified households a significant monthly discount on energy. Find out if you qualify at pgandf.com/care/fera.

Energy Savings Assistance Program
If you own a house, apartment, or mobile home that is five years or older, you could receive free improvements to help reduce energy costs, improve safety and comfort. Both owners and renters are eligible. Find out if you're income-qualified at pg.com/esa.

Medical Baseline program
If someone in your home depends on life-support or other equipment due to medical needs, you may be eligible for free energy audits and energy-saving upgrades through the Medical Baseline program. You will also receive extra notifications about energy-saving opportunities. Find out more at pg.com/medicabaseline.

Rate plan choices

Pick the rate plan that is right for you. PG&E offers multiple rate plan options, and you can pick which one works best for your household. There are three main types of residential rate plans.

Tiered Rate Plans:
Bills are based on how much energy you use during each billing month.

Time-of-Day Rate Plans:
When you use energy is as important as how much you use.

Electric Vehicle (EV) Rate Plans:
Charge an EV or battery.

Learn more about residential rate plans at pg.com/rates.

How to choose your rate plan
PG&E offers a personalized rate plan comparison based on your past energy usage. Visit pg.com/rates online to view your comparison at pg.com/ratechoices.

Energy management

Manage your cooling and heating costs. In the summer, set your air conditioner to 78 degrees Fahrenheit or higher. Visit one of our community cooling centers. In the winter, set your heater to 68 degrees Fahrenheit or lower during the day and 55 degrees Fahrenheit at night.

Unplug unused electronics
Turn off and unplug computers, TVs, phone chargers, entertainment consoles, coffee makers and other devices.

Wash full loads of laundry using cold water
Today's detergents work well in cold water, saving about 90% of the energy it takes to heat water.

Replace inefficient light bulbs
Use light-emitting diode (LED) bulbs—longer, and create a warm, inviting feeling in your home. For more energy savings tips, visit pg.com/energytips.

Difficulty paying your energy bill? Help is available.

Low-Income Home Energy Assistance Program

Apply now for up to \$800 in assistance

Find out how to get help at sjchsa.org/Assistance

Universal Brochure

- Provides comprehensive information about bill discount and assistance programs, rate plan choices, energy management, and payment support programs
- Available in multiple languages, including Braille

Other Outreach in Support of non-PG&E Programs

- Co-branded postcards to promote non-PG&E programs such as LIHEAP
- Cross-promote LIHEAP to CARE customers via message on energy bill.

ME&O: One-stop Information Shop (in person)

... and communicated through partners and CRSS

ESA Contractors
<ul style="list-style-type: none">• Provide collateral leave behinds that present solutions for saving money and managing energy costs• Provide helpful information on complimentary programs: Demand Response (SmartAC), Wildfire Safety (PSPS) etc..• Discuss new opportunities for bill savings (Arrearage Management Plan), and referrals to LIHEAP administrators for qualified households

CBOs
<ul style="list-style-type: none">• 14 new CBO contracts (18-24 months, totaling \$1.9m) to assist hard-to-reach households & disadvantaged communities (DAC) on the availability of various assistance and bill discount programs• Reached ~ 750,000 customers with information on CARE, FERA, ESA, AMP, SmartAC, Power Saver Rewards, Medical Baseline and other complimentary offerings

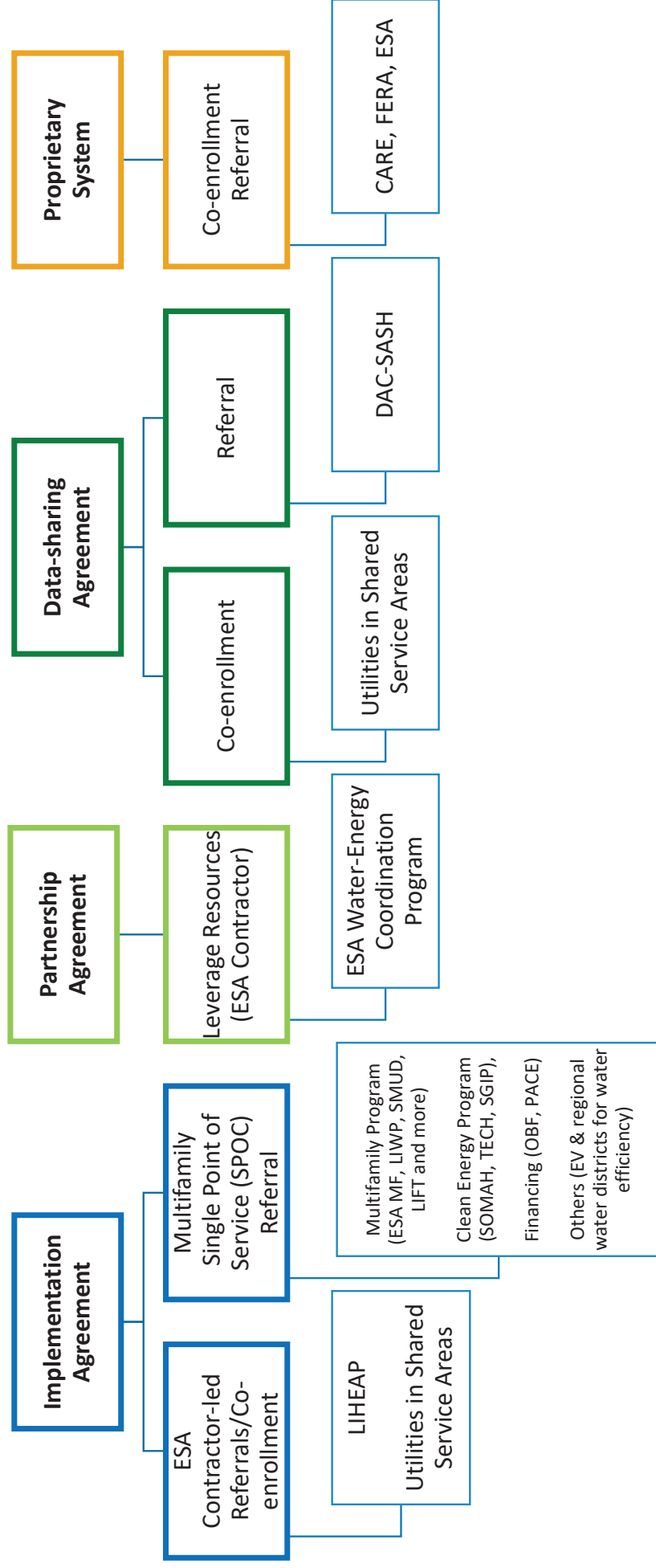
PG&E
<ul style="list-style-type: none">• Customer Service Representatives<ul style="list-style-type: none">• - Inbound• - Outbound case management calls to customers with past due amounts (96% reached, > 600 enrolled in CARE/FERA; of those referred to LIHEAP pledged \$705,175)• Other: CARE Welcome Kit, bill inserts, collateral leave behinds

Joint enrollment and data-sharing strategies

to streamline or facilitate PG&E customer co-enrollment in CARE/FERA, ESA, and non-PG&E assistance programs

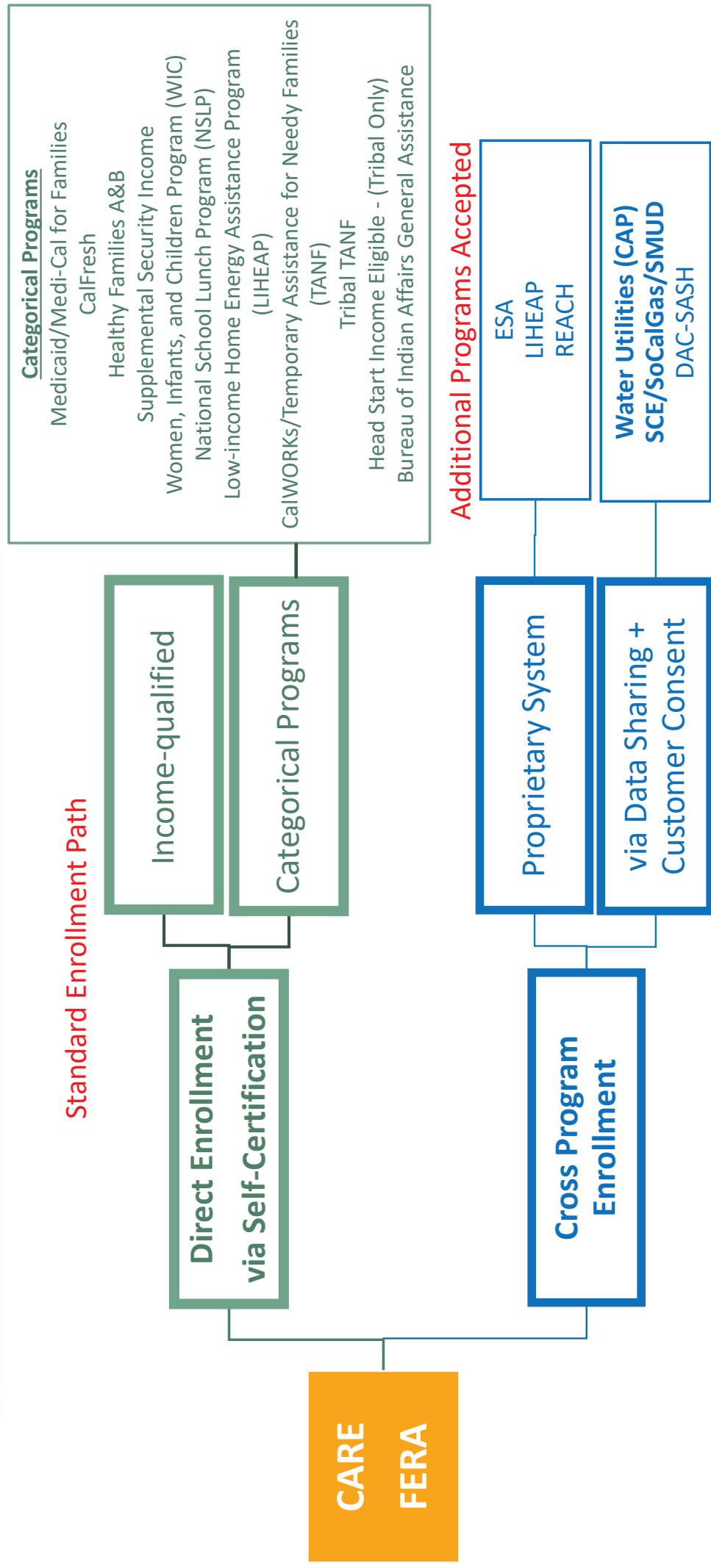


Cross Program Participation: ESA





Cross Program Participation: CARE/FERA



Internal

Data-sharing Considerations

Leveraging customer information encompasses different approaches and levels of disclosure

- Making different programs accessible to shared customers can be accomplished in a variety of ways
- Balance ease of participation with customer choice/privacy

Seamless co-enrollment process appears to be more attainable when

- Program partners share similar purpose with comparable eligibility criteria supported by appropriate customer consent and non-disclosure agreement
- ... can be further enhanced, if have similar data security requirements/approach
- Laying the groundwork to enhance customer experience/participation across multiple income-qualified programs

Example: Updating CARE/FERA application to include updated customer consent language to facilitate continued enrollment in and qualification in a wider range of public and utility assistance program

Comments / Questions

Jenny Wu (jenny.wu@pge.com)
Regulatory Policy Analyst
CARE/FERA/ESA Programs



Supplemental Information

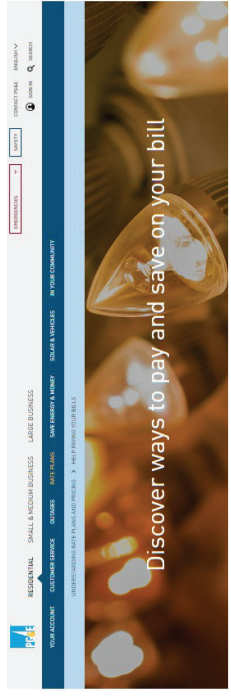




Winter Energy Bills – Support Program Email



Audience: ~3.9M residential customers
 Test: 50/50 random split
 Subject Lines:
 Original send, Jan 31st: Get help now paying your energy bill
 Did not open (DNO), Feb 6th: Need help paying a higher bill?



Choose a way to pay and get potential savings on your PG&E bill

Need more time to pay
 We offer several ways to help you pay and save on your energy bill.
[Visit PG&E's Energy Assist](#)

Need more time to pay
 Spread your due bills - make a payment arrangement.
[Visit PG&E's Payment Assist](#)

Assistance programs
 PG&E offers many financial assistance programs, we can find solutions.
[Visit PG&E's Assistance Programs](#)

Next budget billing
 Avoiding surprises in your monthly payments by signing up for Budget Billing. The past bills pay your current bill. You can get an idea of how much you would pay on Budget Billing on your current account.
[Visit PG&E's Budget Billing](#)

Internal

Solutions for saving money and managing energy bills

Programs, tips and tools for your home



Discount and assistance programs

Reduce monthly bills with CARE or FERA

CARE and FERA programs offer income-qualified households a significant monthly discount on energy bills. Find out if you are eligible for CARE or FERA at pge.com/carefera.

Energy Savings Assistance Program

If you live in a house, apartment, or mobile home that is five years or older, you could receive free improvements to make your home more energy efficient, safe and comfortable. Both renters and owners are eligible. Find out if you're income-qualified at pge.com/esa.

Medical Baseline program

If someone in your home depends on life-support or other equipment due to medical needs, you may be eligible for additional energy at the lowest price through the Medical Baseline program. You will also receive extra notifications in advance of a Public Safety Power Shutoff. Find more information at pge.com/medicalbaseline.



Rate plan choices

Pick the rate plan that is right for you

PG&E offers multiple rate plan options, and you can pick which one works best for your household. There are three main types of residential rate plans:



Tiered Rate Plan:

Bills are based on how much energy you use during each billing month.



Time-of-Use Rate Plans:

When you use energy is as important as how much you use.



Electric Vehicle (EV) Rate Plans:

For homes that also charge an EV or battery.

Learn more about residential rate plans at pge.com/rates.

How to choose your rate plan

PG&E offers a personalized rate plan comparison based on your past energy use. Log in to your account online to view your comparison at pge.com/ratechoices.



Energy management

Manage your cooling and heating costs

In the **summer**, set your **air conditioner to 78 degrees Fahrenheit** or higher. Visit one of our community cooling centers when temperatures are unusually high. In the **winter**, set your **heater to 68 degrees Fahrenheit** or lower during the day and **55 degrees Fahrenheit** at night.

Unplug unused electronics

Turn off and unplug computers, TVs, phone chargers, entertainment consoles, coffee makers and other devices.

Wash full loads of laundry using cold water

Today's detergents work well in cold water, **saving about 90% of the energy** your washing machine would use to heat water.

Replace inefficient light bulbs

Use light-emitting diode (LED) bulbs—they use **75% less energy**, last six times longer, and create a warm, inviting feeling in your home.

For more energy savings tips, visit pge.com/everydaytips.



Universal Brochure (ADA English Version, Page 2)

We are here to help

Pacific Gas and Electric Company (PG&E) provides income-qualified assistance programs for customers who need it the most, because we know that sometimes our customers need energy bill guidance.

Programs such as CARE, FERA and the Energy Savings Assistance Program are just a few of the ways we can help our customers save.

For more information about PG&E's assistance programs, visit pge.com/financialassistance. For the CARE/FERA program call 1-866-743-2273.

Let us speak your language

PG&E wants to make sure we are contacting you in your preferred language. Things like bills, critical safety communications, and other messages when available will be delivered in the language of your choice.

If you'd like to update your contact information or change your language preference,* log in to your online account at pge.com or call PG&E so that a customer service representative can help you.

*Your preferred language may not be available.



Save 20% or more with CARE

Reduce your monthly gas and electric bills by enrolling in the California Alternate Rates for Energy (CARE) program.

Income-qualified customers receive a monthly discount of 20% or more on their gas and electric rates. Check your income level below to see if you qualify.

Apply at pge.com/CARE or text "Enroll" to 20283. You can also call 1-866-743-2273.

Save 18% with FERA

Get help with your monthly electric bill by enrolling in the Family Electric Rate Assistance (FERA) program, which offers a monthly discount for larger households.

Eligible households with three or more people receive a monthly discount of 18% on their electric rates. Check your household size and income level below to see if you qualify.

Apply at pge.com/FERA or text "Enroll" to 20283. You can also call 1-800-743-5000.

ANNUAL HOUSEHOLD INCOME*

Number of persons in household	CARE	FERA	Energy Savings Assistance Program**
1	\$36,620 or less	Not eligible	\$33,975 or less
2	\$36,620 or less	Not eligible	\$45,775 or less
3	\$46,060 or less	\$46,061-\$57,575	\$57,575 or less
4	\$55,500 or less	\$55,501-\$69,375	\$69,375 or less
5	\$64,940 or less	\$64,941-\$81,175	\$81,175 or less
6	\$74,380 or less	\$74,381-\$92,975	\$92,975 or less
7	\$83,820 or less	\$83,821-\$104,775	\$104,775 or less
8	\$93,260 or less	\$93,261-\$116,575	\$116,575 or less
Each additional person, add	\$9,440	\$9,440-\$11,800	\$11,800

*Before taxes based on current income sources. Valid through May 31, 2023.

**Effective July 1, 2022.

Energy Savings Assistance Program

CARE and FERA participants living in a house, mobile home or apartment that is at least five years old automatically qualify for free home upgrades.

Learn more at pge.com/esa.

Payment support

Receive a one-time energy credit pge.com/reach

You may be qualified to receive up to a \$300 energy credit through Relief for Energy Assistance through Community Help (REACH).

Balance your monthly bill pge.com/budgetbilling

With Budget Billing, your monthly bill will be averaged out to allow you to budget your energy costs and eliminate big payment swings.

Arrange more time to pay pge.com/paymentarrangement

If you cannot pay your bill on time or in full, you can set up a Payment Arrangement to extend your due date.

Send past-due reminders to a friend or relative pge.com/thirdpartynotification

Get help finding a solution to past-due payment notices by adding a friend or relative to receive duplicate notices.

*PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation. ©2022 Pacific Gas and Electric Company. All rights reserved. The Energy Savings Assistance Program from Pacific Gas and Electric Company is a service provided to PG&E customers and administered by PG&E under the auspices of the California Public Utilities Commission. English 5.22 CID-0552-4579W

SB1208 Report Discussion and Development

Next Steps & Closing Remarks

APPENDIX A.4

**PUC Environmental & Social Justice Action Plan v2.0.
Excerpt ESJ Action Plan, Pg. 21-22, Pg. 33, Pg. 45 & Pg. 73.**

Full report available at: <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-v2jw.pdf>



Environmental & Social Justice Action Plan

Version 2.0

April 7, 2022



California Public
Utilities Commission

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Executive Summary

Background & Progress on Implementation

The CPUC’s Environmental and Social Justice (ESJ) Action Plan serves as both a commitment to furthering principles of environmental and social justice, as well as an operating framework with which to integrate ESJ considerations throughout the agency’s work. Version 1.0 of the CPUC’s ESJ Action Plan, adopted in February 2019 consisted of nine overarching goals, clear objectives, and 95 concrete action items to ensure agency-wide collaboration, accountability, and forward movement in meeting ESJ principles.

The ESJ Action Plan 1.0 also established a definition of “Environmental and Social Justice (ESJ) Communities” for the purposes of CPUC policy and programs, as predominantly communities of color or low-income communities that are underrepresented in the policy setting or decision-making process, subject to a disproportionate impact from one or more environmental hazards, and are likely to experience disparate implementation of environmental regulations and socioeconomic investments in their communities. Under this definition the CPUC aimed to target the following communities:

- Disadvantaged Communities, defined as census tracts that score in the top 25% of CalEnviroScreen 3.0, along with those that score within the highest 5% of CalEnviroScreen 3.0’s Pollution Burden but do not receive an overall CalEnviroScreen score;¹²
- All Tribal lands³;
- Low-income households (Household incomes below 80 percent of the area median income); and
- Low-income census tracts (Census tracts where aggregated household incomes are less than 80 percent of area or state median income).

Since adopting Version 1.0 of the ESJ Action Plan, the CPUC has made significant progress in incorporating ESJ considerations into its work, as well as creating a culture that takes into serious account the lived experiences of ESJ communities. Version 2.0 of the ESJ Action Plan is updated to reflect a continuation of efforts to systematize the consideration of ESJ principles across Commission activities and incorporates two years of learnings from engagement with ESJ communities, advocates, and other stakeholders.

¹ <https://calepa.ca.gov/wp-content/uploads/sites/6/2017/04/SB-535-Designation-Final.pdf>

² This definition of “Disadvantaged Communities” reflects a small change from Version 1.0 of the ESJ Action Plan to reflect the most recent designation of “Disadvantaged Communities” by the California Environmental Protection Agency (CalEPA) in CalEnviroScreen, Version 3.0. A new version of CalEnviroScreen, Version 4.0, was finalized in October 2021 and CalEPA will make a subsequent designation of “Disadvantaged Community” given the new data. The definition in the ESJ Action Plan will be subsequently updated to reflect this change once it is in effect.

³ Land within any Indian reservation as defined in 18 U.S.C. 1151 subsection (a)

from two feedback internal implementation structure has been established, consisting of a Core Team and ESJ Liaisons from each of the CPUC's divisions. A Status Report on Version 1.0 was published in May 2020, outlining progress made on implementing each of the action items in the ESJ Action Plan. A few highlights of progress thus far include:

- Goal 1: Established internal guidance for staff to scope ESJ issues into all proceedings;
- Goal 3: Ordered significant investments in ESJ communities including transportation electrification investments in Disadvantaged Communities through Southern California Edison's Charge Ready 2 Infrastructure Program;
- Goal 1 and 4: Continued and deepened prioritization of ESJ communities and related issues in key proceedings and programs, including the Climate Adaptation proceeding (R.18-04-019) and the Affordability proceeding (R. 18-07-006);
- Goal 5: Added a new Public Comment feature to the CPUC Docket Card to encourage wider public participation;
- Goal 5: Continued to improve outreach and engagement with community-based organizations and the public;
- Goal 5: Launched an overhauled, consumer focused CPUC website;
- Goal 5 and 6: Established new requirements for utilities to conduct in-language⁴ outreach in the instance of wildfire in D. 20-03-004 of the Wildfire Mitigation Plans proceeding;
- Goal 7: Entered into a Memorandum of Understanding (MOU) with the California Workforce Development Board (CWDB) to receive their expertise and recommendations on maximizing access to good jobs for individuals in ESJ communities;
- Goal 7: Published "Economic Opportunities in Environmental and Social Justice Communities," outlining the success of the Utility Supplier Diversity Program in reaching ESJ communities;
- Goal 8: Established an introduction to ESJ session for the CPUC's New Employee Orientation; and
- Goal 9: Staff and management participated in the Capitol Collaborative on Race and Equity (CCORE).

Critical Topics for Consideration in Version 2.0

In addition to incorporating learnings from ongoing implementation activities, national discussions to address race based disparities, which often align with disparities experienced in ESJ communities social and political events, alongside other parallel efforts that occurred between 2019 and 2021 served as

⁴ Decision 20-03-002: Order Instituting Rulemaking to Implement Electric Utility Wildfire Mitigation Plans Pursuant to Senate Bill 901 (2018). [329824881.PDF \(ca.gov\)](#)

opportunities to deepen and enhance the goals of the ESJ Action Plan. Version 2.0 of the ESJ Action Plan includes:

- **Racial Equity + Diversity, Equity, and Inclusion (DEI):** Acknowledging solidarity and alignment with broader racial equity work, specifically the CCORE cohort and the DEI Working Group, being led concurrently with the implementation of the ESJ Action Plan.
- **Engagement with California Native American Tribes:** Working alongside the CPUC Tribal Office to implement the Tribal Land Transfer Policy and the Tribal Consultation Policy.
- **Individuals with Access and Functional Needs (AFN):** Collaborating with communities with AFN to understand and ensure CPUC efforts serve their needs.
- **COVID-19 Pandemic: Immediate Response and the “New Normal”:** Taking action to protect the state’s most vulnerable residents with measures such as disconnection moratoriums, arrearage management, and increased access to public meetings and hearings.
- **Wildfire Events:** Continuing to incorporate the needs of ESJ communities in high fire threat districts.
- **Workforce Development and the High Road Transition:** Delivering on principles of economic equity and focusing workforce-related provisions on job quality and access.
- **Priority Populations for Future Consideration in the Definition of “Environmental and Social Justice Communities”:** Acknowledging potential gaps in the current definition of “ESJ communities” and consider updating the definition in the future.
- **Considerations of Rate Burdens on Low-Income Customers:** Ensuring the clean energy transition does not unduly increase rate burdens on lower income communities nor increase existing disparities between lower-income communities and others.
- **Timeline for Providing ESJ Action Plan Status Reports and Updates:** Ensure that the ESJ Action Plan is an iterative document with a three-year time frame between adopting proposed revisions and should include a mid-point Status Report.

ESJ Action Plan 2.0: Updated Goals & Objectives

The inaugural version of the ESJ Action plan served as a foundation upon which to build the consideration of ESJ principles into the agency’s work. Included in Version 1.0 was a requirement to update the plan every two years through an informal public process. For Version 2.0 of ESJ Action Plan, revisions to eight of the nine goals clarify existing language; and Goal 7, related to workforce development, has been revised to include an emphasis on job quality and access. Appendix A lists 91 new action items that reflect present-day priorities and efforts.

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

1.1 Build Systematic Approaches for ESJ Priorities

1.2 Expand Opportunities for Access

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health.

2.1 Enhance Outreach & Engagement

2.2 Continue Research & Analysis to Understand Impact

2.3 Move Towards Mutual Eligibility & Maximizing Impact

2.4 Address Impacts in ESJ Communities

2.5 Continue Ongoing Investment

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

3.1 Ensure Equitable Clean Transportation

3.2 Ensure Water Customer Resilience

3.3 Extend Rail Safety to ESJ Communities

3.4 Extend Essential Communications Services to ESJ Communities

Goal 4: Increase climate resiliency in ESJ communities.

4.1 Emphasize Adaptive Capacity

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.

5.1 Improve Communication with ESJ Lens

5.2 Continue to Emphasize Engagement with CBOs

5.3 Build Pathways for Public Participation

5.4 Enhance Engagement with Particular ESJ Communities and Individuals

Goal 6: Enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities.

6.1 Protect ESJ Consumers

6.2 Conduct Proactive Action & Analysis in Transportation and Utility Enforcement

6.3 Apply ESJ Lens to CPUC Enforcement Policy

6.4 Maximize Opportunities within Utility Audits

Goal 7: Promote high road⁵ career paths and economic opportunity for residents of ESJ communities.

- 7.1 Maximize Authority to Promote High Road
- 7.2 Educate on High Road Careers
- 7.3 Partner with Utilities and Sister Agencies

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

- 8.1 Bolster Staff Knowledge on ESJ Issues and Resources
- 8.2 Support Emerging Priorities and Skill Needs

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

- 9.1 Establish Consistent Quantitative Metrics
- 9.2 Promote Meaningful Feedback Loops
- 9.3 Establish Accountability Measures

Utilizing the ESJ Plan as Resource

The ESJ Action Plan is intended to serve as a resource for CPUC staff, intervenors, stakeholders, and the public. The goals and objectives provide the broad vision and steps the CPUC will take to ensure equity in its programs and services. The action items serve as a tracking mechanism to remain transparent about the concrete actions the CPUC is taking with regards to embedding ESJ principles into its work. Finally, the appendices which include definitions, program criteria, and examples of past decisions are included as reference materials to be cited or used as reference material by CPUC staff and/or any individual or organization that interacts with the CPUC.

⁵ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=UIC&division=7.&title=&part=&chapter=2.

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Introduction & Background

Need for the Environmental & Social Justice (ESJ) Action Plan

The mission of the California Public Utilities Commission (CPUC) is to regulate essential utility services to protect consumers and safeguard the environment, assuring safe and reliable access to all Californians. In accordance with the CPUC’s institutional values of accountability, excellence, integrity, open communication, and stewardship, the CPUC has created the Environmental and Social Justice (ESJ) Action Plan to serve as both a commitment to furthering ESJ principles, as well as an operating framework with which to integrate ESJ considerations throughout the agency’s work.

“Environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.⁶ Because the CPUC regulates utility services beyond those tied to the environment, the term “environmental and social justice” has been adopted to capture a broader effort and potential population.

What do you think of when you hear Environmental Justice?



Image 1: Word Cloud from New Employee Orientation. May 2021.

Additional and equally important concepts are - “equity,” which involves “increasing access to power, redistributing and providing additional resources, and eliminating barriers to opportunity, to empower low-income communities of color to thrive and reach full potential;”⁷ and “inclusion” which involves active and

⁶ Gov. Code, § 65040.12, subd. (e)

⁷ <https://greenlining.org/publications/reports/2019/making-equity-real-in-mobility-pilots-toolkit/>

intentional efforts to ensure all individuals and communities can participate in policy development activities that impact their everyday lives. Environmental and social justice efforts seek to foster equity for marginalized communities, including addressing historic underinvestment and exclusionary policies and practices that have allowed inequity to flourish.

The CPUC is tasked with serving all Californians, and to do so equitably while reaching the state’s climate goals, it must acknowledge that some populations in California face higher barriers to access to clean, safe, and affordable utility services. To fulfill its mission, the CPUC acknowledges it must focus resources on communities that have been underserved, as this plan outlines. Additionally, the CPUC acknowledges that its decisions have the potential to perpetuate and exacerbate existing disparities in ESJ communities. As such, the ESJ Plan serves as an ongoing commitment to mitigate and eliminate harms to these communities. As the CPUC fulfills the goals and objectives listed in this ESJ Action Plan and improves its ability to serve ESJ communities, it will become even more transparent, accessible, and effective for all the communities it serves.

Purpose of the ESJ Action Plan

The ESJ Action Plan is intended to serve as a resource for CPUC staff, intervenors, stakeholders, and the public. The goals and objectives provide the broad vision and steps the CPUC will take to ensure equity in its programs and services. The action items serve as a tracking mechanism to remain transparent about the concrete actions the CPUC is taking with regards to embedding ESJ principles into its work. Finally, the appendices which include definitions, program criteria, and examples of past decisions are included as reference materials to be used by CPUC staff and/or any individual or organization that interacts with the CPUC.

Origins of the ESJ Action Plan – Past Leadership and Version 1.0

PAST LEADERSHIP

The CPUC has broad authority and the administrative discretion to shape programs and direct resources in a manner that furthers its equity objectives. The CPUC has issued directives and programs to invest in ESJ and disadvantaged communities (DACs) more broadly since the 1990s. The adoption of the original ESJ Action Plan in 2019 builds on many years of leadership from the California Legislature and the CPUC on environmental justice and broader social justice issues. Key efforts that demonstrate this leadership include, but are not limited to:

- Under General Order 156, the CPUC’s Utility Supplier Diversity Program⁸ monitors supplier diversity in procurement by participating utilities and oversees a clearinghouse of women, minority, lesbian, gay, bisexual, and transgender (LGBT), and disabled veteran-owned business enterprises.

⁸ <https://www.cpuc.ca.gov/supplierdiversity/>

- Since 2001, the CPUC has convened the Low-Income Oversight Board (LIOB)⁹ which advises the CPUC on low-income electric and gas customer issues and serves as a liaison for the CPUC to low-income ratepayers and representatives.
- The CPUC has provided utility bill assistance and consumer education to Californians with limited English proficiency via the TEAM (Telecommunications Education and Assistance in Multiple-Languages) and CHANGES (Community Help and Awareness of Natural Gas and Electric Services) Programs,¹⁰ which were founded in 2006 and 2015, respectively. These programs leverage a statewide network of community-based organizations (CBOs) to provide services in over a dozen commonly spoken languages.
- Many of the CPUC’s energy-related programs use the CalEnviroScreen tool,¹¹ developed by the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency (CalEPA), as a means of focusing efforts and prioritizing investment in communities disproportionately affected by air pollution and facing socioeconomic burdens. CalEnviroScreen identifies “disadvantaged communities,” (DACs)¹² using indicators such as environmental, health, and socio-economic burdens. While the list of indicators is not exhaustive, CalEnviroScreen is one of several tools available for identifying ESJ communities. The DAC-Single Family Affordable Solar Homes (DAC-SASH) Program, the Solar on Multifamily Affordable Housing (SOMAH) Program, the DAC-Community Solar, and DAC-Green Tariff Programs, as well as the Self-Generation Incentive Program (SGIP) Are among a few programs that utilize CalEnviroScreen to prioritize investments.
- In 2012, California officially passed the Human Right to Water Act,¹³ providing that, “every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.”¹⁴ The CPUC continues to act for all Californians to have access to clean, safe, and affordable water supplies.
- The Clean Energy and Pollution Reduction Act of 2015¹⁵ requires a reduction in greenhouse gases in California by increasing the procurement of renewables and other clean energy resources. The Act also requires the CPUC to prioritize disadvantaged communities in its integrated energy resources planning processes. The statute further requires the establishment of a Disadvantaged Communities Advisory Group (DACAG)¹⁶ which advises the CPUC and the California Energy Commission (CEC) on clean energy and pollution reduction programs. The 11-member group meets several times a year to review CEC and CPUC clean energy programs and policies to ensure that disadvantaged communities,

⁹ <https://liob.cpuc.ca.gov/>

¹⁰ <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/consumer-affairs-branch/team-and-changes-programs>

¹¹ <https://oehha.ca.gov/calenviroscreen>

¹² California Health and Safety Code Section 39711

¹³ California Water Code Section 106.3

¹⁴ AB 685 (Eng, 2012)

¹⁵ Senate Bill 350 (de Leon, 2015).

¹⁶ <https://www.cpuc.ca.gov/dacag>

including tribal and rural communities, benefit from proposed clean energy and pollution reduction programs. Group members are either from or represent disadvantaged communities.

- Governor Gavin Newsom’s 2020 Broadband for All Executive Order aims to provide high speed broadband to all Californians, with a focus on reaching previously underserved communities.¹⁷ The goal is to eliminate the “digital divide” by enhancing broadband infrastructure and access of service via key public purpose programs such as California Lifeline and the California Advanced Services Fund.

ESJ Plan Version 1.0¹⁸

In addition to implementing legislation and spearheading programs, such as those outlined above, the CPUC further sought to achieve environmental and social justice goals by strategically targeting investment, engagement, and enforcement efforts in ESJ communities. Under the leadership of Commissioner Guzman Aceves and Commissioner Rechtschaffen, the ESJ Action Plan Version 1.0 was adopted in February 2019 and provided the CPUC with a roadmap for advancing these equity-related goals across the agency’s industry areas and create a culture that takes into serious account the lived experiences of ESJ communities.

The ESJ Action plan’s framework of nine overarching goals, clear objectives, and 95 concrete action items was developed with input from stakeholders, including community-based organizations serving ESJ communities, sister state agencies, and the DACAG. The public process ensured agency-wide collaboration, accountability, and forward movement in meeting ESJ principles.

Critical to the ESJ Action Plan was the establishment of a definition of **“Environmental and Social Justice Communities” or “ESJ Communities”**¹⁹ as low-income or communities of color that have been underrepresented in the policy setting or decision-making process, are subject to a disproportionate impact from one or more environmental hazards, and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. In addition, ESJ communities include: Disadvantaged Communities, defined as census tracts that score in the top 25% of CalEnviroScreen 3.0, along with those that score within the highest 5% of CalEnviroScreen 3.0’s Pollution

¹⁷ AB 1665 (Garcia, 2017)

¹⁸ See ESJ Plan Version 1.0 [Microsoft Word - Env and Social Justice Action Plan_2019-02-21.docx \(ca.gov\)](#)

¹⁹ Use of the term “environmental and social justice” is not intended to create a new class of customers. Individual CPUC programs may focus on environmental and social justice communities in different ways.

Burden but do not receive an overall CalEnviroScreen score^{20, 21}; all Tribal lands²²; low-income households²³; and low-income census tracts²⁴.



Image 2: Residents from the San Joaquin Valley attend CPUC Voting Meeting. December 2018.

²⁰ <https://calepa.ca.gov/wp-content/uploads/sites/6/2017/04/SB-535-Designation-Final.pdf>

²¹ This definition of “Disadvantaged Communities” reflects a small change from Version 1.0 of the ESJ Action Plan and is changed to reflect the most recent designation of “Disadvantaged Communities” by the California Environmental Protection Agency (CalEPA). A new version of CalEnviroScreen, Version 4.0, was finalized in October 2021 and CalEPA will make a subsequent designation of “Disadvantaged Community” given the new data. This definition in the ESJ Action Plan will be subsequently updated to reflect this change once it is in effect.

²² Can utilize definition of “California Indian Country” <https://www.courts.ca.gov/8710.htm>.

²³ Household incomes below 80 percent of the area median income.

²⁴ Census tracts with household incomes less than 80 percent area or state median income.

Progress on Implementation

Since the adoption of Version 1.0 of the ESJ Action Plan, the CPUC has made significant progress in incorporating ESJ considerations into its work, as well as creating a culture that takes into serious account the lived experiences of ESJ communities.

Implementation Structure

To ensure compliance with the actions outlined in the ESJ Action Plan, the CPUC created an implementation structure to maximize effective coordination and sharing of lessons learned across the agency. Staff from the Executive Division serves as the primary staff lead, as they can work and communicate with staff and leadership across the CPUC. Advisory staff from the Office of the Commission, Executive Office, and Commissioner offices support the lead staff. Together, these individuals make up the “Core Team” implementing the ESJ Action Plan and work together on coordination and strategic planning.

For the purposes of industry division coordination, the Core Team established “ESJ Liaisons” in each Division across the CPUC. These ESJ Liaisons provide status updates on action items listed in the ESJ Action Plan. Alongside the Core Team, ESJ Liaisons participate in an ESJ Working Group which promotes the goals of the plan across the CPUC and increases staff capacity to addresses ESJ issues in their daily work.

Table 1: ESJ Working Group Structure²⁵

CORE TEAM AND CROSS-COMMISSION ESJ LIAISONS	INDUSTRY DIVISION ESJ LIAISONS
Lead: News and Outreach Office (NOO)	Communications Division (CD)
Commissioner Offices	Consumer Protection and Enforcement Division (CPED)
Executive Office	Energy Division (ED)
Office of the Commission	Rail Safety Division
Administrative Law Judge Division (ALJ)	Safety and Enforcement Division (SED)
Legal Division	Safety Policy Division (SPD)
Office of Governmental Affairs (OGA)	Water Division (WD)

²⁵ The following Divisions serve in an advisory capacity and do not have ESJ Liaisons: Human Resources Division (HR), Information Technology Services Division (ITSD), Administrative Services, Office of Internal Audits, Utility Audits, Risk & Compliance.



Image 6: CPUC ESJ Liaisons. January 2020.

Status Report and Accomplishments Thus Far

As a means of ensuring proper accountability to the commitments made within the ESJ Action Plan, the ESJ Working Group published a Status Report²⁶ in May 2020, which documented progress on implementing each of the ESJ Action Plan's 95 action items. The Core Team also provided a presentation to the Commission on this progress, alongside lessons learned and opportunities for continued prioritization of ESJ-related work.

The accomplishments highlighted below demonstrate efforts to systemically instill ESJ considerations into CPUC work and culture.

- The CPUC encourages its staff to consider ESJ issues at the beginning of all proceedings to ensure the proceeding record incorporates meaningful discussion regarding potential impacts to ESJ communities. Internal guidance has been circulated to CPUC staff and technical assistance is being provided to CPUC staff by the Core Team and ESJ Liaisons.

Figure 1: Steps for Incorporating ESJ Considerations into CPUC Proceedings

²⁶ <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/news-office/key-issues/esj/esj-action-plan-status-update-presentation-2020.pdf>



- With the introduction of a new Public Comment feature on the CPUC Docket Card in February 2020,²⁷ as well as the introduction of remote access for all CPUC meetings in the wake of the COVID-19 pandemic, there has been a significant increase in the ability of people from ESJ communities and the public-at-large to provide public comment and inform CPUC decision-making.
- In Decision 20-08-046 from the Climate Change Adaptation²⁸ proceeding, “Decision on energy utility climate change vulnerability assessments and climate adaptation in disadvantaged communities,” “the CPUC established a new definition of “disadvantaged vulnerable communities” introducing the concept of adaptive capacity and investigating the specific needs of these communities in the face of climate change. Utilities are required to conduct robust community engagement as part of the process of preparing climate vulnerability assessments.
- Decision 20-07-032 from the Affordability²⁹ proceeding, “Decision adopting metrics and methodologies for assessing the relative affordability of utility service,” offers new affordability metrics that can be utilized across energy, water, and communications industries to understand the impact³⁰ of **potential rate changes** and highlights the geographic concentration of unaffordability of key utility services.
- In Decision 20-03-004, “Community Awareness and Public Outreach Before, During, and After a Wildfire,” utilities are required to perform in-depth analysis to understand language needs in their service territories, and to extend communication to include indigenous languages. Utilities are also required to perform quantitative and qualitative evaluations concerning the reach and impact of their outreach.
- A new CPUC website³¹ launched in July 2021 with a focus on the consumer as the primary audience, presenting easy access to information related to low-income programs and filing complaints.

²⁷ <https://www.cpuc.ca.gov/about-cpuc/divisions/news-and-public-information-office/public-advisors-office/providing-public-comments-at-the-cpuc>

²⁸ <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/climate-change>

²⁹ <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/affordability>

³⁰ <https://www.cpuc.ca.gov/-/media/cpuc-website/industries-and-topics/reports/2019-annual-affordability-report.pdf>

³¹ <https://www.cpuc.ca.gov/news-and-updates/all-news/cpuc-unveils-new-website-to-better-serve-californians>

- CPUC Local Government and Community Liaisons have continued to emphasize relationship-building with grassroots community-based organizations and introducing them to the CPUC process. Their activities have included spearheading a quarterly webinar series highlighting CPUC efforts and organizing tours with CPUC leadership in ESJ communities.
- The CPUC has entered a Memorandum of Understanding (MOU) with the California Workforce Development Board (CWDB) to provide expertise and recommendations on how the CPUC can maximize workforce development opportunities in ESJ communities. Recommendations have been incorporated into several rulings, including the Transportation Electrification Framework (R.18-12-006) and Self-Generation Incentive Program proceeding (R.20-05-012).



Image 3: Representatives from Community-Based Organizations discuss the need for in-language outreach. September 2019.



Image 4: CPUC staff attend a Community Engagement and Outreach Workshop in Sacramento. February 2020.

- The Utility Supplier Diversity Program’s July 2021 whitepaper, “Economic Opportunities in Environmental and Social Justice Communities,” found that significant investment has been made in ESJ communities on the part of utilities, with 42.2 percent of utility spending with diverse firms is within ESJ communities.³²

³²<https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/bco/utility-supplier-diversity-program/economic-opportunities-in-esj-communities-paper.pdf>

- In May 2021, the CPUC’s New Employee Orientation established a 2-hour session focused entirely focused on ESJ issues, providing incoming staff with a brief history of redlining and the environmental justice movement, an introduction to the ESJ Action Plan, and offers resources to staff to implement ESJ priorities in their work.
- CPUC staff participated in the Capitol Collaborative on Race and Equity (CCORE), which provides in-depth training to state agency cohorts on racial inequities and equips staff with tools and resources to further racial justice within their organizations.³³ The CPUC cohort will produce a Racial Equity Action Plan for the agency in 2022.

³³ <https://sgc.ca.gov/programs/hiap/racial-equity/>

Critical Topics for Consideration for Version 2.0

The ESJ plan is an iterative document. As such, the CPUC applied learnings from ongoing implementation activities outlined in Version 1.0, social and political events, and other parallel efforts that occurred between 2019 and 2021, as opportunities to deepen and enhance the goals of the ESJ Action Plan.

Racial Equity + Diversity, Equity & Inclusion

Given that ESJ Communities include communities of color, it is critical for the ESJ Action Plan to both acknowledge solidarity and align with broader racial equity work being led concurrently with the implementation of the ESJ Action Plan.

In 2020, CPUC staff began participating in California’s Capitol Collaborative on Race and Equity (CCORE) program. 16 CPUC staff members, representing different divisions across the agency, constitute a cohort that is building a Racial Equity Action Plan for the CPUC with the support of executive sponsors.

In addition to participating in CCORE, the murder of George Floyd in the summer of 2020 centered the Black Lives Matter movement in the consciousness of our society and created a sense of urgency and necessity within the CPUC to embody diversity, equity, and inclusion. This has included the establishment of the staff led Diversity, Equity, and Inclusion (DEI) Working Group, which helps identify, propose, and assist with efforts to achieve diversity, equity, inclusion, and cultural competence at the CPUC. The DEI Working Group implemented several initiatives to celebrate diverse communities, highlight their challenges, and improve diversity of recruitment and hiring through training for all CPUC management, hiring panels with diverse representation, and increased recruitment from diverse professional associations.

While the ESJ Action Plan certainly 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 and in solidarity with the CCORE cohort and the DEI Working Group to ensure shared goals and efforts are accomplished.

Engagement with California Native American Tribes

While the CPUC has had a Tribal Liaison for several years, since 2019 the work of the agency with tribes has expanded and deepened. The CPUC welcomed a Governor-appointed Tribal Advisor in 2020 to provide executive-level direction on how to effectively engage with tribal governments. Additionally, the establishment of the Tribal Land Transfer Policy³⁴, which allows for the transfer of land from investor-owned utilities to Native American tribes with a historical interest in the land, as well as the continued

³⁴<https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/bco/tribal/final-land-transfer-policy-116.pdf>

implementation of the Tribal Consultation Policy³⁵, which provides a framework to establish and maintain effective relationships with Tribes while respecting sovereignty, have deepened the CPUC’s relationships in Indian Country and have offered increasing insight into how to further adapt and learn.

Individuals and Communities with Access & Functional Needs

On November 22, 2016, the California Legislature and Governor approved AB 2311,³⁶ which required emergency plans to integrate the needs of populations with access and functional needs (AFN). This population includes individuals who live with developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, are older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.³⁷

In late 2019, communities across California experienced unprecedented use of Public Safety Power Shutoff (PSPS) events, with over 975,000 customer accounts in 38 counties being affected in PG&E territory with many customers losing power for nearly a week.³⁸ While electric utilities are to use PSPS events as a tool of last resort only in the highest risk of infrastructure-ignited fire, the impacts of PSPS events can be perilous to individuals with access and functional needs. In order to collaborate with communities with AFN to understand and ensure CPUC efforts serve their needs, the CPUC hired a designated Senior Analyst for Resilient Communities with Access and Functional Needs within the Safety Policy Division to focus on ensuring proceedings, policies, and programs meaningfully account for and include the needs of people with AFN.

COVID-19 Pandemic: Immediate Response and the “New Normal”

On March 4, 2020, California Governor Newsom declared a State of Emergency to prepare additional resources in light of rising case numbers due to the COVID-19 pandemic.³⁹ Given the immediate threat of the global pandemic to the existence and livelihoods of millions of Californians, the Governor issued a “Stay

³⁵ <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/news-and-outreach/documents/bco/tribal/tribal-consultation-policy-approved.pdf>

³⁶ CA Govt Code § 8593

³⁷ AB 2311. https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160AB2311&showamends=false

³⁸ Presiding Officer’s Decision 2021. <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M385/K400/385400379.PDF>

³⁹ Governor Newsom Declares State of Emergency to Help State Prepare for Broader Spread of COVID-19 | California Governor. <https://www.gov.ca.gov/2020/03/04/governor-newsom-declares-state-of-emergency-to-help-state-prepare-for-broader-spread-of-covid-19/>

at Home” order on March 19, 2020.⁴⁰ In light of this emergency, the CPUC took immediate action to protect the state’s most vulnerable residents:⁴¹

1. The CPUC issued moratoriums on disconnections for nonpayment of service, which continued through 2021.
2. In February 2021, the CPUC opened a proceeding (R.21-02-014) to address the energy utility customer bill debt accumulated during the COVID-19 pandemic. In October 2021, the CPUC ordered investor-owned utilities to implement Percentage of Income Payment Plan (PIPP) pilot programs, which allow a participant to pay a predetermined affordable percentage of their monthly income toward their electricity or natural gas bill, in order to reduce residential disconnections.
3. Moving forward, the CPUC is proactively considering how to ensure Californians disproportionately impacted, such as those in ESJ communities, continue to safely receive reliable utility service.
4. Additionally, the CPUC shifted all CPUC business to virtual platforms, which has facilitated significantly more public access to CPUC meetings and hearings. If the future allows for the opportunity to hold meetings in-person once again, it is likely that virtual engagement opportunities will remain to ensure enhanced and broader access is still available to ESJ communities and the public.



Image 5: Community Meeting regarding Disconnection in San Bernardino. June 2019.

⁴⁰ Governor Gavin Newsom Issues Stay at Home Order | California Governor. <https://www.gov.ca.gov/2020/03/19/governor-gavin-newsom-issues-stay-at-home-order/>

⁴¹ CPUC COVID-19 Actions. <https://www.cpuc.ca.gov/news-and-updates/newsroom/covid-19>

Wildfire Events

Since Version 1.0 of the ESJ Action Plan, California has experienced the largest wildfires in state history.⁴² Additionally, electric utilities have used de-energization strategies more frequently to prevent ignition of wildfires by electric utility infrastructure. These events have had massive implications for ESJ communities, particularly low-income people in rural, high fire threat areas including people with access and functional needs. While the CPUC oversaw the creation of the Wildfire Safety Division and its subsequent move to the California Natural Resources Agency, CPUC staff continue to incorporate the needs of ESJ communities in high fire threat districts as it advises the Commission and evaluates safety compliance and efficacy of wildfire prevention work of the utilities.

Workforce Development and the High Road Transition

With the implementation of the ESJ Action Plan, the CPUC entered a Memorandum of Understanding (MoU) with the California Workforce Development Board (CWDB) in October 2020 in order to receive expertise from the CWDB about implementing Goal 7, “promoting economic and workforce development opportunities in ESJ communities.” Energy efficiency, renewable energy, transportation electrification, building decarbonization, and vegetation management are the five areas or topics of interagency collaboration listed in the MoU, with the first three having been the immediate priority. In developing the MoU, the agencies realized their shared interest in leveraging CPUC policies (e.g., incentive programs, regulations and rulemakings, strategic plans, research studies, etc.) to deliver economic equity – i.e., the elimination or reduction in income inequality and other economic disparities between ESJ and non-ESJ communities.

Through the partnership, the CPUC has gained a much deeper and clearer understanding of the need to leverage its authority and jurisdiction to focus on the jobs created or supported by CPUC policies, as well as the training and services needed to develop a skilled and diverse workforce, addressing issues of quality and access on both fronts. In other words, improving ESJ communities’ economic well-being, and advancing economic equity in California, will require more of the CPUC than the conventional approach of simply promoting job training or skill acquisition. As a result, Goal 7 of the ESJ Action Plan is updated to better reflect the imperatives of quality and access in both employment and training, and further promote the high road principles of equity, sustainability, and job quality across the CPUC.

Priority Populations for Future Consideration in the Definition of “Environmental and Social Justice Communities”

Version 1.0 of the ESJ Action Plan established a definition for “ESJ communities,” which includes: (1) Disadvantaged Communities; (2) Low Income Census Tracts; (3) Low Income Households; and (4) Tribal Lands. While this definition captures a diverse group of communities in need of prioritization, some additional priority communities are not specifically named. Notably, communities with AFN and those with other medical vulnerabilities are not specifically captured, nor are communities that experience

⁴² Cal FIRE Stats and Events. <https://www.fire.ca.gov/stats-events/>

disproportionate challenges with affording utility service, unhoused individuals, or indigenous populations living off tribal lands. Version 2.0 of the ESJ Action Plan does not propose a revised definition of “ESJ communities,” as we recognize there is not a one-size-fits-all definition of what encompasses a potential ESJ community. Rather, we encourage CPUC initiatives to critically consider all the various kinds of populations that warrant prioritization in policies and programs.

Considerations of Rate Burdens on Low-Income Customers

Ensuring the development of environmentally friendly and resource-responsible policies are essential to maintaining a resilient utility service network, especially within the current climate change crisis. These programs will provide substantial benefits to ESJ communities that are most harmed by pollution and climate change impacts. However, as California transitions to a cleaner grid, the risk of a smaller number of households, likely lower income households who cannot afford to upgrade their existing household appliances to energy efficient and/or all electric, becoming increasingly financially responsible for maintaining legacy infrastructure.

This is in addition to the overall utility rate increases residents are experiencing due to a variety of factors. The CPUC acknowledges that increased rates place a large burden on ESJ communities who participate in clean energy programs at a lower rate than others. Continuing to assess the cumulative impact of rates on households and working to mitigate these impacts on the most burdened households will remain a priority in all actions the CPUC takes.

Timeline for Providing ESJ Action Plan Status Reports and Updates

Version 1.0 of the ESJ Action Plan calls for it to be an iterative document with a two-year update cycle. Through implementation of the first iteration of the Plan, the ESJ Core Team organized a Status Report delivered to the Commissioners in May 2020 on implementation of the action items. The Status Report outlined forward movement in implementing the Action Items in the ESJ Action Plan and acknowledged opportunities for improvement. This was an effective exercise to ensure accountability for the commitments made in the Plan, empower the ESJ Liaisons in each Division to understand ESJ priorities in their division, and understand where more energy needs to be focused to make strong progress on ESJ Action Plan implementation.

Based on experience implementing the ESJ Action Plan and putting together the Status Report, staff propose for the ESJ Action Plan to aim for a three-year time horizon for an update, with a mid-point status report to the Commission. This will allow for a more reasonable timeframe with which to revisit action items and ensure their proper implementation.

ESJ Action Plan 2.0: Updated Goals & Objectives

For Version 2.0 of ESJ Action Plan, revisions to eight of the nine goals clarify existing language; and Goal 7, related to workforce development, has been revised to include an emphasis on job quality and access. The objectives related to each goal have been revised to reflect the work of the CPUC for the upcoming three years particularly related to institutionalizing ESJ considerations into the Commission’s decision-making processes.

Finally, Version 2.0 of the ESJ Action Plan includes additional narratives. These sections clarify the CPUC’s intent of the ESJ Plan to be used by staff and stakeholders as a reference document when developing or responding to policies and programs under development, or as a resource document to gain a better understanding of key definitions, eligibility criteria, and how the plan has been referenced in past proceedings. Additional language reiterates that regulated entities under the CPUC’s jurisdiction continue to be required to abide by all policy directives in the CPUC’s final decisions.

Appendix A includes a detailed list of action items, lead staff, and tentative work plans. The list remains robust and demonstrates commitments from across our various offices and divisions, with an emphasis on more cross-agency activities to deepen impact on ESJ issues.

GOAL 1: CONSISTENTLY INTEGRATE EQUITY AND ACCESS CONSIDERATIONS THROUGHOUT CPUC REGULATORY ACTIVITIES.

REVISED OBJECTIVES:

1.1 Build Systematic Approaches for ESJ Priorities: Continue building systematic approaches for considering ESJ issues in proceedings and decisions, as well as implementation processes included in advice letters, general orders, and resolutions. Build understanding of critical ESJ concepts and definitions to ensure alignment and deepen impact.

1.2 Expand Opportunities for Access: Continue pursuing innovative approaches to broadening access to CPUC activities and decision-making.

GOAL 2: INCREASE INVESTMENT IN CLEAN ENERGY RESOURCES TO BENEFIT ESJ COMMUNITIES, ESPECIALLY TO IMPROVE LOCAL AIR QUALITY AND PUBLIC HEALTH .

REVISED OBJECTIVES:

2.1 Outreach & Engagement: Broaden and deepen outreach and engagement with ESJ communities early in proceedings and processes related to resilient, clean energy.

2.2 Research & Analysis to Understand Impact: Further research and analytical opportunities to understand impacts in ESJ communities.

2.3 Move Towards Mutual Eligibility & Maximizing Impact: Better leverage ongoing work by fostering cross-division, cross-Commission, and cross-agency dialogues to move towards mutual eligibility and maximizing impact.

2.4 Address Impacts in ESJ Communities: Continue to address ongoing and legacy impacts in ESJ communities in the resilient, clean energy space.

2.5 Continue Ongoing Investment: Continue to make prioritized resilient, clean energy investments in ESJ communities.

GOAL 3: STRIVE TO IMPROVE ACCESS TO HIGH-QUALITY WATER, COMMUNICATIONS, AND TRANSPORTATION SERVICES FOR ESJ COMMUNITIES.

REVISED OBJECTIVES:

3.1 Equitable Clean Transportation: Pursue opportunities for ESJ communities to access clean vehicles and services from Transportation Network Companies (TNCs).

3.2 Water Customer Resilience: Support ESJ customers and communities with discounted rates for low-income customers and sustainable systems.

3.3 Extend Rail Safety to ESJ Communities: Pursue opportunities to bolster safety along rail lines in ESJ communities.

3.4 Extend Essential Communications Services to ESJ Communities: Ensure implementation of new investments that offer ESJ communities' access to essential⁴³ communications services at affordable rates.

GOAL 4: INCREASE CLIMATE RESILIENCY IN ESJ COMMUNITIES.

REVISED OBJECTIVES:

4.1 Emphasize Adaptive Capacity: Ensure ESJ communities and considerations around their adaptive capacity is incorporated into relevant programs and activities.

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.

REVISED OBJECTIVES:

5.1 Improve Communication with ESJ Lens: Continue to build and improve CPUC communications methods and materials to ensure ESJ audiences can better participate.

5.2 Continue to Emphasize Engagement with CBOs: Deepen relationships and network connections with community-based organizations throughout the state.

⁴³ ⁴³ Decision 20-07-032 <http://docs.cpuc.ca.gov/SearchRes.aspx?DocFormat=ALL&DocID=344049206>

5.3 Build Pathways for Public Participation: Based on lessons learned and areas of improvement, build additional and enhanced pathways to welcome and involve ESJ stakeholders into CPUC processes.

5.4 Enhance Engagement with Particular ESJ Communities: Consider the specific needs of particular populations and work to create targeted engagement opportunities.

GOAL 6: ENHANCE ENFORCEMENT TO ENSURE SAFETY AND CONSUMER PROTECTION FOR ALL, ESPECIALLY FOR ESJ COMMUNITIES.

REVISED OBJECTIVES:

6.1 Protect ESJ Consumers: Track complaints from ESJ communities and protect against fraud and unfair business practices in CPUC-regulated industries.

6.2 Conduct Proactive Action & Analysis in Transportation and Utility Enforcement: Utilize existing data and enforcement authority to focus on serving ESJ communities and understanding their needs.

6.3 Apply ESJ Lens to CPUC Enforcement Policy: Ensure implementation of Enforcement Policy includes opportunities for ESJ communities to benefit from maximum compliance with CPUC rules and regulations.

6.4 Maximize Opportunities within Utility Audits: Incorporate strategies for engaging with ESJ communities and understanding cumulative impact.

REVISED GOAL 7: PROMOTE HIGH ROAD ⁴⁴ CAREER PATHS AND ECONOMIC OPPORTUNITY FOR RESIDENTS OF ESJ COMMUNITIES.

REVISED OBJECTIVES:

7.1 Maximize Authority to Promote High Road: Continue implementing MOU with CA Workforce Development Board to develop proceeding record and outreach to nontraditional partners to understand opportunities for CPUC to maximize jurisdiction and authority to promote high road careers.

7.2 Educate on High Road Careers: Provide opportunities to educate CPUC staff on high road career paths, best practices, and opportunities to integrate into CPUC programs.

7.3 Partner with Utilities and Sister Agencies: Engage sister agencies with authority and expertise on workforce-related issues and regulated utilities in promoting economic opportunity for ESJ communities.

⁴⁴https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=UIC&division=7.&title=&part=&chapter=2.&article

GOAL 8: IMPROVE TRAINING AND STAFF DEVELOPMENT RELATED TO ENVIRONMENTAL AND SOCIAL JUSTICE ISSUES WITHIN THE CPUC'S JURISDICTION.

REVISED OBJECTIVES:

8.1 Bolster Staff Knowledge on ESJ Issues and Resources: Provide ongoing training to new and existing employees on ESJ issues and continue to offer resources and tools to support staff learning.

8.2 Support Emerging Priorities and Skill Needs: Work in solidarity with other ESJ-aligned plans and efforts and offer new training opportunities to support shared goals.

GOAL 9: MONITOR THE CPUC'S ENVIRONMENTAL AND SOCIAL JUSTICE EFFORTS TO EVALUATE HOW THEY ARE ACHIEVING THEIR OBJECTIVES.

REVISED OBJECTIVES:

9.1 Establish Consistent Quantitative Metrics: Pursue opportunities to standardize metrics related to ESJ communities in CPUC programs and proceedings.

9.2 Promote Meaningful Feedback Loops: Cultivate and deepen avenues to receive feedback from the public and demonstrate resulting impact back to members of the public.

9.3 Establish Accountability Measures: Establish a public mechanism for reporting the CPUC's progress towards achieving goals of the ESJ Action Plan.

Utilizing the ESJ Plan as Resource

The ESJ Action Plan is intended to serve as a resource for CPUC staff, intervenors, stakeholders, and the public. The goals and objectives provide the broad vision and steps the CPUC will take to ensure equity in its programs and services. The action items serve as a tracking mechanism to remain transparent about the concrete actions the CPUC is taking with regards to embedding ESJ principles into its work. Finally, the appendices which include definitions, program criteria, and examples of past decisions are included as reference materials to be cited or used as reference material by CPUC staff and/or any individual or organization that interacts with the CPUC.

Compliance and Enforcement

The CPUC expects regulated entities to conform to the goals and principles outlined in the ESJ Action Plan. As the goals and objectives in the plan, or the plan itself, will be referenced and cited in Commission decisions, when appropriate, regulated entities are expected to continue to abide by language in final decisions. The CPUC will continue to use its discretion and broad authority to take enforcement actions as appropriate.

APPENDICES

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Appendix A: ESJ Action Items

This Appendix includes 93 specific Action Items in service of fulfilling the Goals and Objectives of Version 2.0 of the ESJ Action Plan. Each Action Item includes a title, brief description, identified lead implementor, and a tentative work plan.

Goal 1: Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts. (11 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
1.1 Build Systemic Approaches for ESJ Priorities					
1.1.1	ESJ Impacts in CPUC Processes	Continue to systematically incorporate ESJ considerations into proceedings, and further pursue opportunities to incorporate ESJ into Advice Letters, Resolutions, and other processes.	Cross-Commission	ESJ Core Team	1- Create guidance for incorporating ESJ into Advice Letters; 2- Consider a designated section on ESJ impacts in decisions, resolutions, and advice letters that impact customers, residents, or small businesses in ESJ communities; 3- Explore mechanisms to ensure applicants include ESJ consideration in application.
1.1.2	Institutionalize Implementation of ESJ Action Plan within Divisions	Continue ongoing recruitment of ESJ Liaisons to ensure representation from all CPUC Divisions. Bolster opportunities for ESJ Liaisons to lead ESJ Action Plan implementation within their divisions. Ensure staff-level ownership of implementation.	Cross-Commission	ESJ Core Team	1- Continue recruiting ESJ Liaisons for unrepresented Divisions 2- Ensure administrative Divisions receive biannual updates on implementation 3- Provide opportunities for ESJ Liaisons to lead ESJ-related work within their divisions. 4- Provide a mid-point status update on implementation of ESJ Action Plan to Commissioners and the public
1.1.3	Tracking Federal Initiatives Related to Environmental Justice	Follow actions of the Biden Administration that relate to the goals of the ESJ Action Plan. Share with ESJ Liaisons and broader CPUC staff opportunities to inform, engage and participate.	Cross-Commission	Office of the Commission	1- Create tracking mechanism for federal environmental justice actions 2- Develop internal information sharing system
1.1.4	Coordination with ESJ-focused Staff at Regulated Utilities	Convene and explore opportunities for coordination and collaboration with regulated utility staff that focus on ESJ-related issues. Build understanding across various program and policy areas on shared ESJ-related priorities and work together to ensure strong implementation of the CPUC ESJ Action Plan.	Cross-Commission	ESJ Core Team	1- Outreach to utilities to connect with staff focused on ESJ-related issues; 2- Consider establishing an informal working group to foster conversation and collaboration; 3- Pinpoint priority areas for coordination; 4- Leverage opportunities to meet key ESJ Action Plan goals, such as those related to staff training

Goal 1: Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts. (11 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
1.1.5	ESJ Definitions: Catalogue and Assess Opportunities for Mutual Eligibility	Catalogue definitions being used across the CPUC for ESJ purposes and create a framework for the creation of future definitions. Consider opportunities for alignment and mutual eligibility in coordination with industry divisions.	Cross-Commission	Office of the Commission	1- Build upon Appendix B of ESJ Action Plan and create consistently updated catalogue of ESJ-related definitions that is accessible to staff; 2- Create an ESJ Definition Framework that helps with decision-making related to program targets; 3- Work with industry divisions and CPUC leadership to consider opportunities for potential alignment and mutual eligibility of programs, in coordination with Energy Division efforts
1.2 Expand Opportunities for Access					
1.2.1	Evaluation of Intervenor Compensation Program (ICOMP)	Assess the current ICOMP successes and challenges, and propose recommendations for future improvements, both administrative and statutory.	Cross-Commission	Office of the Commission	1- Using monthly ICOMP analysis, perform evaluation of existing ICOMP, including stakeholder experience, diversity of intervenors, timeframe for awards to be made, common intervenor errors, among other metrics; 2- Present results of evaluation at a Commission Committee Meeting
1.2.2	Consider Funded Community Based Organization (CBO) Program	Explore concept of a paid CBO pilot program that aims to facilitate deeper involvement of CBOs in CPUC programs and processes.	Cross-Commission	News & Outreach Office	1- Explore and identify need and staffing sources for the purposes of a pilot program; 2- Understand best practices in CBO programs from sister agencies; 3- Consider development and deployment of a pilot program, including funding and authority; 4- Identify any lessons learned and opportunities for a permanent program
1.2.3	Implementation of Tribal Consultation Policy	Continue to educate CPUC staff and stakeholders on Tribal Consultation Policy and pursue opportunities for updates and deeper engagement with tribal communities.	Cross-Commission	Executive Office - Tribal Advisor	1- Offer presentation to CPUC staff and stakeholders on Tribal Consultation Policy, as well as assistance in implementation; 2- Consider opportunities for updates and/or revisions
1.2.4	ADA Accessibility of CPUC Internet	Ensure that CPUC internet and public documents meets all accessibility-related requirements.	Cross-Commission	Executive Office - ADA Coordinator	1- Perform analysis on accessibility of CPUC internet and public documents 2- Remediate documents as necessary 3- Educate and train CPUC staff on accessibility requirements 4- Perform ongoing maintenance

Goal 1: Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts. (11 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
1.2.5	Provide "Participate in CPUC" training via various methods	Provide information on "Participating in CPUC Processes" to provide education on proceedings, processes, programs, how to engage, etc.	Cross-Commission	News & Outreach Office	1- Develop presentations and materials ; 2- Post recording to CPUC YouTube and advertise availability to stakeholders
1.2.6	Explore Capacity Building Initiatives	Explore methods of educating ESJ communities on fundamental principles of utility regulation and impacted industries	Cross-Commission	ESJ Core Team	1- Explore the feasibility of developing educational materials for ESJ communities on the fundamentals of utility regulation including an overview of emerging and key issues facing ESJ communities; 2- Explore developing a public repository of ESJ-related reports or other resources.

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
2.1 Outreach & Engagement					
2.1.1	Alignment & Coordination Across Marketing, Education & Outreach (ME&O) Plans	Leverage ongoing work across a multitude of investor-owned utilities (IOU) initiatives and programs to create synergy and deepen impact in ESJ communities, especially related to partnerships with community-based organizations (CBOs).	Energy Division	ESJ Core Team	1- Compare ME&O plans of utilities and look for commonality in approach and CBOs involved 2- Share best practices in ME&O plans across utilities and, if/when appropriate, create template guidance to ensure future alignment; 3- Explore opportunities to diversify CBOs with which IOUs work with for ME&O
2.1.2	Improve Feedback Loop from Customers to Foster Iterative Process in Program Design	Conduct more robust outreach to specific ESJ customer segments including households, businesses, and communities to understand program interest and satisfaction. Set mechanisms into place to adjust programs on an ongoing basis based on this feedback. Ensure appropriate data and metrics are utilized that can be built into program design.	Energy Division	Energy Efficiency Procurement & Portfolio Management	1- Conduct workshop with program, community, and customer stakeholders to help inform new customer-centric Pilot Plus/Pilot Deep ESA program design that will target customers with greatest need and that can benefit most from deeper energy savings 2- Identify and track new metrics on customer segments eligible for programs and leverage data to target customer segments that can be better served by and continue to shape the new program design

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
2.1.3	Continue Support and Coordination of the Disadvantaged Communities Advisory Group (DACAG)	Work alongside the California Energy Commission (CEC) to continue convening the DACAG and maximize opportunities to provide feedback to CPUC proceedings, programs, and processes.	Energy Division	Climate & Equity	1- Support regular public meetings of the DACAG, including broad outreach for attendance 2- Continue to build pathways for DACAG feedback to inform CPUC proceedings and programs 3- Coordinate with Low Income Oversight Board (LIOB) on shared interests
2.2 Research & Analysis to Understand Impact					
2.2.1	Study: Reliability and Emissions Impacts of Fossil Generation In and Around Disadvantaged Communities, including the Impact of Storage Alternatives	Conduct study within the Integrated Resource Planning (IRP) proceeding related to the retirement of gas resources and ensure considerations for ESJ communities are incorporated, including the role of energy storage technologies to ensure local reliability and reduce emissions.	Energy Division	Generation & Transmission Planning	1- Conduct study as outlined 2- Ensure IRP parties are interviewed for the purposes of the study 3- Consider recommendations that take into account the particular experience of ESJ communities
2.2.2	Study: Societal Cost Test in Integrated Resource Plans	Study a three-part Societal Cost Test (SCT) as ordered by Integrated Distributed Energy Resources (IDER) decision including Social Cost of Carbon, Air Quality Adder, and Social discount rate to study the impact of these societal costs on resource procurement.	Energy Division	Generation & Transmission Planning	1- Conduct study as outlined by the IDER proceeding 2- Consider recommendations related to health and air quality in ESJ communities
2.2.3	Study: Quantifying the Air Quality Impacts of Decarbonization in California	Conduct a sector-specific study of the air quality impacts of Transportation Electrification, Building Electrification, and other Distributed Energy Resources and ensure considerations for ESJ communities are incorporated.	Energy Division	Generation & Transmission Planning	1- Conduct study as outlined 2- Consider recommendations related to health and air quality in ESJ communities
2.2.4	Study: Baseline of Greenhouse Gas Emissions of Small-Scale Biomass	Conduct study on emissions of small-scale biomass facilities to understand greenhouse gas and air emission impacts.	Energy Division	Renewable Procurement & Market Development	1- Conduct study 2- Ensure ESJ community representatives are interviewed for the purposes of the study 3- Consider recommendations that take into account the particular experience of ESJ communities

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
2.2.5	Providing Electric Program Investment Charge (EPIC) Research and Development Program Benefits to ESJ Communities	In implementing EPIC projects, the CPUC will ensure administrators place increasing emphasis on: early engagement with vulnerable communities, ensuring projects benefit California ratepayers, and identify creative ways of engagement and compensation.	Energy Division	Climate & Equity	1- Understand community needs as they relate to energy research 2- Create events, platforms, or other means to increase coordination between researchers and communities
2.3 Move Towards Mutual Eligibility & Maximizing Impact					
2.3.1	Distributed Energy Resources (DER) Action Plan	Ensure a strong ESJ lens in the creation of the plan, particularly in the Vision and Action elements.	Energy Division	Grid Planning & Reliability	1- Complete Plan 2- Ensure inclusion of recommendations related to potential impact and benefit to ESJ communities
2.3.2	Consider Streamlined Application Processes and Enhance Coordination for Low Income and Clean Energy Programs	Provide customers a single statewide application to enroll in CARE, FERA, ESA programs and explore additional coordination opportunities with other income-qualified and clean energy programs and statewide efforts, including California Air Resource Board's (CARB) Access Clean California (ACC) platform.	Energy Division	Energy Efficiency Procurement & Portfolio Management and Customer Generation	1- Establish a working group to define goals for a Universal Application System, system requirements, and opportunities for inter- and intra-agency solutions with involvement from program and community stakeholders. 2- Define a recommended path forward to develop a Universal Application System solution as a result of working group discussions 3- Conduct public workshop to explore how program administrators can enhance coordination through aligning customer eligibility and increasing referrals and enrollment across multiple programs 4-Coordinate with ESJ Core Team on Commission-wide ESJ definitions and alignment work
2.3.3	Leverage Scale of California Alternative Rates for Energy (CARE) and Energy Savings Assistance (ESA) Programs to Cross-Refer to Other CPUC Initiatives	Regulated entities are directed to share information with customers about affordable broadband plans and other clean energy programs. Additionally, energy and water investor-owned utilities (IOUs) are encouraged to exchange information in order to facilitate more enrollment in low-income water assistance programs. Follow implementation and pursue additional	Cross-Commission	Energy Efficiency Procurement & Portfolio Management	1- Track effectiveness of cross-marketing and cross-referral efforts 2- Consider opportunities to deepen coordination efforts to maximize program uptake of income qualified, disadvantaged, and hard-to-reach customers, many of which reside in ESJ communities

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)				
Index #	Action Item	Description	Coordination Level	Tentative Work Plan
		opportunities for customer-focused coordination.		
2.4 Address Impacts in ESJ Communities				
2.4.1	Understanding Impacts to ESJ Communities in Biomethane Procurement	Assess potential impacts to ESJ communities when considering and recommending strategies for biomethane procurement.	Energy Division	Building Decarbonization & Renewable Gas
2.4.2	Long Term Relief Due to COVID-19 Pandemic: Arrears & Disconnections	Taking lessons learned from the Covid-19 pandemic, pursue opportunities to continue providing bill relief for ESJ customers struggling with arrears and disconnections.	Energy Division	Retail Rates
2.4.3	Pilot Utilization of Affordability Metrics in CPUC Proceeding	Pilot the use of affordability metrics in a General Rate Case (GRC). Develop pathway for including affordability metrics in future GRCs and consider geographically deaveraged or location marginal pricing.	Energy Division	Retail Rates

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)				
Index #	Action Item	Description	Coordination Level	Tentative Work Plan
2.4.4	Net Energy Metering (NEM): Ensuring Equitable Incentives	As changes to the NEM tariff are put forth, ensure that non-participating ESJ ratepayers will not be detrimentally impacted by changes to the tariff and will instead benefit.	Energy Division	Customer Generation 1- Ensure meaningful involvement of ESJ communities in relevant proceeding and that potential impacts are thoroughly explored
2.4.5	Dynamic Pricing: Implementing Rate Flexibility & Management	In recognition of the need to protect ESJ customers, pursue opportunities to implement dynamic pricing to create more equitable rate structures.	Energy Division	Retail Rates 1- Ensure meaningful involvement of ESJ communities in relevant proceeding and that potential impacts are thoroughly explored
2.4.6	Long Term Gas Planning	In the Long-Term Gas Planning Rulemaking, ensure meaningful stakeholder involvement and thorough exploration of ESJ-related issues.	Energy Division	Gas Policy & Reliability 1- Conduct proactive outreach to ESJ communities and organizations to encourage becoming a party to the proceeding or submitting public comment 2- Provide expanded opportunities for dialogue related to the existing gas infrastructure landscape and key considerations to be made in the rulemaking
2.4.7	Understanding Diesel Back Up Generators (BUGs) and Potential Impacts on ESJ Communities	Assist state and local agencies with BUG data to the extent the CPUC has access to such information.	Energy Division	Demand Response 1- Work alongside stakeholders and state agencies to understand potential impacts
2.4.8	California Environmental Quality Act (CEQA): Opportunities for Alignment with Local Planning	As it makes sense within the CPUC's CEQA authority, highlight ESJ considerations in preparation of comments. Consider what local planning efforts have included environmental justice or other social justice elements and ensure that CPUC review takes this into account.	Energy Division	Infrastructure Planning & CEQA 1- On a case-by-case basis, research local General Plans and other key planning documents include an environmental justice element or related component 2- Consider additional opportunities to address ESJ issues in CEQA review 3- Work alongside sister agencies, such as the Office of Planning and Research, to understand how to maximize CPUC effectiveness in this regard
2.5 Continue Ongoing Investment				

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
2.5.1	Establish Equity Segment of Program Administrators' Energy Efficiency (EE) Portfolios	Within EE Portfolios – Implement an Equity Segment that does not have to meet cost effectiveness criteria comprised of programs that provide energy, greenhouse gas, and non-energy benefits to hard-to-reach and underserved customers as well as disadvantaged communities, with the intention of serving households, businesses, and communities that are historically or currently marginalized.	Energy Division	Energy Efficiency	1- Establish working group (WG) comprised of California Energy Efficiency Coordinating Committee (CAEECC) stakeholders and organizations championing ESJ principles 2- WG develop objectives that define success for the Equity segment and its programs 3- Conduct public workshop to engage diverse community members and obtain feedback on important topics, actions, and customer groups 4- WG develop metrics that measure progress toward achieving success 5- Consider opportunities for Equity offerings to enhance the societal benefit of offerings within the Market Support Segment
2.5.2	Continue Prioritization of ESJ Communities in Building Decarbonization Programs	Ensure that funding for ESJ communities continues to be prioritized in BUILD and TECH.	Energy Division	Building Decarbonization & Renewable Gas	1- Incorporate definitions that prioritize ESJ communities in new phases of programs
2.5.3	Document Analysis of Investment in Electrification in San Joaquin Valley proceeding	Follow ongoing implementation of the San Joaquin Valley Affordable Energy program to document engagement, awareness, and capacity building lessons learned in working with CBOs and ESJ communities on an electrification process and determine how to best invest in remaining communities in Phase 3.	Energy Division	Building Decarbonization & Renewable Gas	1- Share lessons learned, especially related to community engagement led by CBOs and how to reach residents of ESJ communities, with broader CPUC staff; 2- Consider expanding pilot to remainder of communities or consider how to merge with the other electrification efforts at the commission; 3- Develop statewide strategies to barriers encountered in SJV communities
2.5.4	Continued Prioritization of ESJ Communities in Microgrid Incentive Program	Disseminate \$200 million to vulnerable areas and ensure criteria bolsters opportunities for low-income and vulnerable communities, people with access and functional needs, tribal, and people who are on medical baseline or electrically dependent to access funding.	Energy Division	Microgrids & Resiliency	1- Monitor implementation of program, including effectiveness in reaching ESJ communities and those at high risk of electrical outage 2- Ensure proper outreach is conducted to targeted communities

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health. (25 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
2.5.5	Improving Access to Electric Vehicle Charging for ESJ Communities	Between investments made via ratepayer funded transportation electrification (TE) programs and funding the IOUs oversee from Low Carbon Fuel Standard (LCFS) credit revenue, ensure robust equity requirements are incorporated and are in alignment with sister agencies like the California Air Resources Board (CARB) and the California Energy Commission (CEC).	Energy Division	Transportation Electrification	Building on past track record, consider incorporating higher set-asides and prioritization of ESJ and underserved communities for investments 2- Ensure communities are meaningfully involved in the development of program proposals as well as program implementation to ensure buy-in and strong utilization of charging infrastructure in the future
2.5.6	Continue Tracking and Evaluation of Customer Generation Programs and Improve Effectiveness in Reaching ESJ Communities	Track outcomes and lessons learned from the following programs to better understand effectiveness of incentive programs and how to ensure maximum impact: Multi-family Affordable Solar Housing (MASH), Single-family Affordable Solar Homes (SASH), Disadvantaged Communities-Single-family Affordable Solar Homes (DAC-SASH), Solar on Multi-family Affordable Housing (SOMAH), Self-Generation Incentive Program (SGIP), Green Tariff (GT), Disadvantaged Communities - Green-Tariff (DAC-GT), Community Solar Green Tariff (CSGT)	Energy Division	Customer Generation	1- Monitor metrics and outcomes of customer generation programs, both those specific to ESJ communities and those that are more broadly available 2- Consider conducting geospatial analysis to understand concentration of program uptake in ESJ communities 3- Explore opportunities for program modifications, stacking incentives, auto-enrollment, and improved outreach to best reach ESJ communities

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
3.1 Equitable Clean Transportation					

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
3.1.1	Implementation and Monitoring of Accessibility of TNCs and AVs	Identify opportunities through transportation proceedings and their implementation to improve transportation accessibility for ESJ communities	Consumer Protection & Enforcement Division	Transportation Licensing & Analysis	1- Share all TNC Access for All Staff Reports with the ESJ Action Plan Committee (as ordered in Decisions) 2- Summarize Accessibility data collected in TNCs' Annual Reports and AVs' Quarterly Reports annually
3.1.2	Implementation of Clean Mile Standard and Impact on Drivers from ESJ Communities	Consider how TNC drivers from ESJ communities and the communities who rely on TNC transportation will be impacted by the Clean Miles Standard	Consumer Protection & Enforcement Division	Transportation Licensing & Analysis and Administrative Law Judge Division	1- Seek feedback from drivers in ESJ communities as part of the development of Clean Mile Standard 2- Assess CMS impacts on ESJ communities as data become available throughout the life of the program.
3.2 Water Customer Resilience					
3.2.1	Maximize Customer Assistance Programs (CAPs) and Arrearage Management Plans (AMPs) for Low-Income Water Customers	Ensure that CAPs and AMPs are appropriately and effectively marketed to ESJ communities. Given the realities of the Covid-19 pandemic, consider new strategies for assisting low-income water customers with water bill payment.	Water Division	Small Company & Compliance	1- Track implementation and outreach efforts of water company CAPs and AMPs 2- Encourage sharing of best practices and lessons learned 3- Explore additional opportunities to assist low-income water customers
3.2.2	Understanding and Acting on Affordability of Water Rates	Given both the opportunity to utilize new affordability metrics and information from the Drinking Water Needs Assessment from the State Water Resources Control Board (SWRCB), continue to understand where ESJ customers are experiencing disproportionately high water rates.	Water Division	ALJ Support & Compliance	1- Consider affordability metrics in water General Rate Cases (GRCs) 2- With the aid of information from the Drinking Water Needs Assessment, evaluate whether there are water systems within CPUC's jurisdiction where customers experience high rates that could be ameliorated with consolidation 3- Consider whether the CPUC should open an OIR on the subject of new standards for consolidation of water utility systems

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
3.2.3	Water Resilience and Reliability in the Face of Drought	Work with water utilities to plan for continued conditions of drought, with emphasis on addressing ESJ community needs.	Water Division	ALI Support & Compliance	1- Consider and evaluate the resilience and reliability challenges of regulated utilities 2- Consider opening an OIR on Water Resiliency and Reliability to have utilities proactively plan for future resilience needs 3- Work with State Water Resources Control Board (SWRCB) and Department of Water Resources (DWR) on overall water resiliency and reliability planning, as well as the Energy Savings Assistance Program (ESA) and the Low Income Home Energy Assistance Program (LIHEAP) on water conservation measures
3.2.4	Incorporating ESJ Considerations into Consolidations of Small Water Companies	When reviewing consolidation applications, utilize Cal Enviro Screen water-related indicators, other tools, and local engagement opportunities to understand if consolidation would benefit an ESJ community.	Water Division	Small Company and Compliance	1- Train Water Division staff on Cal Enviro Screen and water-related indicators 2- Run analysis for every consolidation application 3- Incorporate discussion of ESJ issues into decisions and resolutions
3.3 Extend Rail Safety to ESJ Communities					
3.3.1	Section 190: Grade Separation at Existing Crossings - Outreach & Prioritizing ESJ Communities	Revise Section 190 formula to include a prioritization for ESJ communities. Ensure ESJ communities and their local governments are aware of opportunity to apply for Section 190 funding.	Rail Safety Division	Rail Crossings & Engineering	1- Meet with sister agencies to understand prioritization of ESJ communities in other formula-based funding programs 2- Do initial mapping to understand overlap between high accident rates and CalEnviroScreen-defined disadvantaged communities 3- Update formula to include some prioritization of ESJ communities 4- Conduct more proactive outreach to local governments to apply for funding
3.3.2	Homeless Encampments: Continued Collaboration with Local Governments	Continue collaboration between Rail Safety Division and the News and Outreach Office to meet with local governments and other transportation partners to triage issues related to homeless encampments and accidents along rail lines.	Rail Safety Division	Railroad Operations Safety Branch and News & Outreach Office	1- Create a plan for outreach in key areas where potential strikes along rail lines are increased due to encampments; schools and businesses; any local activities that may create risks along tracks. 2- Ensure a diversity of local government and community organizations are involved alongside regulated railroad companies

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
3.3.3	Opportunities for ESJ Comments in Environmental Letters	Explore opportunities to incorporate general comments in environmental letters about assuring the consideration of environmental and social justice issues when designing and approving a project.	Rail Safety Division	Rail Crossings & Engineering and Rail Transit Safety	1- Create boilerplate language that can be adapted by staff that speaks to ESJ issues 2- Disseminate amongst staff and provide resource to assist in incorporating comments
3.3.4	Involving ESJ Communities in Rail Proceedings	Work with News and Outreach Office to ensure applications and proceedings are proactively publicized to relevant local governments and CBOs, especially those in ESJ communities.	Rail Safety Division	Rail Crossings & Engineering	1- Contact News and Outreach Office when new rail crossing application is received 2- Promote opportunities to provide public comment in the Docket Card
3.4 Extend Essential Communications Services to ESJ Communities					
3.4.1	Increase Collaboration and Knowledge Share Across Telecommunications Public Purpose Programs	Bring together Public Purpose Program staff - including Lifeline, California Advanced Services Fund (CASF), California Teleconnect Fund (CTF), California High Cost Fund (CHCF) Parts A & B, and Deaf and Disabled Telecommunications Program (DDTP) - to talk about shared priorities, lessons learned, opportunities to leverage advisory committees, and to understand programmatic impact in ESJ communities.	Communications Division	Consumer Programs	1- Establish staff-level working group. 2- Host meetings to educate each other about programs and shared issues. 3- Conduct cross-program analyses using GIS to assess program impact across different geographical areas.
3.4.2	Implementation of \$6 billion Broadband Legislation	Given significant new investment and expansion of programs, ensure that investments are benefiting as many ESJ community members as possible, that essential speeds are more available, and that ESJ communities meaningfully participate in the planning and implementation of the programs and investments.	Communications Division	Consumer Programs; Broadband Deployment Branch	1- Ensure planning and implementation meaningfully involves community-based organizations and representatives from ESJ communities. 2- Use GIS to identify ESJ communities that lack fixed broadband speed of 25/3 or better. 3- Further, for areas that do have 25/3 or better, ensure their rates do not create affordability concerns.

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
3.4.3	Implementation and Lessons Learned from Tribal Technical Assistance (TA) Program	Continue conducting outreach to California tribes and disbursing funds as part of the Tribal TA Program. Share lessons learned and best practices related to outreach, program structure, and implementation.	Communications Division	Tribal/Rural Area	1 - Per D. 20-08-005, Communications Division is assigned responsibility and authority to use California Advanced Services Fund state operations funds to provide technical assistance for Tribes. 2- Ensure tribes across the state are aware of available grant funds and opportunities to apply 3 - Continue ongoing outreach 4 - Update leadership and CPUC staff on successes and lessons learned from the program, and how to utilize as a model to reach other key ESJ populations
3.4.4	Continue Understanding Challenges of ESJ Communities with Communications Affordability	Understand more about concentrations of unaffordability of communications services in ESJ communities. Explore opportunities to leverage new investments to lower costs and increase essential speeds.	Communications Division	Broadband Video Markets; Consumer Programs; [Broadband Deployment Branch	1- Utilize the Commission-adopted Affordability Framework to inform programmatic and investment work moving forward 2- Continue exploring what fixed broadband speed should be deemed as part of essential communications service.
3.4.5	Phone and Video Service for Incarcerated Persons	Follow outcomes and lessons learned from the proceeding. Continue to develop innovative outreach, engagement, and regulatory strategies to alleviate cost for the priority population.	Communications Division	Consumer Programs	1- The Commission adopted Interim Rates for Incarcerated Calling Services in D.21-08-037, on August 19, 2021. Service providers were required to submit an Interim Rate Compliance Report to the Communications Division within 45 days of adoption, and on a quarterly basis after that. The report must include the current rate, billed minutes, revenues, and ancillary fees, broken down by interstate and intrastate.
3.4.6	Lessons Learned from Lifeline Assessment	Understand lessons learned in conducting a robust program assessment of a public purpose program. Consider recommendations related to prioritizing ESJ communities.	Communications Division	Consumer Programs	1- Complete assessment 2- Understand lessons learned from contractor related to outreach and engagement for the purposes of the assessment 3- Explore opportunities to prioritize ESJ communities in outcomes of assessment
3.4.7	Continue Efforts to Increase Access to	Continue to pursue a permanent program to improve access for foster youth, after examining lessons learned from the i-	Communications Division	Consumer Programs	1- Continue monitoring outcomes of extended ifoster pilot program 2-Explore opportunities to partner with state agencies or other organizations to close

Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities. (17 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	
	Lifeline Program for Vulnerable Populations	Foster pilot program and begin to develop similar programs either pilot or permanent to address special needs of other vulnerable populations such as homeless and recently released incarcerated people.			Tentative Work Plan enrollment gaps for other vulnerable populations 3- Consider permanent program changes to address gaps identified by partners or in the Lifeline Assessment.

Goal 4: Increase climate resiliency in ESJ communities. (4 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	
4.1 Emphasize Adaptive Capacity					
4.1.1	Initiate Climate Change Adaptation Planning with Emphasis on Disadvantaged Vulnerable Communities	The CPUC will ensure electric and gas utilities engage disadvantaged vulnerable communities and describe specific actions they will take in those communities, as they assess the long-term vulnerabilities to climate change of their infrastructure, services, and operations, as well as share best practices that are developed in the process.	Energy Division	Climate & Equity	1-Begin developing Community Engagement Plans 2- Begin conducting climate change vulnerability assessments with community engagement 3- Summarize lessons learned
4.1.2	Consider Safety Policy Responses to Climate Change	Develop a visual tool to make California climate change scenarios more accessible to all in the context of utility infrastructure impacts. Understand downstream consequences to ESJ communities and ensure meaningful collaboration with ESJ representatives in adaptation actions.	Safety Policy Division	Security & Resilience	1- Develop GIS tool 2- Develop situation report 3- Ensure findings incorporate ESJ community considerations based on collaborative community engagement

Goal 4: Increase climate resiliency in ESJ communities. (4 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
4.1.3	Framework for Integrating Resiliency Planning and Evaluation into Current Grid Planning Policy	Devise a standardized view of the concept of resiliency and adaptive capacity, and how it can be measured.	Energy Division	Microgrids & Resiliency	1- Continue alignment with Climate Adaptation proceeding and subsequent implementation, as well as other key processes such as the Risk Assessment Mitigation Phase (RAMP) and General Rate Cases (GRCs) 2- Develop tools to guide utilities in resiliency planning
4.1.4	Propose new RAMP requirement in the SMAP OIR proceeding to address ESJ in the RAMP reports.	Require IOU's to overlay planned infrastructure mitigations on the CalEnviroScreen map to identify what portions of the mitigations would occur within disadvantaged communities, when geographic locations of proposed mitigations are known. Include the DAC proportion percentage of the mitigation in the RAMP narrative and what risk reduction is estimated for the DAC portion.	Safety Policy Division	Risk Assessment & Safety Analytics (RASA)	1-Propose this ESJ requirement in the next phase of the SMAP 2.0 OIR proceeding.

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. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
5.1 Improve Communication with an ESJ Lens					
5.1.1	Fact Sheets and Collateral Materials	Continue to update CPUC Fact Sheets and Brochures to ensure information is up-to-date and accessibly written.	Cross-Commission	News & Outreach Office	1- Ensure CPUC website includes collateral materials for key programs and initiatives 2- Revise and post materials in need of updates 3- Consider developing fact sheets for proceedings that may impact an ESJ community which include key information such as timelines to submit comments.

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. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
5.1.2	Translation of Key Documents and Collateral Materials	Translate key Fact Sheets and Brochures, especially those aimed at consumers, into critical languages spoken by Californians, including Spanish, Chinese, and other languages.	Cross-Commission	News & Outreach Office	1- Prioritize what materials are in need of translation 2- Understand what key languages are needed 3- Post to website
5.1.3	Email Communication and Newsletters	Explore opportunities to streamline email communications from the CPUC, including establishing a centralized platform for proactive and targeted communication.	Cross-Commission	News & Outreach Office and IT	1- Explore opportunities to expand use of existing email software to meet communications need 2- Understand if existing capacity can handle a centralization process 3- Understand if existing capacity can handle targeted communications using tags on proceeding related documents 3- Roll out any new plan to relevant CPUC staff
5.1.4	Interpretation Availability at CPUC Meetings	Pursue standard policy for when to incorporate interpretation services outside of request process.	Cross-Commission	News & Outreach Office	1- Explore the feasibility of providing in-language technical assistance prior to hearings. 2- Draft materials and share with CPUC staff regarding how to request interpretation services, both for internal purposes and for external needs 3- Consider a policy with concrete criteria for when to incorporate interpretation on a proactive basis.
5.2 Continue to Emphasize Engagement with Community Based Organizations (CBOs)					
5.2.1	Engage CBOs Statewide	Work alongside utilities to understand partnerships with CBOs, including their statewide spread, funding landscape, and opportunities to deepen engagement in ESJ communities.	News & Outreach Office and Energy Division	News & Outreach Office	1- Gather information related to CBO partnerships and their geographic reach 2- Consider opportunities for deeper engagement in key geographies 3- Explore areas for coordination between CPUC outreach efforts and utility partnerships
5.2.2	Deepen Relationships with CBOs in TEAM and CHANGES	Continue to explore opportunities to leverage network of CBOs working under TEAM and CHANGES programs.	News & Outreach Office	News & Outreach Office	1- Continue to work with lead contractor to understand what CBOs are learning on the ground 2- Continue to channel feedback within CPUC 3- Consider convening CBO partners to share insights, lessons learned, and explore further collaboration

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. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	
5.3 Build Pathways for Public Participation					
5.3.1	Best Practices for Virtual and Hybrid Meetings	Coming out of COVID-19 Pandemic, promote virtual meetings that facilitate broad participation.	Cross-Commission	News & Outreach Office	1- As events return to being conducted in-person, include a remote access option as appropriate and ensure that remote participants can meaningfully participate in event 2- Explore mobility challenges related to accessing in-person events 3- Continually review best practices and lessons learned on hybrid community engagement, including when to incorporate interpretation services, to offer internal guidance for continual improvement
5.3.2	Public Participation in Transportation Proceedings	Work to create pathways for CBOs and other intervenors to be able to better participate and provide feedback for proceedings and programs related to transportation network companies (TNCs), autonomous vehicles (AVs), charter-party carriers (TCPs), passenger stage corporates (PSGs), and vessel common carriers (VCCs)	Consumer Protection & Enforcement Division and Administrative Law Judge Division	Transportation Licensing & Analysis	1- Explore opportunities to expand Intervenor Compensation Program (ICOMP) for purposes of funding participation in transportation proceedings 2- Work with the Public Advocates Office (PAO) to identify CBOs for ESJ communities and proactively engage them to participate through CPUC's public comment options and transportation proceedings
5.4 Enhance Engagement with Particular ESJ Communities					
5.4.1	Engage and Serve Communities with Access and Functional Needs	Work with AFN representatives to better understand key issues, collaborate with communities with AFN, and serve their needs in CPUC regulatory policy.	Safety Policy Division	Security & Resilience	1 - Continue with baseline work within Safety Policy Division; 2 - Determine overlapping proceeding work and/or outcomes with ESJ priorities 3 - Determine which CPUC regulatory policies at year 1 and year 2 serve the needs of individuals and communities with AFN.
5.4.2	Bolster CPUC's Tribal Land Transfer Policy	Via a rulemaking process, revisit the Tribal Land Transfer Policy and ensure lessons learned thus far ensure that tribal communities can maximize benefits and opportunities available.	Executive Office	Executive Office - Tribal Advisor	1- Open rulemaking to consider key questions in updating the Policy 2- Ensure a diversity of tribal perspectives are included in the rulemaking process 3- Maximize opportunities for tribes to take advantage of the Policy

Goal 6: Enhance enforcement to ensure safety and consumer protection for ESJ communities. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	
6.1 Protect ESJ Consumers					
6.1.1	TEAM/CHANGES Program Updates	Have TEAM/CHANGES contractor present to the Low-Income Oversight Board (LIOB) annually to offer on-the-ground perspectives of customers with Limited English Proficiency (LEP).	News & Outreach Office	News & Outreach Office	1- Work with LIOB to set briefing on calendar 2 - Prepare presentation and post online for remote access 3- Consider other venues and opportunities to share insights
6.1.2	Strategize Use of Consumer Affairs Data in ESJ Policies	Work with ESJ liaisons to determine if and how Consumer Affairs Branch (CAB) data can contribute to and inform ESJ policies.	Cross-Commission	News & Outreach Office	1- CAB will present to ESJ liaisons and explain the type of data that is collected 2 - ESJ Liaisons and CAB will brainstorm whether this data could contribute to any existing or future ESJ policies at the CPUC
6.2 Conduct Proactive Action & Analysis in Transportation and Utility Enforcement					
6.2.1	Proactively Initiate Compliance Checks in ESJ Communities	Consider opportunities to proactively work in ESJ communities to ensure compliance with CPUC regulations.	Consumer Protection & Enforcement Division	Transportation Licensing & Analysis, Transportation Enforcement, Utility Enforcement	1- Analyze complaint data to understand overlap with ESJ communities and adjust enforcement strategies as appropriate 2- Consider prioritizing ESJ communities when performing compliance checks or conducting field enforcement work
6.2.2	Include ESJ filters in quarterly scanning of CAB complaints to identify trends and patterns of consumer issues in ESJ communities	Identify potential targets for inquiries and/or investigations using Census data to identify complaints occurring within ESJ communities.	Consumer Protection & Enforcement Division	Utility Enforcement	UEB analyzes CAB data to identify targets for inquiries and/or investigations. Using Census data, staff will identify ESJ communities to further delineate complaints from these communities 1-Analyze monthly energy and telecommunications CAB complaint data 2-Filter complaints for relating to ESJ communities using census data 3-Identify patterns and changes 4-Target subjects for inquiry or investigation

Goal 6: Enhance enforcement to ensure safety and consumer protection for ESJ communities. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
6.2.3	Expand Opportunities to Leverage Enforcement Action Settlements for ESJ Purposes	Building on long-running practice of supporting low-income and ESJ-related programs, consider ESJ communities when considering alternative enforcement options.	Consumer Protection & Enforcement Division	Transportation Enforcement and Utility Enforcement	1- Develop internal CPED guidance on how to optimize settlement agreements to benefit ESJ communities when settlement funds are available stemming from UEB / TEB enforcement actions 2- Implement this practice of considering ESJ communities in all future settlement agreements stemming from enforcement actions when legally permitted
6.2.4	Analysis of Potential Redlining in ESJ Communities by Transportation Network Companies (TNCs)	Analyze existing data to understand if passenger carriers are systematically serving ESJ communities differently.	Consumer Protection & Enforcement Division	Transportation Licensing & Analysis Branch	1- Determine if patterns of bias exist in TNC service to ESJ communities compared with others, by analyzing TNC data to include drop-off and pick-up locations, fares charged, and trip acceptance rate 2- Explore opportunities to publish report with findings
6.2.5	Analysis of Potential Redlining in ESJ Communities by Transportation Network Companies (TNCs)	Analyze existing data to understand if passenger carriers are systematically serving ESJ communities differently.	Consumer Protection & Enforcement Division	Transportation Enforcement Branch	1- Open an investigation if analysis and report by Transportation, Licensing, and Analysis Branch (TLAB) suggests probable violations 2- Take appropriate enforcement action as warranted by the facts of the investigation
6.3 Apply ESJ Lens to CPUC Enforcement Policy					
6.3.1	Develop an ESJ Lens for New CPUC Enforcement Policy	Based on lessons learned from sister agencies, develop a training on ESJ issues and guidance on how to approach enforcement from an ESJ perspective. Consider pilot opportunities.	Cross-Commission	ESJ Core Team	1- Consult sister agencies on opportunities to do targeted enforcement actions in ESJ communities. Gather best practices. 2- Develop ESJ lens for CPUC Enforcement Policy. 3- Consider pilot exercises.
6.4 Maximize Opportunities within Utility Audits					

Goal 6: Enhance enforcement to ensure safety and consumer protection for ESJ communities. (10 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
6.4.1	Develop a Community Engagement Step to Gas and Electric Infrastructure Safety Inspection Process	In performing ongoing audits and inspections of both electric and gas infrastructure, add a step that includes outreach and engagement with the community to develop a more holistic picture of on-the-ground safety conditions. Consider specific guidance for conducting safety inspections in ESJ communities.	Safety & Enforcement Division	Electric Safety & Reliability and Gas Safety & Reliability	1. Add a step to existing safety inspections and audits that engages the community to record any experiences and/or concerns with safety of the infrastructure. 2. Ensure SED staff know how to access support resources and consider training on implementation. Involve New & Outreach staff in area for assistance with community outreach.
6.4.2	Data Analysis and Mapping of Audit Data and Incident Reports to Understand Geographic Distribution and Potential ESJ Cumulative Impact	Work with existing data from past gas and electric infrastructure audits and inspections to understand if ESJ communities suffer safety burdens or any potential "hotspots" of issues. Consider development of process for ongoing geographic analysis to identify safety problems in these communities.	Safety & Enforcement Division	Electric Safety & Reliability and Gas Safety & Reliability	1. Conduct a pilot to map selected citation data from selected safety inspections and audits, to identify possible correlation with the number of safety citations in a location and the type of community. 2. When an inspection team audits an operator's records and facilities, SED should confirm that it reviewed an adequate number of field facilities located in ESJ communities. 3. Develop an internal process to continue ongoing geographic analysis of safety incidents and how to handle potential identification of "hotspots". 4. Consider opportunities to publish results of analysis.

Goal 7: Promote high road career paths and economic opportunity for residents of ESJ communities. (5 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
7.1 Maximize Authority to Promote High Road					
7.1.1	Implementation of MOU with CA Workforce Development Board	Continue working with CWDB to provide recommendations to CPUC proceedings to encourage utilities to foster high road career paths.	Cross-Commission	ESJ Core Team	1- Develop best practices resource with input from stakeholders and ESJ communities 2- Share lessons learned, and best practices developed thus far with CPUC staff and sister agencies 3- Provide direct feedback and recommendations to CPUC staff on what workforce-related components could be incorporated into policies and programs

Goal 7: Promote high road career paths and economic opportunity for residents of ESJ communities. (5 Action Items)				Tentative Work Plan	
Index #	Action Item	Description	Coordination Level	Lead	
7.2 Educate on High Road Careers					
7.2.1	Share CPUC-specific Best Practices	Provide presentations, training, and resources to CPUC staff regarding strategies and practices of a high road approach to workforce development, as well as other practices already underway within the CPUC and best practices from other regulatory agencies.	Cross-Commission	ESJ Core Team	1- Develop a brief primer on the high road, including Governor's Executive Orders, key principles and definitions, and examples of incorporation into CPUC programs and/or policies 2- Disseminate across CPUC
7.3 Partner with Utilities and Sister Agencies					
7.3.1	Expand the Impact of Best Practices	Provide presentations, training, and resources to regulated utilities and sister agencies in support of replicating the high road measures adopted by the CPUC across California's portfolio of clean energy and transportation investments.	Cross-Commission	ESJ Core Team	1- Develop a brief primer on the high road, including Governor's Executive Orders, key principles and definitions, and examples of incorporation into CPUC programs and/or policies 2- Disseminate across state government
7.3.2	Leverage Sister Agencies to Maximize High Road Opportunities for ESJ Communities	Build relationships and partnerships with sister agencies with business-related missions, including the Contractors State Licensing Board (CSLB), to maximize high road job opportunities for ESJ communities in industries under CPUC oversight.	Cross-Commission	ESJ Core Team	1- Work with CWDB to understand sister agencies with potential mission and industry alignment 2- Build relationships and pursue partnership opportunities to improve labor practices and working conditions within industries that are under CPUC oversight and target ESJ communities for services and employment
7.3.3	Furthering Utility Supplier Diversity	Examine how proceedings impact supplier and workforce diversity and assess resulting impacts on ESJ communities.	News & Outreach Office	News & Outreach Office	1- Follow outcome of proceedings, especially as it relates to supplier diversity and impacts on ESJ communities

Goal 8: Improve training and staff development related to ESJ issues within the CPUC's jurisdiction. (8 Action Items)				Tentative Work Plan	
Index #	Action Item	Description	Coordination Level	Lead	
8.1 Bolster Staff Knowledge on ESJ Issues and Resources					

Goal 8: Improve training and staff development related to ESJ issues within the CPUC’s jurisdiction. (8 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
8.1.1	Division-Specific Training on Incorporating ESJ Issues into Proceedings	Work within each CPUC division to provide tailored trainings for staff on how to incorporate ESJ issues into CPUC processes.	Cross-Commission	ESJ Core Team	1- Create a baseline training 2- Engage industry division leadership to schedule training and develop division-specific content 3- Deliver in partnership with ESJ Liaison
8.1.2	ESJ Session at New Employee Orientation (NEO)	Continue to host ESJ session at NEO, including background on redlining and the environmental justice movement, key definitions, and where staff can access resources.	Cross-Commission	ESJ Core Team	1- Continue refining curriculum 2- Pursue opportunities to provide similar training to staff that are not new employees
8.1.3	Web Resources - CPUC ESJ Action Plan Webpage and Internal ESJ Resource Website	Update and maintain ESJ Action Plan webpage. Build out internal ESJ SharePoint website and ensure it is updated with helpful resources and tools for CPUC staff.	Cross-Commission	ESJ Core Team	1- Update ESJ Action Plan webpage with relevant information and remove old content 2- Update internal ESJ SharePoint to include external guides and resources, as well as library of all internal training materials and additional state resources 3- Ensure staff are aware of different webpages
8.1.4	Tribal Engagement Training	Establish commission-wide protocols for training on engaging with tribes.	Cross-Commission	Executive Office - Tribal Advisor	1- Develop training materials to improve staff awareness of best practices for tribal engagement 2- Develop plan for disseminating information to relevant commission staff 3- Consider including Tribal Engagement training in New Employee Orientation or other commission-wide professional development opportunities
8.2 Support Emerging Priorities and Skill Needs					
8.2.1	Alignment with Upcoming Racial Equity Action Plan (REAP)	Support CCORE cohort to implement forthcoming CPUC REAP and support any efforts to conduct training for staff on racial equity issues.	Cross-Commission	Office of the Commission	1- Follow development and finalization of Racial Equity Plan 2- Understand where there is alignment with ESJ Action Plan and opportunities for collaboration 3- Be strong, visible allies and proponents of the Racial Equity Plan
8.2.2	Community Engagement Training for CPUC Staff	Based on existing Community Engagement and Outreach Curriculum, modify, and implement a training to educate staff on effective and meaningful practices for involving ESJ communities in CPUC efforts.	Cross-Commission	ESJ Core Team	1- Review State Agency CEO Curriculum 2- Confer with CCORE staff on CEO best practices and adapt for CPUC CEO purposes 3- Offer training opportunities on a regular basis 4- Partner with News and Outreach to deliver training

Goal 8: Improve training and staff development related to ESJ issues within the CPUC's jurisdiction. (8 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
8.2.3	Advance Diversity, Equity, and Inclusion	Continue to pursue staff training to foster a work culture that values diversity and aims to be representative of California populations.	Cross-Commission	Human Resources Division	1- Continue offering trainings to promote diversity in hiring 2- Detail success, challenges, and opportunities in annual Human Resources Division Annual Review
8.2.4	Meeting Facilitation Training for Staff	Offer training to CPUC staff on facilitation and how to run effective workshop and/or community meeting.	Cross-Commission	ESJ Core Team	1- Review existing curricula on effective meetings and workshop ideas 2- Work with HR Training Office to adapt for CPUC purposes 3- Consider having an outside consultant or sister agency deliver components of training 3- Deliver to CPUC staff and offer a virtual option for ongoing access

Goal 9: Monitor the CPUC's ESJ efforts to evaluate how they are achieving their objectives. (4 Action Items)					
Index #	Action Item	Description	Coordination Level	Lead	Tentative Work Plan
9.1 Establish Consistent Quantitative Metrics					
9.1.1	Metrics to Measure Impact, Community Outreach & Engagement	Develop metrics, criteria, and guidance to ensure that programs and/or funds are having the intended effect and measure meaningful and effective outreach and engagement.	Cross-Commission	ESJ Core Team	1-Catalogue the existing set of data and metrics currently being used by utilities to measure community engagement 2- Review best practices in the field and consult sister agencies 3-Develop customizable set of criteria for utility outreach, engagement, and benefit to community 4- Sync with efforts to align Marketing, Education, and Outreach (ME&O) Plans within Energy Division
9.1.2	Data Collection: Standardizing Data Requests & Key ESJ Indicators	Create an internal working group to look at issues related to standardization in data requests, the quality of the data, how it can be shared and used given privacy concerns, and how to utilize key indicators to perform equity/ESJ analyses.	Cross-Commission	Office of the Commission	1- Create Working Group; 2- Create data request templates for various categories of data requests; 3- Highlight key indicators/metrics that should be used to understand ESJ impacts; 4- Explore the need for a working group of internal and external stakeholders impacted by CPUC's data collection efforts.

Goal 9: Monitor the CPUC's ESJ efforts to evaluate how they are achieving their objectives. (4 Action Items)					
Index #	Action Item	Description	Coordination Level	Tentative Work Plan	
9.1.3	Geographic Distribution of Low-Income Programs + Ongoing Analyses	Institute practice of evaluating geographic distribution of program uptake and policy implementation to understand outreach gaps and if ESJ communities are especially impacted.	Cross-Commission	ESJ Core Team	1- Ensure CPUC staff is well educated in CalEnviroScreen and other equity tools, as well as how to perform simple geospatial analysis 2- Initiate analysis in key programs, with the goal of making it standard practice across all programs 3- If there are particular ESJ impacts (i.e., program not reaching priority communities or a particular policy disproportionately impacting ESJ communities), take steps to address the issue
9.2 Promote Meaningful Feedback Loops					
9.2.1	Metrics to Measure Satisfaction, Comprehension, and Experience	Identify qualitative information-gathering strategies of utilities and evaluative spectra to help measure issues such as comprehension, satisfaction, and effectiveness of utility marketing, education, and outreach. Ensure there are pathways to act on information received.	Cross-Commission	ESJ Core Team	1- Review best practices in the field and consult sister agencies 2-Develop customizable set of qualitative criteria for satisfaction, comprehension, and experience 3- Sync with efforts to align Marketing, Education, and Outreach (ME&O) Plans within Energy Division 4- Develop strategy which includes but is not limited to interviews and surveys in collaboration with ESJ communities on key issues of interest 5- Conduct surveys in ESJ communities and analyze results.

Appendix B:

Summary of February 2021 Workshop

This Appendix provides a summary of the CPUC ESJ Action Plan – Update Workshop held on February 3 & 4, 2021. This summary highlights commentary shared during the various sessions of the workshop and feedback received via email. It is not a full transcript, nor does it include everything submitted via the chat box. To view session recordings and full chat logs from the workshop, please visit:

www.cpuc.ca.gov/ESJActionPlan.

Turn Out Numbers for February 2021 ESJ Action Plan - Update Workshop	
External Participants (Utilities, Community Based Organizations, etc.)	438
Internal Participants (CPUC Staff)	190
TOTAL PARTICIPANTS	628

Comments Received via Email	
Small Business Utility Advocates	East Bay Community Energy
Institute for Governance & Sustainable Development (IGSD)	Richard Skaff
California Water Association	HolLynn D'Lil
Pacific Gas & Electric (PG&E)	Connie Arnold
Steven Birdlebough and William Smith	

Key Themes from Workshop
<ul style="list-style-type: none"> • Partnerships with community-based organizations (CBOs) are essential to reaching and benefitting ESJ communities. Ensure these partnerships are resourced and that CBOs are given room to deploy a variety of strategies to meet community needs. • Think about what it takes to do meaningful engagement. CPUC meetings and activities should strive to be more accessible and welcoming. • Coordinate and align as much as possible. In order to best reach ESJ communities and maximize impact, programs and policies should align both eligibility criteria and outreach efforts. Leverage work of sister agencies as well. • Work towards more transparency of data and information. Provide stakeholder and CPUC staff with tools and resources to facilitate analysis of ESJ issues and impacts. • Reconsider traditional cost-effectiveness measures. Understand how investments benefit ESJ communities. • Prioritize accessibility of programs and meetings to populations with access and functional needs.

Workshop Session Summaries

CPUC Programs and Policies

- Introductory remarks from Kathleen Yip (CPUC) focused on how there are many different definitions and terms used to define vulnerable and disadvantaged communities. Definitions are important because they are used to make decisions and to determine eligibility in programs. The goal with this session is to raise awareness around definitions, and to discuss how to update these terms to further ESJ Action Plan goals.
- Remarks from Ameer Raval (Asian Pacific Environmental Network) addressed three main points. First, that definitions matter. Definitions especially matter when targeting protections and investments, especially for communities that have experienced historical injustices, such as redlining and underinvestment. Communities face multiple complex challenges, and there is therefore a need for a range of different tools to capture and address those. Second, having an adaptive approach to crafting definitions is important for balancing tension between inclusive approaches and more targeted approaches. A balanced approach, for the purposes of ESJ definitions, means that the definition arrived at will depend on the problems a program or policy is meant to solve. If decision makers take into consideration and evaluate these problems, they should land in an appropriate definition. But they should be guided by some form of general framework. Third, definitions should be guided from a community perspective. A people centered approach helps to maximize community benefits.
- Kathleen Yip (CPUC) notes that having many different definitions can create confusion for both state agency staff and the public. There will be an attempt to catalogue all used definitions with the CPUC. Beyond that, should a framework or template for definitions be developed to help guide CPUC staff and stakeholders?
- Key takeaways from discussion include:
 - » No single definition can be applied to a multitude applications and programs. That would be reductive. A definition, just like criteria, needs to be adaptive to sets of issues that are distinct. But a foundation, baseline, or an analysis of overlap and distinctions, would be helpful.
 - » We must understand that a group has names for itself that we need to be mindful and respectful of, rather than just calling them “Disadvantaged Communities.”
 - » There is a need to balance between having very prescriptive, targeted definitions that are hard to communicate with ensuring that wealthier communities do not take advantage of incentives, for example. Collaboration and being adaptive will be key here.
 - » Interagency cooperation is very important, both to understand their definitions and priorities and to move quickly to meet climate change demands.

- » How do we get communities to the table, what are their barriers and how can they overcome them? We must recognize racism and other inequalities that have ensured that some communities do not even get information on decision-making, and that some communities technically, on paper, do not “exist,” and do not even know about their barriers. We must think about adaptive and flexible methods to address their needs.
- » Could consider a “baseline” definition with “plug and play” options to help with streamlining definitions.
- » Tools like CalEnviroScreen are very useful, but not inclusive of all needs especially around vulnerability. Tools should be adaptive.

BREAKOUT SESSIONS: ESJ in CPUC Industry Divisions

TRANSPORTATION & RAIL

- Matthew Bond (CPUC) and Terra Curtis (CPUC) ask for suggestions of how the ESJ Action Plan can incorporate action items related to transportation network companies (TNCs) and rail safety.
- Section 190 is a state program that funds grade separation for existing at-grade rail crossings. Could consider opportunities to prioritize ESJ communities for this program.
- Data related to TNCs (such as Lyft and Uber) could be looked at in a geographic way to understand impacts in ESJ communities. Especially related to where pick-ups are or are not happening. There has not been much TNC data published publicly since 2015. Within this year, should be able to share more about that question.
- Are there opportunities to regulate TNC-related smog and congestions, such as limiting number of TNC drivers that can be on the road? This is likely a question for local governments and CPUC could engage and collaborate more at the local level on these kinds of questions.
- How can CPUC help with issues of homeless encampments along railroads? How can we bring people together around the issue?
- How can we involve more community in transportation and rail related proceedings? The process can be complicated, and Intervenor Compensation is not available for these categories of proceedings. Need to be proactive in engaging people and seek opportunities to fund down the road.
- Planning for electric vehicle charging infrastructure occurs within the Energy Division, currently being thought through in the Transportation Electrification Framework.

TELECOMMUNICATIONS

- Wylene Lai (CPUC) and Michael Minkus (CPUC) ask participants to reflect on the experience of their communities with broadband/internet during the COVID-19 pandemic, about how to better understand the impact of communications public purpose programs from a geographic perspective, and to highlight any other issues.
- Broadband access in rural communities is challenging with such limited infrastructure. Families are having to choose between rent, food, and broadband during this time all while losing employment. Programs and opportunities are not always made to service residents. Without broadband access, can feel cut off from the rest of society.
- Many monolingual families rely on their children to familiarize with technology and how to transition to online learning. Those that have children in school have better access to broadband resources.
- Southern California experiences a lot of challenges, especially related to affordability.
- Need to see big companies, like T-Mobile and Frontier, more involved in these discussions.
- Digital divide is not new, some sort of technical assistance or incentive for jurisdictions to apply to these programs is needed. Also, need to ensure mobile homes are eligible for programs.
- Public purpose programs need to have a true social justice lens and barriers to applying need to be removed. There used to be funding for direct community outreach and support, this approach is stronger than leaving the carriers to do it.
- Consider leveraging existing advisory groups to involve communities. Also, if phone companies having people in parking lots to get customers to sign up for carrier phones, why are they not also signing customers up for Lifeline?
- Can we use examples of creative partnerships formed during the COVID-19 pandemic (between schools and businesses) to better promote broadband access?
- As we move towards more remote access, going to perpetuate same inequities we've always had – monolingual, immigrant, black, brown and people of color being excluded from decision-making process. CPUC and carriers must hear directly from residents about broadband issues.
- Need to also keep an eye on internet speed.
- Rethink cost effectiveness strategies. If we continue to work within that framework, it will continue to perpetuate same inequality we have today.
- Communities are limited in ability to participate on advisory committees. Need to consider having funding and stipends, a welcoming environment, bring information to the community and work on their turf. Also there used to be limitations that if you participated in an advisory committee than you could not participate in CPUC-funded grant projects. Hopefully that has changed.

WILDFIRE SAFETY

- Koko Tomassian (CPUC) introduces topic of the Wildfire Threat Maps. These maps were scoped and developed to identify areas prone to catastrophic fires and areas for increased safety regulations. Adopted for a specific proceeding and a specific purpose, with a ten-year refresh schedule. This map underpins utility operations and decision making to mitigate wildfire risk. As use of map evolves and we evaluate how or whether the map should be updated, how can we place ESJ considerations of the map?
 - » Map could be adapted related to the objectives of the CPUC. For example, if the objective to look at prevention, then the map would look different.
 - » Can also consider how does it integrate with other maps (such as the community wildfire protection plans that exist in local government level)?
 - » Could incorporate fire threat map with other programs. How does this map influence other types of decision making? What other contextual factors can the map account for?
 - » What are the goals for the map? Do utilities know where medically vulnerable groups are? Safety is important and need maps of these populations
 - » Need to also consider safety for those who have already experienced fires and the effect of that.
 - » Could also consider a communications dependence overlay. May be useful for evacuation purposes and emergency communications.
- Shrayas Jatkar (CA Workforce Development Board) introduces topic of wildfire preparation industry and vegetation management. This is a very fast-growing industry and there are implications for worker safety, climate change, grid resilience and increased employment opportunities.
 - » Need to think about the quality of jobs. Currently a lot of reliance on foreign guest workers to do work for low pay and in hazardous working conditions. There is no standardized set of skills or training. Some new policy tools, such as SB 247 and a new training program, are helping in this space.
 - » Need to encourage workforce development in this field as there is a big need. Need to be cautious this does not distract utilities from their responsibilities. Should get more voices involved, including wildfire survivors, and more meaningfully consider public comments.
 - » There is a high fatality rate and very little safety training in forestry workforce. Another issue is lack of enforcement. Need to create a requirement that contractors must demonstrate that workers receive adequate training before getting into state contracts.

Systematizing ESJ Considerations: Incorporating ESJ Issues in to CPUC Proceedings and Processes

- Mad Stano (Greenlining Institute) remarks that pollution burden and burden of utility costs are truly life threatening. We must root our thinking on viewing it as such and not just on processes and intending that these processes will resolve impacts at local levels. There is now legislative guidance to require meaningful conversations from communities most impacted by pollution. We cannot decarbonize without centering voices of community, and we cannot implement just and reasonable rates without centering those most impacted. We need to make a case for systematizing this approach. Communities and justice are administered through CPUC activities and actions. How do we reform criteria that leadership is held to when making decisions?
- Administrative Law Judge (ALJ) Ava Tran (CPUC) shares that the CPUC has been working on how to approach ESJ issues within its proceedings. ALJs are being encouraged to discuss ESJ issues within rulings to determine whether or not there are any impacts and to cope in any issues. News and Outreach team can assist by creating an outreach plan to inform interested parties and advise local organizations on how to become parties to proceedings. There are other opportunities to get involved, such as providing public comment. How do we ensure we have sufficient representation in proceedings? How do we better scope ESJ issues into proceedings? What should we be looking at to consider any potential impacts?
- Key takeaways from discussion include:
 - » The CPUC has been one of the most difficult organizations to create a pipeline for communication and bringing community participation forward. There needs to be an emphasis on hearing from local voices.
 - » The San Joaquin Valley Affordable Energy proceeding offers a better model.
 - » Incorporating a geographic analysis and pairing that with community engagement can help drive a substantive and long-standing commitment to responding to issues.
 - » Could be good to learn from AB 617 Community Air Protection implementation. How can the CPUC both learn from and implement community input through community-based organizations and leveraging ongoing efforts of sister agencies?
 - » There is a difference between “service list” outreach and true community engagement and outreach. It is scary to think of the small group of people that are involved as parties and people that are apart of decision-making process, yet their decisions and processes impact a larger population.
 - » Intervenor Compensation does not solve the issue of involving communities. One example includes waiting 3-4 years for compensation.
 - » Community organizations need more technical assistance to support participation in programs and proceedings. Often a lawyer is needed. Need to think about how community

members can be involved, and be specific (I.e., a different strategy for Spanish speakers and Hmong speakers).

- » Need to build more public understanding of the CPUC’s role. Local folks to not know the connection or the importance of the CPUC’s role.
- » While a lot of money has become available because of the pandemic, it has revealed a “digital desert” with communities not having enough expertise to be able to apply to programs to connect communities with resources. Need technical assistance to help with access.
- » If there is a way to create meaningful conversations and discussions to allow community members to learn and provide input on proceedings. As a community organization, it is hard to find proceedings, so hard to imagine the energy and work it would take for community members. Encourage the CPUC to make information more accessible- visualization tools, more outreach, videos, translation, —it can empower communities to provide their input.

Tracking and Measuring: Data Collection to Better Understand CPUC Impact in ESJ Communities

- Kathleen Yip (CPUC) opens the session by highlighting the focus being on quantitative data and issues of collection, transparency, tracking, and impact on ESJ communities.
- Jamarion Jackson (Transform) remarks that the CPUC should recognize harms and injustices to the communities it serves and protects. To do so, it must ask: what are indicators that can show harms and injustices? Once the CPUC answers that, it can start making improvements. Historically, government and industry have both created these harms. Some are intentional, others are not. All these make for challenges. The CPUC covers many sectors so standardized indicators are different across these, and so we need strategies to tackle that.
- Area where a lot of improvement can be made is to go beyond data and look at how is data collected and its impact. Another area is to consider areas where there is no data, which requires data stewardship, and ethical considerations, both internal and external. Yet another area of improvement is transparency. Data should be accessible and easily discoverable.
- Iain Fisher (CPUC Public Advocates Office) highlights the challenge of getting a person-centered approach to utility data management. In the CPUC, there are a vast range of approaches to data. In sum, each proceeding has a set of question for which it gathers data, which makes that dataset unique to that proceeding and question. But there are in the CPUC examples of broad data collection efforts, e.g., broadband data, which answers many questions that can be used in the future for different purposes. In general, there needs to be more cross-division standardization.
- Kathleen Yip highlights that we cannot fix what we cannot measure. CPUC needs to be accountable and show that we do what we say we will do. One primary issue is the lack of

standardization. Because of this lack, we cannot compare programs or proceedings. Another issue is that utilities can submit data in cumbersome formats and on different scales and metrics. The quality of the data is inconsistent - how to address that? How do we make data both better and more accessible to the public, given privacy and confidentiality issues? How do we measure impact on public policy? One attempt at an answer is to create standard baseline. To do that, we can ask: which indicators ought to be included from an ESJ perspective? What types of data would be useful across proceedings, projects, and programs?

- Iain Fisher points out that to improve quality you need to understand the business process of utilities: what points of the business process do you need to measure?
- Jamario Jackson looks back at the ESJ Action Plan and asks to focus on ensuring protection and benefits to consumers. How do you measure that? Recommend breaking it into smaller chunks and asking the community what the indicators they feel strongly about.
- Iain Fisher reminds that we need to ask what data utilities should collect and what do they have the right to collect.
- Kathleen Yip remarks that a key challenge is to figure out how to publish data that protects privacy on an accessible portal on the CPUC website that can be used by the public. Iain Fisher further mentions that privacy is very important and affects utilities, customers, citizens. Important to mention that part of reason why the CPUC is careful in treading into granular data is privacy issues. Avoids collecting some levels of data for this reason. What we need to do is build a framework on privacy for the CPUC.
- Jamario Jackson mentions one opportunity is that if data from different sources is imported into the same tool, that is an opportunity to explore implications and see patterns. One example could be to see how power shutoff data can be plugged in with redlining data to see if there's correlation. Such an approach would allow advocates to experiment with data. If CPUC provided such data, community organizations could use it. However, even when we have data, sometimes we are not heard by lawmakers and decisionmakers. Strength comes from marrying data with ground troop communities.
- Key takeaways from discussion include:
 - » Being able to standardize data from the three big IOUs, specifically disconnections data, would save a lot of time and energy on the analytical end.
 - » Could consider a geographically focused pilot on standardizing data.
 - » There is some standardization happening in wildfire space with GIS templates used to map utility assets. Still big issues with quality of data and privacy issues when it comes to publishing.
 - » Privacy becomes a hard challenge to manage. With transportation as an example - When you want to improve service or understand behavior, you need pick up and drop off data, and that can suggest movement patterns. On the other hand - as consumers we release a lot of

such data to companies unknowingly and knowingly. Only some people should maybe see it. Merits a larger conversation. Equity and integrity are important.

- » There is a dissonance between those that gather data and those that live the disparity. The data gathering and data must be relevant for people affected, people who live the disparity.
- » Must be understanding when communities sometimes do not want to share information with government. Need to consider strategies that don't require add-on information (like addresses, etc.)
- » Organizational patterns of IOUs might be inappropriate for ESJ data gathering. We need person or community level data. Collecting and ground truthing data with communities can be married with utility level data collection.

Public Comment Session

- Consider how to keep workshop participants in contact and engaged. Could do quarterly or regular engagement.
- All utilities should have a medical baseline program. Additionally, what is the CPUC doing to ensure cell service has backup power during shut off events? What is the CPUC doing to ensure utilities meet Public Safety Power Shut Off guidance? When will funds be added to the Self-Generation Incentive Program (SGIP).
- Need to consider how Community Choice Aggregators (CCAs) play into these ESJ topics and issues.
- Stakeholders with a lot of political and financial capacity can advocate for programs that fit their needs. We need programs with less barriers so that they are equitable. Sometimes regulation results in high barriers and it isn't equitable.
- Take a closer look at consultants who prepare reports and analyses for the CPUC. Consultants from out of state may have little connection to communities and history in California.
- Community is not involved in transition to solar and electrification. Mandates are coming top down and not from community. Need to look at grassroots efforts. Education is missing in these communities.
- On issues related to zero-emission vehicles (ZEVs) and equity, the Governor's Office has pointed to the CPUC. What is the CPUC doing to promote equity with ZEV deployment and charging infrastructure?
- Shocked that there are no comments from the disability community today. It is indicative of a lack of trust between the CPUC and the disability community. Disability needs vary. It is not clumped together in zip codes. It is not a political group even though it has so many common needs.

- Should not use privacy as an excuse to hide or obscure data.
- We need backup power during shutoffs. There is also a lack of cell service during power outages. Additionally, Transportation Network Companies (TNCs) do not provide service to people with physical disabilities.
- Significant challenges with logging in to Web Ex Platform. Zoom should be used.
- CPUC is catering to the interest of the utilities and not disabled people. Concerns are life and death. Knows of someone who had the power shut off by PG&E and died shortly thereafter struggling to breathe. Need to make sure battery backup systems are available to disabled community.

BREAKOUT SESSIONS: ESJ in CPUC Industry Divisions

ENERGY

- Amy Mesrobian (CPUC) and Alison LaBonte (CPUC) highlight there are currently 65 action items from the Energy Division in the current ESJ Action Plan
- Communities of color and low-income communities require a greater amount of funds to reach them and a more concerted effort. If programs are put out first come-first serve, early adopters and those who are motivated would take first advantage of those opportunities. Therefore, saying that that a budget is “equally available” is not equitable, because it might not reach ESJ communities.
- CPUC and IOUs are outreaching to the same communities and others remain uncontacted. Need more, smaller community organizations who can get outreach contracts as they will have the relationships and time to explain programs to new customers.
- Information that the IOUs request is too detailed and hard for customers to access and provide. Need to increase funding to smaller groups and provide adequate training to those doing outreach.
- Customers on the ground are not as satisfied with the Energy Savings Assistance Program (ESAP). IOUs are number driven and when another grassroots organization does outreach does not produce the same numbers, but they do longer term personal relationships where people go into the homes or on the phone to help these people make the changes. Need to accept a transformation in how we outreach to people to educate and not just dropping literature at people’s doors. Need to foster long term behavioral changes, which is a longer process
- CPUC should help community organizations get funding for outreach, education of their staff, and education of the community.
- On solar issues, 80% of people are disqualified because they have bad roofs, so how are we helping ESJ homeowners if we cannot help them repair their roofs?

- As far as avoiding unintended impacts, be realistic and really evaluate what goes into making these programs helpful to families you are trying to reach.
- There are also a lot of scammers out there. The CPUC needs to be more proactive in regulating or screening for those scammers.
- Major challenges with how CPUC looks at cost-effectiveness. Need to consider non-energy benefits which can include pollution reduction, quality of services, and person-oriented decisions. CPUC is instead focused on IOU bottom line.
- To find best practices and good models, look to community organizations that are already doing the work and have funding at risk of being taken away. Seek ways to support them in their ongoing, grassroots efforts.
- Need to understand that a consumer's life choices have many different factors, not just focused on one specific issue. Assumptions in program design often do not take this into account.
- Standing relationships with community organizations can have the most benefit. Build in these relationships when you are building a new program. Also consider working with Community Choice Aggregators (CCAs) on program design issues.
- Create an institutional process map to make it clear to CPUC internally and externally – when and where community engagement can make a difference.
- Consider opportunities to align eligibility criteria across programs, alongside need for home and roof repairs.

SAFETY & ENFORCEMENT

- Liz Podolinsky (CPUC) and Nicole Cropper (CPUC) outline how the Safety and Enforcement Division (SED) deals with both gas and electric safety issues as well as wildfire safety and can identify violations and file citations.
- How can ESJ concerns be overlapped with safety considerations? Once example could be in wildfire context and guidelines for alerting utility customers about events.
- It is important for SED to understand its role in terms of equity. For example, if a community member saw a safety issue and had a concern and they made a call into the CPUC or they provided a public comment. What is the expectation from SED in terms of that response? Is expectation to respond to that in 24-48 hours? How does this relate to response time by utilities?
- Another way to look at this is looking at how public participation is measured. Is there a public participation hearing (PPH) taking place? How is it seen and processed through proceeding? Do public comments end up meeting requirements of proceedings? There needs to be an objective or measure of proceedings in order to implement ESJ lens to this work.

- PPHs are good. There should be no proceeding without a PPH. CPUC needs to ask how hearings can be approached in different ways (due to time pressures in different proceedings but also different community needs). CPUC should not bypass the opportunity to engage community members into proceedings.
- Be descriptive of how public engagement is evaluated and how public participation will be merged into decision making process.
- We must understand what contributes to risks, how are risks different within particular communities—urban, rural environment. Understanding ESJ issues is within the expectations and measurement of tools to understand the full scope of the issue.
- Hammering Home: how you engage the public is how risks can be measured.
- CPUC has recently adopted an enforcement policy to set forth policies for all divisions that are under CPUC to take enforcement actions—investigations, penalties, settling cases. One thing we have started to work on is guidelines when we approve supplemental environmental projects (SEPs) in lieu of penalties. How much of a penalty should be mitigated, what the nexus between violation and remedial actions that are taken?
- Examples of SEPs that benefit disadvantaged communities include installing air filtration devices in schools, community centers, and residences to reduce the community’s exposure to air pollution; monitoring groundwater quality from infiltrating stormwater to detect harmful contaminants; providing regular health screenings for affected communities; or providing community members training to enable them to identify environmental violations and to notify regulatory agencies of those violations.
- SED could consider using CalEnviroScreen to identify environmentally burdened communities that may need tailored enforcement actions. Maybe those communities could receive more safety audits? Perhaps the penalties for violations in these communities could be higher? Perhaps those communities can get quicker service?

WATER

- Steve St. Marie (CPUC) and Jefferson Hancock (CPUC) describe key ESJ-related efforts within the Water Division, including the Low-Income Water proceeding and the Affordability proceeding.
- Interest in workforce development programming and existing partnership with the CA Workforce Development Board, which looks to promote high quality jobs for ESJ communities within CPUC programs and policies.
- Specific to consolidation of small water systems, what are opportunities to streamline the consolidation process with benefits to ESJ communities? Need to better understand barriers for acquisition from the utility perspective. CPUC is mostly interested in the cost of acquisition and subsequent rate impacts to both new and existing customers.

- How is the CPUC looking to diversify its own workforce? Currently has a cohort participating in California Capital Cohort on Race and Equity to develop a CPUC Racial Equity Plan. Also have a new Diversity, Equity, and Inclusion Working Group looking more internally at staff needs.
- Different tools for looking at disadvantaged communities are highlighted, including CalEnviroScreen and tool from Department of Water Resources.
- Consolidation issue is challenging. A system may have low rates but may be poorly maintained with poor water quality. But how do you protect against rate impacts? Sometimes people want to be left alone in rural communities and do not want to be part of larger utility.

Making the Most of Marketing, Education & Outreach (ME&O): Maximizing Impact and Aligning Strategies

- Whitney Richardson (CPUC) remarks that the CPUC has a strong interest in insuring utility customers are well informed of programs and how dollars are being spent to reach program goals. How can the CPUC ensure that programs reach specific customers?
- Alex Garibay (Southern California Edison) explains that utilities develop marketing and education programs for customers and that equity is core to their work. SCE works closely with community-based organizations that can share information across multicultural groups.
- Key takeaways from the discussion include:
 - » Leveraging 211/311 resources in local communities can be helpful. Ready-made infrastructure for outreach.
 - » IOUs often look to quantify information (number of bill inserts, etc.) and in no other industry would a marketing and communication campaign be looked at in such a way. Instead, it is critical to look at how that communication is being interpreted by the user. Not just the number of pamphlets distributed.
 - » Need time and investment in hard-to-reach communities so they understand programs available. Need to also have patience to have a conversation about the program. Communities are capable of understanding, but a pamphlet may not be enough.
 - » Do not measure success based on cost effectiveness. Sometimes pamphlets do not work all that well. Instead, a meeting with a giant poster may be more effective.
 - » Give community organizations the funding to do this type of engagement.
 - » Continual education is needed to achieve behavior change
 - » With partnerships with community organizations, it takes time and trust to build a collaborative relationship. Make it clear this is teamwork.

- » Creative strategies with COVID-19 pandemic – Communities holding meetings through WhatsApp as it uses much less bandwidth and using Facebook Live. Ask community members how they get messages and what it takes to get them to engage. You are asking for community time, have the resident feel valued.
- » People can be wary of the CPUC and utilities. Need to take that into account.
- » Consider using neighborhood faces in local outreach campaigns. Highlight community organizations doing the work and celebrate it.
- » Come up with a list of community organizations throughout the state that people can filter and have easy access to for outreach purposes.

Appendix C:

Key ESJ Definitions & Statutes

This guide is meant to be an initial resource to assist in incorporating ESJ issues into CPUC proceedings, programs, and processes. This guide is NOT an exhaustive list of definitions, nor does it reflect the only definition for a particular term. When using this guide, please note whether a term is defined in statute (and therefore should not be modified for CPUC use) or if a term can be adapted.

This resource will continue to be updated and available internally on the CPUC ESJ SharePoint website.

Environmental Justice and Equity Concepts

Term (In alphabetical order)	Definition
Adaptive Capacity ⁴⁵	The ability of systems, institutions, humans, and other organisms to adjust to potential damage, to take advantage of opportunities, or to respond to consequences.
Climate Justice ⁴⁶	Ensures that the people and communities who are least culpable in the warming of the planet, and most vulnerable to the impacts of climate change, do not suffer disproportionately because of historical injustice and disinvestment.
Community Engagement	
Cumulative Impacts ⁴⁷	Result when the effects of an action are added to or interact with other effects in a particular place and within a particular time.
Disproportionate Impacts ⁴⁸	Occurs when policies, practices, rules, or other systems that appear to be neutral impact different groups in different ways.
Distributive Justice ⁴⁹	Fairness in the distribution of rights or resources.

⁴⁵ IPCC, 2014: Climate Change 2014: Impacts, Adaptation, and Vulnerability, Annex II, Glossary, p. 1758, https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-AnnexII_FINAL.pdf

⁴⁶ <https://www.environmentalhealth.org/index.php/en/what-we-do/climate-justice>

⁴⁷ <https://www.epa.gov/sites/default/files/2014-08/documents/cumulative.pdf>

⁴⁸ <https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/dissparatimpactdisparatetreatment.aspx>

⁴⁹ <https://post.ca.gov/procedural-justice-and-police-legitimacy>

Term (In alphabetical order)	Definition
Environmental Justice ⁵⁰	<p>Environmental justice is the <i>fair treatment</i> and <i>meaningful involvement</i> of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:</p> <ul style="list-style-type: none"> • the same degree of protection from environmental and health hazards, and; • equal access to the decision-making process to have a healthy environment in which to live, learn, and work.
Equity ⁵¹	<p>Equity is transforming the behaviors, institutions, and systems that disproportionately harm people of color. Equity means increasing access to power, redistributing, and providing additional resources, and eliminating barriers to opportunity, in order to empower low-income communities of color to thrive and reach full potential. Greenlining’s definition of equity is specific to racial equity, given the legacy of institutionalized racism by government. Our emphasis on race is not about excluding other marginalized groups. These equity approaches are intended to also be applicable to creating equitable outcomes for other groups such as the elderly and people with disabilities.</p>
Ground Truth ⁵²	<p>Information obtained by direct observation of a real system, as opposed to a model or simulation.</p>
High Road ⁵³	<p>“High road” means a set of economic and workforce development strategies to achieve economic growth, economic equity, shared prosperity, and a clean environment. The strategies include, but are not limited to, interventions that:</p>

⁵⁰ Gov. Code, § 65040.12, subd. (c)

⁵¹ <https://greenlining.org/publications/reports/2019/making-equity-real-in-mobility-pilots-toolkit/>

⁵² https://www.lexico.com/en/definition/ground_truth

⁵³ https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=UJC&division=7.&title=&part=&chapter=2.&article

Term (In alphabetical order)	Definition
	<p>(1) Improve job quality and job access, including for women and people from underserved and underrepresented populations.</p> <p>(2) Meet the skill and profitability needs of employers.</p> <p>(3) Meet the economic, social, and environmental needs of the community.</p>
Institutional Racism ⁵⁴	<p>Institutional racism refers to the policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a racial group at a disadvantage. Poignant examples of institutional racism can be found in school disciplinary policies in which students of color are punished at much higher rates than their white counterparts, in the criminal justice system, and within many employment sectors in which day-to-day operations, as well as hiring and firing practices can significantly disadvantage workers of color.</p>
Japanese American incarceration sites	<p>Sakura Conservation Strategies</p>
Meaningful Involvement ⁵⁵	<p>Means that 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment or health; 2) the public's contribution can influence an agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.</p>
Procedural Justice ⁵⁶	<p>Fairness and the transparency of the processes by which decisions are made.</p>

⁵⁴ <https://www.aspeninstitute.org/blog-posts/structural-racism-definition/>

⁵⁵ <https://www.epa.gov/sites/production/files/2015-02/documents/team-cj-lexicon.pdf>

⁵⁶ <https://post.ca.gov/procedural-justice-and-police-legitimacy>

Term (In alphabetical order)	Definition
Public Participation	
Racial Equity ⁵⁷	Racial equity refers to what a genuinely non-racist society would look like. In a racially equitable society, the distribution of society’s benefits and burdens would not be skewed by race. In other words, racial equity would be a reality in which a person is no more or less likely to experience society’s benefits or burdens just because of the color of their skin. This is in contrast to the current state of affairs in which a person of color is more likely to live in poverty, be imprisoned, drop out of high school, be unemployed and experience poor health outcomes like diabetes, heart disease, depression, and other potentially fatal diseases. Racial equity holds society to a higher standard. It demands that we pay attention not just to individual-level discrimination, but to overall social outcomes.
Stakeholder Engagement	
Structural Racism ⁵⁸	A system in which public policies, institutional practices, cultural representations, and other norms work in various, often reinforcing ways to perpetuate racial group inequity. It identifies dimensions of our history and culture that have allowed privileges associated with “whiteness” and disadvantages associated with “color” to endure and adapt over time. Structural racism is not something that a few people or institutions choose to practice. Instead, it has been a feature of the social, economic, and political systems in which we all exist.
Transportation Network Company ⁵⁹	A Transportation Network Company (TNC) uses an online-enabled platform to connect passengers with drivers using their personal, non-commercial, vehicles.

⁵⁷ <https://www.aspeninstitute.org/blog-posts/structural-racism-definition/>

⁵⁸ <https://www.aspeninstitute.org/blog-posts/structural-racism-definition/>

⁵⁹ [6-20-17 Item 14 Transportation Network Company Activity Report.pdf \(sfmta.com\)](https://www.sfmta.com/transportation-network-company-activity-report)

Spectrum of Community Engagement – International Association of Public Participation⁶⁰

Increasing Impact on the Decision



	Inform	Consult	Involve	Collaborate	Empower
Public Participation Goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the Public	We will keep you informed.	We will keep you informed, listen to, and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will work together with you to formulate solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

⁶⁰ <https://sustainingcommunity.wordpress.com/2017/02/14/spectrum-of-public-participation/>

CPUC Definitions for Environmental and Social Justice and Disadvantaged Communities

Term (in alphabetical order)	Definition
Access and Functional Needs (AFN) ⁶¹	This population includes individuals who live with developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, are older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.
California Native American Tribe	“California Native American tribe” means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. See Public Resources Code § 21073. California Native American tribes include both federally recognized and non- federally recognized tribes.
Community- Based Organization	The term “community-based organization means a public or private nonprofit organization of demonstrated effectiveness that— A) is representative of a community or significant segments of a community; and B) provides educational or related services to individuals in the community.
Disadvantaged Communities (DAC) ⁶² (Water)	“Disadvantaged community” means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide annual median household income level.

⁶¹ AB 2311. https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160AB2311&showamends=false

⁶² Health and Safety Code Section 116426

Term (in alphabetical order)	Definition
<p>Disadvantaged Vulnerable Communities (DVC) ⁶³ (Climate Adaptation)</p>	<p>“Disadvantaged Vulnerable Communities” or “DVCs” consist of communities in the 25% highest scoring census tracts according to the California communities Environmental Health Screening Tool (CalEnviroScreen); as well as all California tribal lands, census tracts with median household incomes less than 60% of state median income; and census tracts that score in the highest 5% of Pollution Burden within CalEnviroScreen, but do not receive an overall CalEnviroScreen score due to unreliable public health and socioeconomic data.</p>
<p>Low Income Households ^{64 65}</p>	<p>Low-income households are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.</p>
<p>Low Income Communities ^{66 67}</p>	<p>Low-income communities are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.</p>

⁶³ D.20-08-046

⁶⁴ HSC § 39713

⁶⁵ Please note that individual CPUC programs may have low-income designations defined in statute that supersede this definition or may use federal poverty guidelines to define low-income.

⁶⁶ HSC § 39713

⁶⁷ Please note that individual CPUC programs may have low-income designations defined in statute that supersede this definition or may use federal poverty guidelines to define low-income.

Term (in alphabetical order)	Definition
<p>Hard-to-Reach (HTR)⁶⁸</p>	<p>Two criteria are considered sufficient if one of the criteria met is the geographic criteria defined below. There are common as well as separate criteria when defining hard-to-reach for residential versus small business customers. The barriers common to both include:</p> <ul style="list-style-type: none"> • Those customers who do not have easy access to program information or generally do not participate in energy efficiency programs due to a combination of language, business size, geographic, and lease (split incentive) barriers. These barriers to consider include: <ul style="list-style-type: none"> <i>Language</i> – Primary language spoken is other than English, and/or <i>Geographic</i> – Businesses or homes in areas other than the United States Office of Management and Budget Combined Statistical Areas of the San Francisco Bay Area, the Greater Los Angeles Area and the Greater Sacramento Area or the Office of Management and Budget metropolitan statistical areas of San Diego County • For small business added criteria to the above to consider: <ul style="list-style-type: none"> <i>Business Size</i> – Less than ten employees and/or classified as Very Small (Customers whose annual electric demand is less than 20kW, or whose annual gas consumption is less than 10,000 therms, or both), and/or <i>Leased or Rented Facilities</i> – Investments in improvements to a facility rented or leased by a participating business customer • For residential added criteria to the above to consider: <ul style="list-style-type: none"> <i>Income</i> – Those customers who qualify for the California Alternative Rates for Energy (CARE) or the Family Electric Rate Assistance Program (FERA), and/or

⁶⁸ D.18-05-041

Term (in alphabetical order)	Definition
	<p><i>Housing Type – Multi-family and Mobile Home Tenants (rent and lease)</i>”</p> <p><i>Modification:</i> include disadvantaged communities (as designated by CalEPA) in the geographic criteria for hard-to-reach customers.</p>
Indian Country	<p>The term Indian country is defined in 18 U.S.C. § 1151 and 40 C.F.R. § 171.3 as:</p> <ul style="list-style-type: none"> a. all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation b. all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and c. all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. <p>Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, lands held by the federal government in trust for Indian tribes that exist outside of formal reservations are informal reservations and, thus, are Indian country.</p>
Socioeconomic Vulnerability Index (SEVI) ⁶⁹	<p>The Socioeconomic Vulnerability Index (SEVI) metric represents the relative socioeconomic standing of census tracts, referred to as communities, in terms of poverty, unemployment, educational attainment, linguistic isolation, and percentage of income spent on housing. This metric therefore considers how a rate change may affect one community’s ability to pay more than another’s.</p>

⁶⁹ D.20-07-032

Term (in alphabetical order)	Definition
<p>Underserved Communities⁷⁰</p>	<p>Underserved community means a community that meets one of the following criteria:</p> <ul style="list-style-type: none"> • Is a “disadvantaged community” as defined by subdivision (g) of Section 75005 of the Public Resources Code. • Is included within the definition of “low-income communities” as defined by paragraph (2) of subdivision (d) of Section 39713 of Health and Safety Code. • Is within an area identified as among the most disadvantaged 25 percent in the state according to the California Environmental Protection Agency and based on the most recent California Communities Environmental Health Screening Tool, also known as CalEnviroScreen. • Is a community in which at least 75 percent of public school students in the project area are eligible to receive free or reduced-price meals under the National School Lunch Program? • Is a community located on lands belonging to a federally recognized California Indian tribe?
<p>Unerserved Household (Broadband)⁷¹</p>	<p>“Unerserved area” for the California Advanced Services Fund broadband infrastructure grants means a household for which no facility-based broadband provider offers broadband service at speeds of at least 25 megabits per second (mbps) downstream and one mbps upstream.⁷²</p>

⁷⁰ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB841

⁷¹ <https://codes.ca.gov/public-utilities-code/puc-sect-281.html>

⁷² https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB156

Eligibility Criteria Requirements for CPUC Energy, Communications, and Water Consumer Programs

Program	Eligibility Criteria
California Alternate Rates for Energy (CARE) ⁷³	Income eligibility for CARE participation is set at 200% or less of Federal Poverty Guidelines.
Family Electric Rate Assistance (FERA) ⁷⁴	Total family income eligibility for FERA participation is set between 200% and 250% of Federal Poverty Guidelines.
Energy Savings Assistance (ESA) Program ⁷⁵	Income eligibility for ESA participation is set at 200% or less of Federal Poverty Guidelines.
Multi-family Affordable Solar Housing (MASH) ⁷⁶	<ul style="list-style-type: none"> • Solar energy system installations on existing multifamily affordable housing that meets the definition of low-income residential housing established in Pub. Util. Code 2852 • Eligibility under Pub. Util. Code Section 2852 defines “low-income residential housing” as one of the following: Multifamily residential complex financed with one or more of the following: <ul style="list-style-type: none"> ▪ low-income housing tax credits ▪ tax-exempt mortgage revenue bonds ▪ general obligation bonds ▪ local, state, or federal loans or grants • Multifamily residential complex in which at least 20% of the total housing units are sold or rented to lower income households

⁷³ <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/california-alternate-rates-for-energy>

⁷⁴ <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/family-electric-rate-assistance-program>

⁷⁵ <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/energy-savings-assistance>

⁷⁶ Pub. Util. Code 2852; MASH Program Handbook.

Program	Eligibility Criteria
<p>Single-family Affordable Solar Homes (SASH) ⁷⁷</p>	<ul style="list-style-type: none"> • Receive electrical service from Pacific Gas & Electric (PG&E), Southern California Edison (SCE), or San Diego Gas & Electric (SDG&E), • Own and live in their home, • Have a household income that is 80% or below the area median income (AMI), • Live in a home defined as “affordable housing” by California Public Utilities Code 2852.
<p>Disadvantaged Communities-Single-family Affordable Solar Homes (DAC-SASH) ⁷⁸</p>	<ul style="list-style-type: none"> • Available to customers who live in DACs and meet the income eligibility requirements for the CARE and FERA programs or residents of California Indian Country. • Homeowners must live in one of the top 25 % most disadvantaged communities statewide • Be a billing customer of Pacific Gas & Electric (PG&E), Southern California Edison (SCE), or San Diego Gas & Electric (SDG&E)
<p>Solar on Multi-family Affordable Housing (SOMAH) ⁷⁹</p>	<ul style="list-style-type: none"> • Incentives for solar projects on affordable multifamily properties to achieve 300 MW's by 2030 • Available to affordable multifamily properties occupied by households with a majority of tenants with incomes at or below 60% of the area median income or be located in a disadvantaged community as identified by the California Environmental Protection Agency (CalEPA). • Multifamily properties must be in PG&E, SCE, SDG&E, PacifiCorp, or Liberty territories to participate

⁷⁷ AB 217; SASH Handbook; <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/demand-side-management/california-solar-initiative/esi-single-family-affordable-solar-homes-program>

⁷⁸ SB 535 Disadvantaged Communities; AB 327; <https://oehha.ca.gov/calenviroscreen/sb535>; Decision D.18-06-027; D.20-12-003; <https://www.cpuc.ca.gov/industries-and-topics/electrical-energy/solar-in-disadvantaged-communities>

⁷⁹ AB 693 (2015) “Multifamily Affordable Housing Solar Roofs Program”; Decision 17-12-022; <https://www.cpuc.ca.gov/somah>; <https://calsomah.org/>

Program	Eligibility Criteria
<p>Green Tariff/Shared Renewables Program (GTSR) (Enhanced Community Renewables)⁸⁰</p>	<ul style="list-style-type: none"> • The 600 MW GTSR program includes a specific 100 MW reservation for customers and projects in areas identified by the CalEnviroScreen tool as being in one of the 20% most disadvantaged census tracts in each IOU • Small projects—those under 1MW capacity—which are developed in EJ Communities are eligible for a Utility Power Purchase Agreement if their prices fall within 200 percent of the maximum executed contract price, rather than 120 percent for standard GTSR power purchase agreements.
<p>Disadvantaged Communities - Green-Tariff (DAC-GT)⁸¹</p>	<ul style="list-style-type: none"> • A 158MW program available for Residential customers in DACs who meet the income eligibility requirements for the CARE and FERA programs. • Homeowners must live in one of the top 25 % most disadvantaged communities statewide or the census tracts in the highest 5 percent of CalEnviroScreen's Pollution Burden or; • Be a billing customer of participating utility or Community Choice Aggregator.
<p>Community Solar Green Tariff (CSGT)⁸²</p>	<ul style="list-style-type: none"> • A 41MW program available for Residential customers in DACs or in San Joaquin Valley (SJV) pilot communities identified in R.15-03-010. • CSGT projects must be in DACs within 5 miles of DAC(s) where subscribing customers reside or within 40 miles for SJV pilot communities. • 50% of a project's output must be subscribed by customers eligible for CARE or FERA. • Customers must live in one of the top 25 % most disadvantaged communities statewide or the census tracts in the highest 5 percent of CalEnviroScreen's Pollution Burden or; • Be a billing customer of participating utility or Community Choice Aggregator.

⁸⁰ SB 43; https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB43

⁸¹ AB 327; Decision D.18-06-027, D.18-10-007 and D.20-07-008; <https://oehha.ca.gov/calenviroscreen>; https://www.cpuc.ca.gov/SolarInDACs/#DAC_GT

⁸² AB 327; Decision D.18-06-027 and D.18-10-007; <https://oehha.ca.gov/calenviroscreen>; <https://www.cpuc.ca.gov/SolarInDACs/#CSGT>

Program	Eligibility Criteria
<p>California Advanced Services Fund (CASF) Broadband Adoption Account⁸³</p>	<p>Eligible applicants are local governments, senior centers, schools, public libraries, nonprofit organizations, and community-based organizations with programs to increase publicly available or after school broadband access and digital inclusion, such as digital literacy training programs are eligible to apply for grants.</p>
<p>California Advanced Services Fund (CASF) Rural and Urban Regional Consortia Account⁸⁴</p>	<p>An eligible Consortium, as specified by the Commission, may include representatives, of organizations including, but not limited to, local and regional government, public safety, elementary and secondary education, health care, libraries, postsecondary education, community-based organizations, tourism, parks, and recreation, agricultural, business, workforce organizations, and air pollution control or air quality management districts. An eligible Consortium is not required to have as its lead fiscal agent an entity with a certificate of public convenience and necessity.</p>
<p>California Advanced Services Fund (CASF) Broadband Infrastructure Account⁸⁵</p>	<p>Senate Bill (SB) 156, enacted and effective on July 21, 2021, made many changes to the CASF. Additionally, SB 4 and Assembly Bill (AB) 14, enacted and effective on October 8, 2021, continued funding of the CASF program beyond 2022 to December 31, 2032.⁸⁶ Some of the changes relevant to the CASF Infrastructure Account include:</p> <ul style="list-style-type: none"> • Redefining “unserved area”—The previous definition was “unserved household,” meaning a household with service at six megabits per second (Mbps) downstream and one Mbps upstream. The current operative definition is: “unserved area means an area for which there is no facility-based broadband provider offering at least one tier of broadband service at speeds of at least 25 Mbps downstream, three Mbps upstream, and a latency that is sufficiently low to allow real-time interactive applications,

⁸³ AB 1665

⁸⁴ Decision (D.) 18-10-032

⁸⁵ Pub. Util. Code Section (b)(2)(B)(i)

⁸⁶ The CPUC plans to implement key changes in the CASF from SB 156, SB 4, and AB 14 for relevant accounts.

Program	Eligibility Criteria
	<p>considering updated federal and state broadband mapping data.” The statute also replaced the references to “households” with “areas.”</p> <ul style="list-style-type: none"> • Priority to areas with slow or no internet—Previously, the CPUC was to give preference to projects in areas with only dial-up service or no service. Now, the CPUC is to “prioritize projects in unserved areas where internet connectivity is available only at speeds at or below ten Mbps downstream and one Mbps upstream or areas with no internet connectivity.” • Serviceable locations—The CPUC “shall transition CASF program methodologies to provide service to serviceable locations and evaluate other program changes to align with other funding sources, including, but not limited to, funding locations.” • Elimination of “indispensable middle-mile” language—The Legislature eliminated the section that discussed the requirements for funding middle-mile infrastructure, if it is indispensable for last-mile service, formerly Pub. Util. Code Sec. 281(f)(5)(B). • Elimination of prerequisites for local agency infrastructure grants—Formerly in Pub. Util. Code Sec. 281(f)(9), local agencies could only receive an infrastructure grant if the CPUC “has conducted an open application process, and no other eligible entity applied.” This section has been eliminated, so that local agencies now have greater eligibility for funding.
<p>California Advanced Services Fund (CASF) Public Housing Account⁸⁷</p>	<p>Senate Bill (SB) 156, enacted and effective on July 21, 2021, made many changes to the CASF. Additionally, SB 4 and Assembly Bill (AB) 14, enacted and effective on October 8, 2021, continued funding of the CASF program beyond 2022 to December 31, 2032.⁸⁸ Some of the changes relevant to the CASF Infrastructure Account include:</p>

⁸⁷ https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/casf-adoption-and-access/bpha_guidelines_august_2020.pdf

⁸⁸ The CPUC plans to implement key changes in the CASF from SB 156, SB 4, and AB 14 for relevant accounts.

Program	Eligibility Criteria
	<ul style="list-style-type: none"> • Redefining “unserved area”—The previous definition was “unserved household,” meaning a household with service at six megabits per second (Mbps) downstream and one Mbps upstream. The current operative definition is: “unserved area means an area for which there is no facility-based broadband provider offering at least one tier of broadband service at speeds of at least 25 Mbps downstream, three Mbps upstream, and a latency that is sufficiently low to allow real-time interactive applications, considering updated federal and state broadband mapping data.” The statute also replaced the references to “households” with “areas.” • Priority to areas with slow or no internet—Previously, the CPUC was to give preference to projects in areas with only dial-up service or no service. Now, the CPUC is to “prioritize projects in unserved areas where internet connectivity is available only at speeds at or below ten Mbps downstream and one Mbps upstream or areas with no internet connectivity.” • Serviceable locations—The CPUC “shall transition CASF program methodologies to provide service to serviceable locations and evaluate other program changes to align with other funding sources, including, but not limited to, funding locations.” • Elimination of “indispensable middle-mile” language—The Legislature eliminated the section that discussed the requirements for funding middle-mile infrastructure, if it is indispensable for last-mile service, formerly Pub. Util. Code Sec. 281(f)(5)(B). • Elimination of prerequisites for local agency infrastructure grants—Formerly in Pub. Util. Code Sec. 281(f)(9), local agencies could only receive an infrastructure grant if the CPUC “has conducted an open application process, and no other eligible entity applied.” This section has been eliminated, so that local agencies now have greater eligibility for funding.
<p>California Advanced Services Fund (CASF)</p>	<p>CASF Tribal Technical Assistance Grant Program aims to provide grants to California tribes to develop market studies, feasibility studies, and business plans to pursue improved communications (voice and broadband).</p>

Program	Eligibility Criteria
<p>Tribal Technical Assistance Grant Program ⁸⁹</p>	
<p>California High-Cost Fund A (CHCF A) ⁹⁰</p>	<p>The 13 small LECs in California that are eligible to draw revenue from the CHCF-A program are:</p> <ul style="list-style-type: none"> • Calaveras Telephone Company • California-Oregon Telephone Company • Ducor Telephone Company • Foresthill Telephone Company • Happy Valley Telephone Company • Hornitos Telephone Company • Kerman Telephone Company • Pinnacles Telephone Company • The Ponderosa Telephone Company • Sierra Telephone Company • Siskiyou Telephone Company • The Volcano Telephone Company • Winterhaven Telephone Company

⁸⁹ [Tribal Technical Assistance](#); see Decision (D) 20-08-005

⁹⁰ <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-high-cost-fund-a>

Program	Eligibility Criteria
<p>California High-Cost Fund B (CHCF B)⁹¹</p>	<p>Carriers of Last Resort (COLRs) are given subsidies for providing basic telephone service to residential customers in high-cost areas that are currently served by Pacific Bell Telephone Company dba AT&T California, Verizon California Inc. dba Frontier Communications of California, Citizens Telecommunications Company of California and Cox Communications. High-cost areas of California are those in which the cost to the COLR to provide service is \$36 or more per telephone line.</p>
<p>California Lifeline⁹²</p>	<p>There are two ways to qualify for the California Lifeline Program. You may qualify for California Lifeline via Program-Based OR Income-Based.</p> <p><i>Program-Based Qualification Method:</i></p> <p>You can qualify for California Lifeline if you or another person in your household is enrolled in any one of these qualifying public assistance programs:</p> <ul style="list-style-type: none"> • Medicaid/Medi-Cal • Low Income Home Energy Assistance Program (LIHEAP) • Supplemental Security Income (SSI) • Federal Public Housing Assistance or Section 8 • CalFresh, Food Stamps or Supplemental Nutrition Assistance Program (SNAP) • Women, Infants and Children Program (WIC) • National School Lunch Program (NSL) • Temporary Assistance for Needy Families (TANF) <ul style="list-style-type: none"> a) California Work Opportunity and Responsibility to Kids (CalWORKs) b) Stanislaus County Work Opportunity and Responsibility to Kids (StanWORKs) c) Welfare-to-Work (WTTW)

⁹¹ <https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/california-high-cost-fund-b>

⁹² <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/lifeline/california-lifeline-eligibility#qualify>

Program	Eligibility Criteria												
	<p>d) Greater Avenues for Independence (GAIN)</p> <ul style="list-style-type: none"> • Tribal TANF • Bureau of Indian Affairs General Assistance • Head Start Income Eligible (Tribal Only) • Food Distribution Program on Indian Reservations • Federal Veterans and Survivors Pension Benefit Program <p><i>Income-Based Qualification Method:</i></p> <p>You can qualify for California LifeLine if your household's total annual gross income is at or less than these annual income limits:</p> <table border="1" data-bbox="742 728 1061 1489"> <thead> <tr> <th>Household Size</th> <th>Annual Income Limits</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>\$28,500</td> </tr> <tr> <td>3</td> <td>\$33,100</td> </tr> <tr> <td>4</td> <td>\$40,300</td> </tr> <tr> <td>Each Additional Member</td> <td>\$7,200</td> </tr> <tr> <td colspan="2">Effective June 1, 2021 to May 31, 2022</td> </tr> </tbody> </table>	Household Size	Annual Income Limits	1-2	\$28,500	3	\$33,100	4	\$40,300	Each Additional Member	\$7,200	Effective June 1, 2021 to May 31, 2022	
Household Size	Annual Income Limits												
1-2	\$28,500												
3	\$33,100												
4	\$40,300												
Each Additional Member	\$7,200												
Effective June 1, 2021 to May 31, 2022													
<p>California Teleconnect Fund ⁹³ (edited)</p>	<p>The CTF Program categorizes applicants (and participants) into seven distinct groups:</p> <p>Schools</p> <p>To qualify for the CTF Program, a public school must:</p> <ul style="list-style-type: none"> • Provide elementary or secondary education (grades K–12). 												

⁹³ https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/communications-division/documents/california-teleconnect-fund/ctf_applicant_and_participant_guidebook.pdf

Program	Eligibility Criteria
	<ul style="list-style-type: none"> • Possess an active County District School code number from California Department of Education. <p>To qualify for the CTF Program, a private school must:</p> <ul style="list-style-type: none"> • Provide elementary or secondary education (grades K–12). • Possess an active County District School code number from California Department of Education. • Possess an annual endowment under \$50 million. • File taxes as a nonprofit entity with the Internal Revenue Service. <p><u>Libraries</u></p> <p>To qualify for the CTF Program, a library must be eligible to participate in state-based plans for funds under the federal Library Services and Technology Act. Eligibility for the CTF Program is further limited to library outlet locations, which are the locations where library services are provided to the community.</p> <p><u>Community Colleges</u></p> <p>To qualify for the CTF Program, a community college must be a California Community College (as determined by California Education Code Section 70900) and possess a Management Information System (MIS) code.</p> <p><u>Government Hospitals/Clinics</u></p> <p>Hospitals and health clinics that are owned and operated by a municipal government, county government, or a hospital district may qualify for the CTF Program as a Government Hospital/Clinic. Government Hospitals/Clinics that participate in the CTF Program must have a valid healthcare license and identification number from the Office of Statewide Health Planning and Development. Only locations that provide healthcare services to the community can participate in the CTF Program.</p> <p><u>Community-Based Organizations</u></p> <p>To qualify for the CTF Program, a CBO must:</p> <ul style="list-style-type: none"> • File taxes with the Internal Revenue Service as a 501(c)(3) organization.

Program	Eligibility Criteria
	<ul style="list-style-type: none"> • Offer one or more of the following Qualifying Services to individuals and/or families in the community: <p><i>Educational Instruction:</i> These services include regular, ongoing, preschool or K-12 academic educational or instructional programs that can also include ESL and language education, literacy, job training, technology instructions and information on public benefit and social services programs eligibility and access. Educational instruction must include the use of a CTF-eligible communication service by community members.</p> <p><i>Head Start Program:</i> Refer to the Head Start Center Locator at https://eclkc.ohs.acf.hhs.gov/center-locator.</p> <p><i>Job Placement:</i> These services provide community members with assistance in obtaining employment, including activities related to job recruiting and placement. Eligible job placement services must include the use of a CTF-eligible telecommunication service by community members.</p> <p><i>Job Training:</i> These services provide community members with training or skill-building for the purpose of obtaining employment. Eligible Job Training Services must include the use of a CTF-eligible telecommunication service by community members.</p> <p><i>Community Lab / Technology Center:</i> To qualify, these services must provide the community training and/or access to technology and advanced communication services. Eligible Community Technology Programs must include the use of a CTF-eligible communication service by community members.</p> • Offer one or more Qualifying Services directly to individuals at a specific geographic location without charge or at a minimal fee. • Utilize the advanced communication service(s) that receives the CTF discount when providing one or more Qualifying Services. • Provide the community access to the advanced communication service(s) that receives the CTF discount. • Possess annual revenues less than \$5 million.

Program	Eligibility Criteria
	<ul style="list-style-type: none"> • A majority of the CBO’s board members must reside in California. <p><u>Healthcare Community-Based Organizations</u></p> <p>To qualify for the CTF Program, a Healthcare CBO must:</p> <ul style="list-style-type: none"> • File taxes with the Internal Revenue Service as a 501(c)(3) organization. • Offer healthcare services as their primary function directly to individuals at a specific geographic location. • Have licensed medical personnel on site providing healthcare services to individuals and/or families within the community. • Accept medical plans such as Medi-Cal, Medicare, Department of Veterans Affairs insurance, and/or provide services without charge or at a minimal fee. • Possess annual revenues less than \$50 million. • A majority of the Healthcare CBO’s board members must reside in California. <p><u>2-1-1 Providers</u></p> <p>To qualify for the CTF Program, a 2-1-1 Service Provider must:</p> <ul style="list-style-type: none"> • Have existing authorization from the California Public Utilities Commission (via Resolution) to operate as a 2-1-1 Service Provider. • File taxes with the Internal Revenue Service as a 501(c)(3) organization. • Possess annual revenues less than \$5 million.
<p>Deaf and Disabled Telecommunications Program⁹⁴</p>	<p>To be eligible to receive free specialized telephone equipment through the Program, a person must:</p> <ul style="list-style-type: none"> • Live in California • Have telephone service (Please note: The majority of Program equipment only functions with a land line.)

⁹⁴ https://ddtp.cpuc.ca.gov/faqs.aspx#Eligibility_and_Applying

Program	Eligibility Criteria
	<ul style="list-style-type: none"> • Be certified as having one or more of the following disabilities: <ul style="list-style-type: none"> ○ Hearing ○ Vision ○ Mobility ○ Speech ○ Cognitive <p>There is no age or income requirement.</p>
<p>Water Customer Assistance Programs (CAPs)⁹⁵</p>	<p>Income eligibility for ESA participation is set at 200% or less of Federal Poverty Guidelines.</p>

⁹⁵ <https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/water-company-assistance>

Additional Definitions in State Government

Term	Definition
<p>Socially Disadvantaged Farmers⁹⁶</p>	<p>A farmer or rancher who is a member of a socially disadvantaged group. A “socially disadvantaged group” means a group whose members have been subjected to racial, ethnic, or gender discrimination. These groups include the following:</p> <ul style="list-style-type: none"> • African Americans • American Indians • Alaskan Natives • Hispanics • Asian Americans • Native Hawaiians and Pacific Islanders • Female farmers and ranchers of color
<p>Disadvantaged Unincorporated Communities (DUCs)⁹⁷</p>	<p>Defined as an area of inhabited territory located within an unincorporated area of a County in which the annual median household income is less than 80 percent of the statewide median household income. State law considers an area with 12 or more registered voters to be an inhabited territory.</p>

⁹⁶ AB 1348 - https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1348

⁹⁷ SB 244 - https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB244

Term	Definition
<p>Under-resourced Communities ⁹⁸</p>	<p>“Under-resourced community” is identified pursuant to one, some, or all of the following sections of the Health and Safety Code:</p> <ul style="list-style-type: none"> • Section 39711, which reads, “The California Environmental Protection Agency shall identify disadvantaged communities ... [that] may include, but are not limited to, either of the following: <ol style="list-style-type: none"> (1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation. (2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment. • Subdivision (d) of Section 39713 of the Health and Safety Code, which reads, “(1) Low-income households are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093. (2) Low-income communities’ are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093. • Subdivision (g) of Section 75005, which reads, “Disadvantaged community’ means a community with a median household income less than 80% of the statewide average. ‘Severely disadvantaged community’ means a community with a median household income less than 60% of the statewide average.”

⁹⁸ SB 1072 - https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1072

Term	Definition
<p>AB 1550 Priority Populations⁹⁹</p>	<p>Certain populations are especially vulnerable to the impacts of climate change. At least 35 percent of California Climate Investments¹⁰⁰ must benefit these populations, which include disadvantaged communities, low-income communities, and low-income households, also known as “priority populations.”</p> <p>Disadvantaged communities are identified by the California Environmental Protection Agency (CalEPA) as the top 25% most impacted census tracts in CalEnviroScreen 3.0 - a screening tool used to help identify communities disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution.</p> <p>Low-income communities and households are defined as the census tracts and households, respectively, that are either at or below 80 percent of the statewide median income, or at or below the threshold designated as low-income by the California Department of Housing and Community Development's (HCD) 2016 State Income Limits.</p>

⁹⁹ <https://ww2.arb.ca.gov/sites/default/files/auction-proceeds/communityinvestments.htm>

¹⁰⁰ <https://www.climateinvestments.ca.gov/>

Appendix D: Select Case Studies of ESJ in CPUC Proceedings

The below case studies represent examples of how the ESJ Action Plan can be incorporated into proceeding rulings and resolutions. These highlighted examples are not an exhaustive list and only represent a handful of cases where the ESJ Action Plan has been cited in CPUC proceedings.

Communications

ORDER INSTITUTING RULEMAKING REGARDING BROADBAND INFRASTRUCTURE DEPLOYMENT AND TO SUPPORT SERVICE PROVIDERS IN THE STATE OF CALIFORNIA.

Rulemaking 20-09-001

Comments Requested

Parties are asked to comment on the following questions:

1. Are the inputs and assumptions of the studies¹⁰¹ discussed above accurate? How could one improve these studies?
2. Do the findings of these studies provide evidence of a systemic problem in California?
3. Do these studies indicate discrimination based on race, socioeconomic status or otherwise, and, if yes, what are the societal implications?
4. If the Commission were to undertake an investigation into whether ISPs are not serving certain communities or neighborhoods within their service or franchise areas, a practice generally referred to as redlining, how should the Commission conduct that investigation? What data should the Commission rely on for its investigation?
5. Historically, redlining has meant that some neighborhoods, generally with affluent, white residents, have access to a particular service while poorer residents do not. How should the Commission define redlining? In the context of broadband Internet service, should Internet speeds offered to residents be taken into consideration?
6. Does the table in Section 3 of this ruling indicate redlining or some other form of systemic issue? It appears to indicate that poorer communities are more likely to be unserved, and wealthier communities are more likely to be served. Is this analysis accurate? Please explain why it is or is not accurate.
7. Are there other studies or analysis that parties wish to submit for the record in this proceeding?

¹⁰¹ *On the Wrong Side of the Digital Divide*, released in June 2020 by the Greenlining Institute; *AT&T's Digital Redlining: Leaving Communities Behind for Profit*, released in October 2020 by the Communications Workers of America (CWA) and the National Digital Inclusion Alliance (NDIA); *Who gets access to Fast Broadband? Evidence from Los Angeles County 2014-17*, released in October 2019 by USC Annenberg Research Network for International Communication (ARNIC) and the USC Price Spatial Analysis Lab (SLAB)

Energy

DECISION ON LARGE INVESTOR-OWNED UTILITIES' AND MARIN CLEAN ENERGY'S CALIFORNIA ALTERNATE RATES FOR ENERGY (CARE), ENERGY SAVINGS ASSISTANCE (ESA), AND FAMILY ELECTRIC RATE ASSISTANCE (FERA) PROGRAM APPLICATIONS FOR PROGRAM YEARS 2021-2026

Decision 21-06-015

9. Environmental and Social Justice

9.1. Background

On February 21, 2019, the Commission adopted the Environmental and Social Justice (ESJ) Action Plan¹⁰⁵² which serves to expand public inclusion in Commission decision-making and improve services to targeted communities in California, specifically communities of color and/ or low-income communities. The ESJ Action Plan defines environmental and social justice as:

Environmental and social justice seeks to come to terms with, and remedy, a history of unfair treatment of communities, predominantly communities of people of color and/or low-income residents. These communities have been subjected to disproportionate impacts from one or more environmental hazards, socioeconomic burdens, or both.

The overall goals identified by the ESJ action plans include:

- Goal 1: Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts.
- Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health.
- Goal 3: Strive to improve access to high-quality water, communications, and transportation services for ESJ communities.
- Goal 4: Increase climate resiliency in ESJ 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.
- Goal 6: Enhance enforcement to ensure safety and consumer protection for ESJ communities.
- Goal 7: Promote economic and workforce development opportunities in ESJ communities.
- Goal 8: Improve training and staff development related to ESJ issues within the CPUC's jurisdiction.

- Goal 9: Monitor the CPUC’s ESJ efforts to evaluate how they are achieving their objectives.

ESJ communities are also identified as those where residents are predominantly communities of color or low income, underrepresented in the policy setting or decision-making process, subject to a disproportionate impact from one or more environmental hazards, and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. On the ground, these targeted communities typically include but are not limited to, DACs, all Tribal lands, and low-income households and census tracts.

9.2. Incorporating ESJ Goals and Efforts into CARE and ESA

As CARE and ESA program eligibility is set at or below 200 percent of FPG, most if not all, ESA and CARE participants are part of an ESJ community. Through this proceeding, we prioritize actions that improve local air quality, benefit public health, increase climate resiliency and provide economic benefits within the ESJ communities. This decision makes great strides in prioritizing ESJ issues and takes actions that advance equity and policies for ESJ communities. Below we outline the efforts directed in this decision that specifically address and further the goals of the Action Plan.

- Requiring that all working groups, (who are tasked with final design and delivery of the program), include representation specifically from community-based organizations, consumer protection/advocates, and other special interest groups, which includes members or representatives from ESJ communities; Furthers Goals 1, 5.
- Requiring the IOUs to hold annual public meetings to discuss program progress with community members; Furthers Goal 5.
- Requiring the consideration of the development of a UAS that would provide low-income customers various registration pathways into multiple affordable programs (including clean energy programs), easing the enrollment process and decreasing barriers to participation; Furthers Goals 1, 2, 5.
- Recommending IOU engagement and collaboration with CARB and GRID Alternatives on the Access Clean California tool, which would provide a single application connecting residents with the state’s clean energy and transportation equity programs; Furthers Goals 1, 2, 3, 5.
- Prioritizing the below customer segments for outreach, education, and treatment which are inclusive of ESJ community members; Furthers Goal 1.

By Financials	By Location	By Health Condition
CARE	DAC	Medical Baseline
Disconnected	Rural	Respiratory
Arrearages	Tribal	Disabled
High usage	PSPS Zone	

By Financials	By Location	By Health Condition
High energy burden	Wildfire Zone	
SEVI	Climate Zone	
Affordability Ratio	CARB communities	

- Approving advanced treatment offerings, and investment, for specific customer segments which are inclusive of ESJ community members; Furthers Goals 1, 2, 4.
- Requiring the IOUs to track ESA treatment levels and efforts within specific customer segments in their reporting to the Commission; Furthers Goals 1, 9.
- Approving funding agreements to those point persons in Tribal communities that assist with outreach for ESA, FERA and CARE; Furthers Goals 1, 5.
- Requiring the IOUs to extend and encourage participation of the CARE/FERA capitation program in Tribal communities; Furthers Goals 1, 5.
- Leveraging with LifeLine, CETF and water utilities, which include co-promotion and marketing efforts, co-funding of water measures, and data sharing and customer referrals with LifeLine and water utilities; Furthers Goal 3.
- Approving a Building Electrification pilot that will offer high usage, income-qualified single-family households in DACs electrification measures at no cost; Furthers Goals 1, 2, 4.
- Approving a Clean Energy Homes pilot that will provide incentives for low-income housing developers to incorporate electrification into the designs of new construction, with a goal to reduce energy bills for the low-income customer, reduce GHG emissions associated with burning fossil fuels, and ease participation in customer programs; Furthers Goals 1, 2, 4.
- Requiring the IOUs to ensure additional workforce development opportunities and hiring within local communities, specifically in DACs (via IOU partnerships with the California Workforce Development Board’s Energy and Climate Jobs Initiative, community colleges, and organizations providing services in DACs); Furthers Goal 7.
- Requiring the IOUs to track ESA workforce, education, and training efforts in their annual reporting to the Commission; Furthers Goals 7, 9.

We are confident that the objectives and actions taken here are necessary and will advance the Commission towards the state’s equity goals.

Rail Safety

APPLICATION OF THE CALIFORNIA HIGH-SPEED RAIL AUTHORITY FOR APPROVAL TO CONSTRUCT THREE NEW GRADE SEPARATED CROSSINGS OVER THE PROPOSED HIGH-SPEED RAIL TRACKS OPERATED BY CALIFORNIA HIGH-SPEED RAIL AUTHORITY AT EXCELSIOR AVENUE (MP 218.83), FLINT AVENUE (MP 220.86), AND FARGO AVENUE (MP 221.88) LOCATED IN THE COUNTY OF KINGS, STATE OF CALIFORNIA.

Decision 21-01-007

Alignment with the Commission’s Environmental and Social Justice Action Plan

In February 2019, the Commission adopted its Environmental and Social Justice (ESJ) Action Plan as a comprehensive strategy and framework for addressing ESJ issues in each proceeding.

The Final EIR/EIS identifies several impacts that were considered when choosing the route for the Fresno-Bakersfield CHSTS Project, especially in the rural areas that will be affected by the three crossings proposed in A.20-08-015. CHSRA and FRA worked with local, state, and federal officials and stakeholders to identify a route intended to follow existing railway corridors, to minimize relocation impacts and better align with current and planned land uses along the project corridor.

The route, including the three crossings proposed in A.20-08-015, was also designed to ensure agricultural producers in the San Joaquin Valley still have access to railroad service necessary to efficiently move their goods to market.

Here, CHSRA has coordinated with tribal communities and stakeholders in the regions impacted by the project, and access to a high-speed rail option through the San Joaquin Valley would not only provide cleaner transportation options to residents but could improve ambient air quality by reducing the number of personal vehicle trips through the region.

Upon review of the Application and the record of this proceeding, including the Final EIR/EIS, we find that the three grade-separated crossings proposed in this Application align with the Commission’s ESJ Action Plan. CHSRA is encouraged to hire local contractors and conduct public outreach about temporary street closures in multiple languages when constructing the three crossings proposed in A.20-08-015.

Transportation

DECISION AUTHORIZING DEPLOYMENT OF DRIVERED AND DRIVERLESS AUTONOMOUS VEHICLE PASSENGER SERVICE

Decision 20-11-046

4.9. Goal: Equity and Environmental Justice

The December 19, 2019 Ruling asked how the Commission should incorporate equity and environmental justice into its program goals.

4.9.1. Comments

Multiple parties emphasize the importance of ensuring the benefits of AV passenger service are available to all of California's communities including disadvantaged and low-income communities. They reference state law, the Commission's Environmental and Social Justice Action Plan (ESJ Action Plan), and basic principles of equity.

SFMTA and SFCTA along with LADOT argue that, unless the Commission adopts environmental justice goals, profit-driven business models may leave disadvantaged communities behind. UC Davis and LADOT emphasize that even though disadvantaged communities are the communities that could benefit most from improved transportation options, they are the most likely to suffer environmental consequences from transportation operations. Sierra Club agrees.

SFMTA and SFCTA note that the Commission has adopted an ESJ Action Plan that establishes several objectives related to transportation. In the ESJ Action Plan, the Commission states its intent to "promote equitable transportation services regulated by the CPUC; encourage greater utilization of Zero Emission Vehicles (ZEVs) by TNCs within ESJ communities, with a focus on communities that have been underserved by existing transportation options; and encourage that autonomous vehicles be available in disadvantaged communities.

Accordingly, SFMTA and SFCTA propose the goal that "AV Passenger Service should prevent negative impacts on disadvantaged communities and improve transportation options for all, giving priority to disadvantaged communities with unmet transportation needs." SANDAG and SFO support this goal.

While Waymo argues that it is too early to set prescriptive equity goals, they assert that authorizing fare collection encourages companies to expand their service more broadly, including to low-income communities. Waymo gives the example of a partnership they formed with a transit agency in Arizona to provide first- and last-mile service to groups underserved by public transit.

4.9.2. Discussion

The Commission adopts the equity goal to "Improve transportation options for all, particularly for disadvantaged and low-income communities." The environmental justice goal is addressed by ensuring that disadvantaged communities have preferential access to the greenhouse gas and air

quality benefits of AVs. The latter goal is addressed more fully in the following section on “Environmental and Climate Impacts.”

Parties are correct to highlight that the Commission already recognizes the many burdens faced by DACs including a lack of access to transit options and a disproportionate share of the environmental and health burdens caused by transportation services like particulate emissions from passenger vehicles. As noted in Goal #2 of the ESJ Action Plan, the Commission aims to improve the local air quality (i.e., criteria pollutants and air toxics) and public health in disadvantaged communities. AVs may be an important service to reduce these burdens.

The Commission will collect data to evaluate progress toward this goal including the census tracts in which trips begin and end; the volume and frequency of shared rides in each neighborhood; and narrative descriptions of each permit holder’s outreach activities. These data are discussed in more depth in [Section #] of this Decision.

As discussed above, it is too soon for the Commission to set uniform equity targets. Companies will operate under different business models and at different scales. Some companies have stated they intend to provide broad market ride hailing services while other companies focus exclusively on shuttle services for single communities. As the market matures, the Commission can reconsider if and when to impose uniform equity targets.

4.15. Data Reporting Requirements: Equity and Environmental Justice

4.15.1. Comments

Party comments about the data necessary to evaluate the impacts of AV service on equity and environmental justice are largely covered in 4.12 on “AV Operations.”

Relevant excerpts:

“Greenlining, SFO, SFMTA and SFCTA, MTC, Sierra Club, and UC Davis all argue that the Commission should expand its data collection to include detailed information about AV operations including the location of pick-ups and drop-offs or at least whether the pick-up or drop-off site is located in a Disadvantaged Community.”

“Multiple parties highlight the benefits of collecting location data to understand the impacts of AVs’ operations on the environment, equity, and traffic patterns. As Greenlining and Sierra Club note, location data can be used to determine the level of service and the comparative environmental impact of AVs on DACs.”

4.15.2. Discussion

As discussed in 4.12, the Commission requires companies to include in their quarterly program reports information about the pick-up and drop-off locations of each trip, and the fuel type of the vehicle for each trip. This enables stakeholders to compare service to neighborhoods in disadvantaged communities vs neighborhoods outside disadvantaged communities. This provides information about the equity of service as well the trips’ environmental impacts.

Water

GOLDEN STATE WATER COMPANY. ORDER AUTHORIZING GOLDEN STATE WATER COMPANY TO ACQUIRE ROBBINS WATER SYSTEM FROM SUTTER COUNTY WATER WORKS DISTRICT NO. 1.

Resolution W-5237

This Resolution addresses Goals #1 and #3 of the ESJ Action Plan, “Consistently integrate equity and access considerations throughout Commission regulatory activities,” and “Strive to improve access to high-quality water, communications, and transportation services for ESJ communities.”

The Commission recognizes that some populations in California such as those served by Robbins, face higher barriers in accessing safe and affordable utility services. The ESJ Action Plan tasks the Commission with the responsibility to serve Californians in a way that helps address these inequities. The Resolution for the acquisition of Sutter County’s Robbins Water System by Golden State created a pathway to provide safe and reliable water service for the Robbins community that currently does not have access to high-quality water with the previously mentioned water quality issues related to arsenic, TDS, chloride, and specific conductance.

Robbins is classified as a disadvantaged community as defined by Health and Safety Code Section 116275, subd. (aa). The California Communities Environmental Health Screening Tool, Version 3 (CalEnviroScreen 3.0) provided by the California Environmental Protection Agency, identifies disadvantaged communities by collecting multiple metrics and outputting a single value at the census tract scale. CalEnviroScreen 3.0 ranks Robbins in the 65-70th percentile of the highest scoring census tracts statewide, the census tract notably falls into the 98th percentile for Impaired Water, and in the 91st percentile for Groundwater Threats. The acquisition provided direct relief to residents of Robbins, who experienced disproportionately poor water quality.

Language Access and Partnership with Community Based Organizations

DECISION ON COMMUNITY AWARENESS AND PUBLIC OUTREACH BEFORE, DURING AND AFTER A WILDFIRE, AND EXPLAINING NEXT STEPS FOR OTHER PHASE 2 ISSUES

Decision 20-03-004

3.3. Discussion

3.3.1. In Language Requirements

Communication before, during and after a wildfire may be a life-or-death matter. The diversity of California's population and the vast number of languages spoken here is part of what makes the state strong, vibrant, tolerant, and forward-looking. We should honor and support all residents of the state, especially when dealing with public safety and catastrophic risk. However, people cannot act on outreach they cannot understand; public safety requires that outreach actually reach the intended audience. Outreach that is not in-language simply will not be effective in protecting all California residents.

Therefore, the Commission will require each of the IOU and SMJU respondents in this proceeding to communicate before, during and after a wildfire with community residents, businesses, state and local first responders, and CBOs in all languages that are prevalent in their service territories. Prevalent means that 1,000 or more people speak the language in an IOU's or SMJU's territory. Further, nothing in this decision limits an IOU or SMJU from communicating in a language that is not prevalent.

The communication methods need not all be the same, because different communities may get their information in different ways. However, all IOUs and SMJUs, at a minimum, should consider using radio, broadcast, cable, and print earned and unearned media, shareable video or audio content, door-to-door contact, social media and websites, texting, and other communications-based methods such as live phone calls, emergency alerts, emails, or prerecorded messages to communicate with their customers in language.

To identify prevalent languages, the IOUs and SMJUs shall use U.S. Census data, where available, to determine prevalent languages in their service territories, as well as the data sources suggested by CEJA: "California Complete Count," "Hard to Count" data, and the American Community Survey (ACS) tabulated and untabulated data as a screening tool to identify where English-limited individuals are likely to be in their service territory. They should also use lessons from the San Joaquin Valley proceeding, R.15-03-010 to inform them on appropriate language outreach. CEJA shall forward relevant information from that proceeding to the IOUs and SMJUs no later than 30 days after issuance of this decision.

In addition to census analysis, the IOUs and SMJUs should include data based on prior experience and information from CBOs, community representatives and leaders (i.e., identifying key sites like a migrant housing site or mobile home park). To the extent the IOUs' and SMJUs' own customer data reveals language usage or preference, they shall also utilize customer information data to determine language prevalence.

IOUs and SMJUs shall, to the maximum extent, use their existing CBO networks, and partner with new CBOs where they do not have existing relationships with a specific language minority community. Some principles that should guide CBO relationships are the following:

- Ensure partnerships, particularly with community partners, are resourced and include a clear Memorandum of Understanding to articulate roles, responsibilities, and activities. This should include outreach and translation needs.
- Consider strategies such as phone trees to help quickly disseminate information across trusted sources.
- Create a team of cross-sector partners, with a designated coordinator, to be able to work across purposes, share feedback, and steer the effort.
- Include methods and strategies for information sharing and dealing with confidentiality between partner organizations (both CBO and government).

The IOUs and SMJUs should consider the following community partnerships in developing and carrying out community outreach:

- Community Organization Partnerships:
 - » Churches, schools, non-profits, medical clinics and hospitals, social service providers, legal services, and small businesses.
- Local Government Partnerships:
 - » Emergency services, public health departments, other service providers, and first responders.

The IOUs and SMJUs shall take input from parties to this proceeding in a meet and confer format to ensure they are reaching the appropriate CBOs. They need not communicate their meet and confer process to the Commission unless there are problems or concerns. In the event of problems or concerns, the parties shall first contact and work with Monica.Palmeira@cpuc.ca.gov (the September 2019 workshop moderator), or such other contact person the Commission shall later designate, and s/he will determine whether to involve the ALJ and other parties to the proceeding.

The IOUs and SMJUs shall also reach out to the telecommunications, water, and transportation utilities in their territory in order to partner with language access services and CBO relationships those utilities may have. Further, they shall gather – with the assistance of the parties to this proceeding – information on available governmental and non-governmental communications

before, during and after a wildfire and coordinate their efforts with those communications to the maximum extent possible.

The IOUs' and SMJUs' communications methods shall accommodate language minorities without a common written language, as well as the indigenous languages Mixteco and Zapoteco. At the workshop, it appeared Triqui use is rare, but if it meets the definition of prevalence, the IOUs and SMJUs should also use Triqui.

In summary, the IOUs and SMJUs shall be prepared to conduct the outreach before, during and after a wildfire in time for the 2020 wildfire season.

Metrics for Utility Outreach & Engagement Activities

DECISION ON COMMUNITY AWARENESS AND PUBLIC OUTREACH BEFORE, DURING AND AFTER A WILDFIRE, AND EXPLAINING NEXT STEPS FOR OTHER PHASE 2 ISSUES

Decision 20-03-004

3.3.2. Surveys and Metrics to Determine Effectiveness of Outreach

Public safety requires that the IOUs and SMJUs survey the communities where they conduct outreach and use other metrics to determine that they are using effective methods. Several parties have commented – both in this Phase and in Phase 1 – that community meetings, conference calls or other group events the IOUs hold may not adequately inform communities about wildfire risk.

No later than May 30, 2020, the IOUs and SMJUs shall prepare, file, and serve the results of an independent survey that assesses the effectiveness of their community outreach in 2019 pursuant to Public Utilities Code Section 8386(c)(16)(B). For the 2020 wildfire season, the survey results are due no later than December 31, 2020. At a minimum, the IOUs and SMJUs shall:

- Ask communities and individuals to which the IOU or SMJU has conducted outreach if the outreach was effective in helping them before, during and after a wildfire.
- Provide survey responses categorized by type of outreach – e.g., community meetings, over the air broadcast information, social media, print media, etc. – so that there is data in the proceeding showing what outreach is most effective that the Commission and stakeholders may use to direct future outreach.
- File and serve any existing survey results that assess the effectiveness of outreach before, during and after a wildfire conducted since the passage of SB 901.

Prior to conducting either survey, the IOUs and SMJUs, alone or in combination, shall gather input from the parties to this proceeding on appropriate survey questions and methodology through a meet and confer process that is open to all parties. This meet and confer process shall conclude no later than 30 days before the surveys are conducted.

In addition to surveys, the IOUs and SMJUs should use metrics to determine the reach of their efforts. One set of metrics should be quantitative in nature, and include data related to web site visits, click rates, conversions, in-person meetings, radio spots, number of partners, number of customers reached, customer acknowledging information, read receipts, video shares, and other quantitative measurement.

Another set of metrics should document comprehension, especially after a significant wildfire event. Such metrics can be more qualitative in nature and include metrics collected from surveys and post-event interviews/sessions with stakeholders and partners. Metrics should capture satisfaction with

outreach and engagement from utility, understanding of information and whether communities or individuals feel equipped to act, and whether communities or individuals feel connected to resources they may call upon before, during and after a wildfire. Potential avenues for collecting this information include debriefs with partners to discuss what could be improved, public listening sessions to discuss what could be improved, and customer surveys to understand what could be improved.

Workforce Development

DECISION SETTING NEAR-TERM PRIORITIES FOR TRANSPORTATION ELECTRIFICATION INVESTMENTS BY THE ELECTRICAL CORPORATIONS

Decision 21-07-028

4.3.1. Equity and Environmental Justice Requirements for Near-Term Priority Program Proposals

- Further the principles of economic equity and promote access to high quality jobs for residents of underserved communities. The IOUs should articulate how each project incorporates any of the following priority provisions:
 - » Job quality measures, such as wage and benefit standards and responsible contractor standards;
 - » Job access measures, such as targeted hire requirements as well as specified targets for residents of underserved communities;
 - » Comprehensive project agreements that address both job quality and job access, such as application of the Skilled & Trained Workforce requirement, and use of Community Workforce Agreements for large-scale TE projects;
 - » Funding directed to training partnerships that are guided in their programming to ensure that investments in training are connected to and result in placement in high-quality jobs.

Appendix E: Memorandum of Understanding (MOU) with the California Workforce Development Board

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE
CALIFORNIA WORKFORCE DEVELOPMENT BOARD ON
WORKFORCE DEVELOPMENT FOR ENVIRONMENTAL AND SOCIAL JUSTICE**

PURPOSE

Pursuant to the California Public Utilities Commission's (CPUC) Environmental and Social Justice Action Plan (ESJ Action Plan), as well as directives in Governor Newsom's Executive Orders N-79-20 (EO N-79-20)¹ and N-19-19 (EO N-19-19)², the CPUC and California Workforce Development Board (CWDB) (collectively the Parties) enter into this Memorandum of Understanding (MOU) to coordinate economic and workforce development planning, analysis, and implementation activities.

The purpose of this agreement is to draw upon the expertise of the CWDB to ensure the state has the workforce and industry-based training partnerships necessary to meet its clean energy and clean transportation goals, while building pathways into the middle class and beyond for Californians who have been historically excluded from opportunity or shouldered a disproportionate share of climate and environmental costs.

The scope of this agreement includes advice and recommendations to ensure CPUC policies and regulated programs create or support high-quality jobs in the energy and transportation sectors and expand access to those jobs for priority populations through high-quality education and training.

BACKGROUND

On October 7, 2015, Governor Brown signed the Clean Energy and Pollution Reduction Act of 2015 (SB 350). SB 350 established new energy efficiency and renewable electricity targets to support California's climate goal of reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030. In addition,

¹ Executive Order N-79-20, September 2020: <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf>

² Executive Order N-19-19, September 2019: <https://www.gov.ca.gov/wp-content/uploads/2019/09/9.20.19-Climate-EO-N-19-19.pdf>

SB 350 directed the California Energy Commission (CEC) and the California Air Resources Board (CARB) to, among other things, study and provide recommendations on barriers for low-income customers to energy efficiency and weatherization investments as well as clean transportation and mobility investments, including those in disadvantaged communities.

On December 2016, the CEC published the *SB 350 Low-Income Barriers Study, Part A- Commission Final Report: Overcoming Barriers to Energy Efficiency and Renewables for Low-Income Customers and Small Business Contracting Opportunities in Disadvantaged Communities* (Study A).³ Study A recommends promoting well-paying clean energy job opportunities for residents in disadvantaged and low-income communities by creating opportunities to “collaborate with state labor agencies such as the California Labor & Workforce Development Agency, the California Workforce Development Board, and the Employment Development Department on targeted workforce training and job placement initiatives to create strategies that drive clean energy job opportunities in low-income and disadvantaged communities.” (Study A, 77.)

In February 2018, CARB published the *SB 350 Low-Income Barriers Study, Part B- Overcoming Barriers to Clean Transportation Access for Low-Income Residents* (Study B).⁴ Study B recommends maximizing economic opportunities and benefits for low-income residents from investments in clean transportation and mobility options by expanding workforce training and development. This includes the CWDB taking a lead role, in partnership with other state and local public agencies, to expand opportunities and create connections “for good quality clean transportation jobs in low-income and disadvantaged communities” as well as to expand access to workforce development programs to “support clean transportation jobs and workforce development in low-income and disadvantaged communities, especially for youth.” (Study B, 54-55.)

In February 2019, the CPUC adopted the Environmental and Social Justice Action Plan to serve as a roadmap to expand public inclusion in Commission decision-making and improve services to targeted communities in California.⁵ One of the core tenets of the ESJ Action Plan, Goal 7, tasks the CPUC with

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https://assets.ctfassets.net/ntcn17ss1ow9/3SqKkJoNlvts2nYVPAOmGH/7bc56e2692769abda31a2aace7b00147/TN214830_20161215T184655_SB_350_LowIncome_Barriers_Study_Part_A_Commission_Final_Report.pdf

⁴ https://ww2.arb.ca.gov/sites/default/files/2018-08/sb350_final_guidance_document_022118.pdf

⁵ www.cpuc.ca.gov/ESJActionPlan

promoting economic and workforce development opportunities in ESJ communities by developing workforce development guidelines in programs overseen by the CPUC or CPUC regulated utilities.

In September 2019, Governor Newsom signed Executive Order (EO) N-19-19 to further California's commitment to mitigate the impacts of climate change. EO N-19-19 directs all aspects of state government to continue to increase efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change to build a sustainable and inclusive economy. In September 2020, Governor Newsom signed Executive Order (EO) N-79-20 to redouble California's efforts to reduce emissions from the transportation sector. EO N-79-20 directs the CPUC and other state agencies to accelerate the deployment of affordable fueling and charging infrastructure for zero-emission vehicles, and promotes the creation and retention of high-road, high-quality jobs in the transition to a carbon neutral economy. These Executive Orders reinforced the ESJ Action Plan goal and solidified CWDB's commitment to collaborate with the CPUC to improve workforce development opportunities.

In March 2020, the CWDB released California's 2020-2023 Unified Strategic Workforce Development Plan (State Workforce Plan)⁶ featuring the CWDB's vision of a high road economy which is defined by a set of goals to be achieved simultaneously: greater equity and mobility for workers, higher skills and competitiveness for employers, and long-term environmental sustainability and climate resilience for the state. Strategies to advance the high road vision through policy and programs include administering the High Road Construction Careers (HRCC) and High Road Training Partnerships (H RTP) workforce initiatives, as well as establishing partnerships between the CWDB and other state agencies – including the CPUC – to align California's transition to carbon neutrality with the State's high road vision.

ROLES AND RESPONSIBILITIES

The CPUC regulates energy utilities, telecommunications, water, railroad, rail transit, and passenger transportation companies' services and utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services.

⁶ https://cwdb.ca.gov/plans_policies/2020-2023-state-plan-draft/

The CWDB oversees and continuously improves the workforce system in California, which encompasses a wide array of work including: policy development, workforce support and innovation, and performance assessment, measurement, and reporting. In addition to administering innovative workforce development programs, the CWDB works with a multitude of public and private organizations at the state and local levels to develop a common policy vision for the provision of workforce services in the state.

SHARED PRIORITIES

The Parties share the following priorities for effective communication and coordination to support workforce development policies and practices to implement the State's and CPUC'S directives:

1. Establish regular intervals for information sharing on both the management and staff levels, including a process for regular information flow and opportunities for joint planning and goal setting;
2. Develop a near and long-term framework for high road economic and workforce policy and practice to meet the goals of the state including but not limited to those outlined in CPUC's ESJ Action Plan and CDWB's 2020-2023 State Workforce Plan;
3. Identify programs to examine the scope of CPUC workforce development efforts. Possible program areas include energy efficiency, building electrification, renewable energy, transportation electrification and vegetation management programs;
4. Establish or advance a set of principles and practices that can guide any CPUC-regulated program in updating or developing California's economy and workforce in a way that delivers measurable benefits for ESJ communities. These principles and practices should directly aid disadvantaged Californians by building clean energy and clean transportation career pipelines, while taking into consideration ratepayer impacts;
5. Establish targets and analyze metrics to assess economic and workforce development related activities within CPUC programs and ESJ communities.

CPUC RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, the CPUC will perform the activities and functions summarized below:

1. CPUC will provide information and data to CWDB on workforce development in the energy and transportation industries regulated or overseen by the CPUC, which includes but is not limited to the following:
 - a. Elements of current workforce development programs overseen by the CPUC or CPUC regulated utilities.
 - b. To the extent available, background information on prior and current CPUC efforts to develop and implement workforce development requirements.
 - c. Industries and occupations involved in CPUC workforce development efforts.
 - d. Strategies used by CPUC to promote and track workforce development programs and outcomes.
2. Review and analyze CWDB's feedback to develop a standardized workforce development framework.
3. Designate CPUC staff and management with relevant experience to support MOU activities including data and information sharing, and other related activities in coordination with CWDB.

CWDB RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, the CWDB will perform the activities and functions summarized below:

1. Provide subject matter expertise related to high road economic and workforce development strategies and best practices.
2. Evaluate, analyze, and provide feedback on CPUC or CPUC regulated industries' workforce development efforts.
3. Provide recommendations on program design, standards, and requirements to promote high road economic workforce development strategies and best practices.
4. Identify opportunities for upgrading workers' skills and contractors' competencies to perform high-quality work that meets clean energy and clean transportation goals.

5. Provide recommendations related to tracking workforce development impacts and outcomes.
6. Provide designated CWDB staff and management with relevant experience to support data and information sharing, and other related activities in coordination with CPUC.

PROTECTION OF CONFIDENTIAL INFORMATION

"Confidential Information" includes, but is not limited to, any information or data obtained pursuant to California Public Utilities Code section 583 and CPUC General Order 66-D, records exempt from public disclosure under the California Public Records Act (Government Code Section 6250, et seq.), Evidence Code section 1040, or any other applicable federal or state law, or information that is appropriately designated by the Parties to be exempt, prohibited, or privileged from disclosure by state or federal law.

The Parties shall take all necessary measures to protect Confidential Information and, consistent with the Public Records Act and any other laws requiring disclosure, treat any shared Confidential Information as confidential. The Parties shall impose all the requirements of this MOU on all of their respective officers, members, employees, and agents with access to Confidential Information. Any Confidential Information obtained by the Parties shall only be used for purposes that are consistent with existing law. The Parties agree to promptly notify each other's legal counsel of any public records act requests they receive seeking information shared or obtained pursuant to this agreement.

All Confidential Information provided to the Parties pursuant to this MOU shall be subject to Government Code Section 6254.5, subdivision (e), which exempts from public disclosure under the California Public Records Act, confidential records that one state or local agency has provided to another state or local agency pursuant to an agreement that the latter will treat the disclosed records as confidential. The Parties agree that, as provided in Government Code Section 6254, subdivision (e), Confidential Information will only be shared with persons authorized in writing by the Executive Officer of the relevant agency (or by their authorized delegate), and that all information obtained by the Parties pursuant to this agreement will be used only for purposes that are consistent with existing law.

Confidential Information provided to the other party, shall be maintained as confidential and shall not be released without an agreement in writing from the other party, unless a court of competent jurisdiction order the release of the Confidential Information.

The Parties will make all reasonable efforts to ensure that disclosure of Confidential Information will not occur. In the event an inadvertent disclosure of Confidential Information occurs, the party making such inadvertent disclosure will notify the other party in writing and will make every reasonable effort to promptly correct the inadvertent disclosure.

If either party receives a request to release, disclose, or access any of the Confidential Information (for example, pursuant to a subpoena, discovery request, or the California Public Records Act), the party receiving the request shall promptly transmit a copy of the request to the other party that originally generated the Confidential Information. The party who originally generated the Confidential Information shall assume the lead responsibility for determining the appropriate response required by California law, and shall consult with the other party during the course of reaching its determination.

SCOPE

This MOU is made for the sole benefit of the Parties and no other person or entity shall have any rights or remedies under or by reason of this MOU. Nothing in this MOU may be the basis of any third-party challenges or appeals. Nothing in this MOU creates any rights, remedies, or causes of action in any person or entity not party to this MOU.

APPROVAL

This MOU is effective upon completion of the signatures listed below. This MOU may be executed in counterparts. Each executed counterpart shall have the same force and effect as an original instrument. Taken together, the executed counterparts shall constitute one and the same agreement.

This MOU shall not be modified except by a written agreement signed by authorized representatives of the Parties. The Parties shall meet and coordinate on issues pertaining to the effectiveness and validity of this MOU on an annual basis, or as mutually agreed upon by the Parties. Any determination that a

provision in this MOU is invalid does not invalidate any other provision of this MOU or the MOU in its entirety.

This MOU shall continue unless or until either party to the MOU determines that the MOU should be terminated. Unless otherwise provided for by the written agreement of both of the Parties, unilateral termination of the MOU shall be effected no sooner than 60 days from the date either party provides written notice of its intent to terminate the MOU. Termination of this MOU shall not affect the obligation of the Parties to maintain the confidentiality of information pursuant to this MOU.

Each party represents and warrants that it has the right, power, and authority to execute this MOU. Each party represents and warrants that it has given any and all notices, and obtained any and all consents, powers, and authorities necessary to permit that party, and the persons executing this MOU for the party to enter into this MOU.

CALIFORNIA PUBLIC UTILITIES COMMISSION:



RACHEL PETERSON
Acting Executive Director

October 29, 2020

CALIFORNIA WORKFORCE DEVELOPMENT BOARD:



TIM RAINEY
Executive Director

October 26, 2020

Appendix F: CPUC Tribal Consultation Policy

Tribal Consultation Policy of the California Public Utilities Commission

Introduction:

The CA Public Utilities Commission (CPUC or “Commission”) adopts this Tribal Consultation Policy, consistent with Executive Order B-10-11 issued by Governor Edmund G. Brown, Jr. on September 19, 2011). Executive Order B-10-11 declares that “the State is committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes by identifying areas of mutual concern and working to develop partnerships and consensus.” The Executive Order directs state executive agencies and departments to “encourage communication and consultation with California Indian Tribes.” It further directs state agencies and departments “to permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.”

California is home to over 170 California Native American tribes.¹ Executive Order B-10-11 applies to federally-recognized Tribes and other California Native Americans. For purposes of this policy, the terms “tribes” and “tribal governments” refer to elected officials and other representatives of federally- recognized Tribes and other California Native Americans.

This policy is not intended to replace or supplant obligations mandated by federal law. It sets forth provisions for consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable laws or regulations. This policy is not a regulation and it does not create, expand, limit, waive, or interpret any legal rights or obligations.

Tribal Liaison:

The Commission’s Tribal Liaison will assist with implementing this policy. The Tribal Liaison is responsible for coordinating outreach, communication, education and other activities affiliated with tribal interests. The Tribal Liaison will act as a point of contact for tribal governments enabling participation in Commission proceedings and Commission-approved programs. The Tribal Liaison will facilitate CPUC leadership availability for government to government consultation. Alternatively, tribal governments may contact the Commission’s Public Advisor for this assistance (Email: Public.Advisor@cpuc.ca.gov or phone: (866) 849-8390). The Tribal Liaison and/or Public Advisor are additional resources, and tribal governments may continue to directly contact relevant Commission staff regarding ongoing issues.

¹ “California Native American tribe” means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004. See Public Resources Code § 21073. California Native American tribes include both federally recognized and non- federally recognized tribes. Nothing in this policy prevents tribal consultation with other Native American groups demonstrating an ongoing connection to a specific place or cultural resource, or issue falling under the jurisdiction of the CPUC.

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Policy Goals: The goals of this policy are as follows:

- Recognize and respect tribal sovereignty
- Encourage and facilitate tribal government participation in CPUC proceedings
- Give meaningful consideration to tribal interests in issues within the CPUC's jurisdiction
- Encourage and facilitate tribal government participation in CPUC-approved utility programs
- Protect tribal cultural resources
- Encourage investments by tribal governments and tribal members in onsite renewable energy generation, energy efficiency; low carbon transportation and energy storage.

Background Regarding CPUC Authority:

The range of CPUC activities is extensive and includes regulation of privately-owned utilities, including gas, electric and water utilities, and oil and gas pipeline companies, and approval of the rates they charge to customers. The CPUC also regulates some aspects of telecommunication companies, and the safety of utilities, railroads, common carriers, charter party carriers and other transportation providers, but does not approve those companies' rates. The CPUC implements laws that require the electric utilities to procure renewable electricity to reduce greenhouse gas emissions, and that require electric and gas utilities to offer incentives, grants or rebates for energy efficiency, installation of renewable energy or energy storage, and installation of electric vehicle chargers. The CPUC also implements programs that offer reduced rates for low income gas and electric customers (i.e., the California Alternative Rate for Energy (CARE) and Family Electric Rate Assistance (FERA) programs; "Lifeline" for telephone service; subsidies for broadband services for underserved communities; and utility programs that provide no-cost energy efficiency upgrades to low income customers (the Energy Savings Assistance (ESA) Program).

The CPUC's activities may affect tribal governments in several ways, including but not limited to: 1) impacts on a tribe that is a utility customer at buildings and/or businesses owned or operated by the tribe or tribal members; 2) impacts on the affordability, availability and reliability of services provided to tribal members by utilities; and 3) potential impacts from proposed construction of utility infrastructure on or near tribal property or property containing tribal cultural resources. Tribes may also experience impacts from electricity outages, or de-energizing of power lines during hazardous weather conditions.

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Facilitating Tribal Government Participation:

1. The CPUC will encourage and facilitate tribal government participation in its programs and proceedings.
 - a. Tribal governments may contact the CPUC's Tribal Liaison for assistance to initiate participation in a proceeding or consultation with CPUC staff or decision-makers. If a tribe identifies a specific issue for consultation with the CPUC, the Tribal Liaison will identify the appropriate Commission staff and/or decision-makers to participate in the discussions and ensure that the matter receives appropriate consideration.
 - b. The CPUC will give special consideration to tribal governments' requests to participate in Commission proceedings. Administrative law judges and Commissioners are encouraged to grant a tribal government's request to become a party in a proceeding, even if a request is untimely, if the proceeding can continue under the existing schedule, or if it is reasonable to modify the schedule and consistent with principles of due process.
 - c. Commission staff will assist tribal governments in locating relevant information and documents that will help them participate in Commission proceedings and/or Commission-approved programs. If necessary, Commission staff will send the relevant information or documents to a tribal government electronically or by regular mail.
 - d. Commissioners and their advisors will make every effort to grant tribal governments' requests for in person meetings with decision-makers, consistent with the applicable law regarding ex parte communications, and the equal time requirements.² Other Commission staff will also accommodate tribal governments' request for in person meetings, whenever possible.
 - e. When Commissioners travel to different cities for public meetings, they will seek to arrange separate meetings with local tribal governments, as time allows.
 - f. Commission staff and Administrative Law Judges shall make efforts to ensure that relevant information the Commission receives from a tribal government is submitted into the record of a proceeding, consistent with the confidentiality provisions of this policy set forth below. Where a tribal government has submitted written comments in a proceeding, the decision shall explain the tribe's concerns and how they are addressed. Where the

²Public Utilities Code § 1701.3(h)(3).

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CPUC is unable to fully address the tribe's concerns, the CPUC shall clearly explain the legal, practical, or policy considerations underlying its decision.

- g. The Commission will make efforts to ensure that tribal governments are aware of Commission- managed grant programs (such as the CA Advanced Services Fund), and various Commission- approved utility incentive and subsidy programs offered by the utilities, especially those that target disadvantaged and/or remote communities. The CPUC's Tribal Liaison will offer informational materials and meetings for tribal governments on these various programs, if requested.
 - h. Where feasible, Commission staff will provide assistance so that tribal governments and tribal members may seek to participate in (or benefit from) grant programs implemented by the Commission and various Commission-approved incentive and subsidy programs offered by the utilities. The CPUC Tribal Liaison will offer assistance to navigate the application process.
2. In its role as a member of the Pacific Forest and Watershed Lands Stewardship Council, the Commission will encourage prioritizing donation of Pacific Gas & Electric Company property to tribal governments and, where possible, facilitate those donations.
 3. In the event that a tribal government believes that consultation has not met the standards set forth in this Policy, it may submit a written letter to the Executive Director of the CPUC explaining the deficiencies. Within 30 days, the Executive Director will either meet with the tribal government, or respond in writing, and will then direct any further consultation that he or she believes is appropriate.

Confidentiality:

- The Commission recognizes that confidentiality of information regarding tribal cultural resources, history, traditions, religious activities and sites, and other matters is important to tribal governments and tribal members.
- The Commission will follow existing laws that protect confidentiality of tribal cultural resources (including Pub. Res. Code §§ 5097.9, 5097.933 and 21082.3(c); Government Code § 6254(r) and Cal.Code Regs., tit. 14, § 15120(d)).
- The Commission will not include any information provided by a tribal government in environmental documents, or documents it files in proceedings, if it is deemed confidential by the tribal government. The tribal government shall notify the CPUC if any information it provides is confidential, and mark any such documents as confidential.
- If appropriate, the CPUC will work with tribes to enter into a non-disclosure agreement for documents transmitted to the CPUC that contain confidential information.

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- If confidential information regarding the presence of tribal cultural resources is relevant to a Commission decision, the Commission will work with the tribal government to reach agreement on how to proceed, in an effort to allow the decision-makers to consider the information, while also protecting its confidentiality.

Tribal Consultation Under CEQA:

For projects where the CPUC is the lead agency under CEQA, the CPUC will comply with the statutory requirements regarding tribal consultation enacted by AB 52 (Gatto, 2014) (Pub. Res. Code §§ 21080.3 *et seq.*). The CPUC may also consult the Governor's Office of Planning and Research *Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA* (June 2017).

Summary of CEQA Consultation Process:

- A tribal government may request CEQA consultation if it is traditionally and culturally affiliated with the geographic area of a proposed project.
- The consultation must take place prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. (Pub. Res. Code § 21080.3.1(a)). Since the initial consultation occurs early in the agency's CEQA review process (see below under Timing of Consultation), the consultation will occur before the CPUC's release of a draft or proposed negative declaration, mitigated declaration, or environmental impact report.
- The consultation must address alternatives to the project, recommended mitigation measures, or significant effects, if requested by the tribe. (Pub. Res. Code § 21080.3.2(a)).
- If the agency determines that a project may cause a substantial adverse change to tribal cultural resources, the agency must consider mitigation measures. The agency must "when feasible, avoid damaging effects to any Tribal cultural resource." (Pub. Res. Code 21084.3(a)). The statute describes mitigation measures that the agency may adopt, if feasible, to avoid or minimize the impacts. (Pub. Res. § 21084.3(b)).
- The consultation concludes when either 1) the parties agree on measures to recommend to mitigate or avoid a significant effect, if one exists, on a tribal cultural resource (Pub. Res. Code § 21082.3(a)), or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Res. Code § 21080.2.2(b)).

In 2016, Appendix G of the CEQA Guidelines was amended to implement AB 52. The Environmental Checklist in Appendix G of the CEQA Guidelines now directs lead agencies to address tribal cultural resources in Question #11: "Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 20180.3? If so, has consultation begun?" Appendix G of the Guidelines also directs the lead agency to identify whether the project would cause a substantial adverse change in the significance of a tribal cultural resource that is: listed or

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eligible for listing in the California Register of Historical Resources; is listed in a local register of historical resources; or that is significant pursuant to the criteria in Public Resources Code § 5024.1(c) (CEQA Guidelines, Section XVII).

Advance Request for Notice of Projects:

- Pursuant to AB 52, a tribe may inform agencies in advance that it would like notice of projects subject to CEQA that are seeking the agency's approval and that are within the tribe's traditionally and culturally affiliated area.
- The CPUC's website has a form letter that tribal governments may submit to the CPUC requesting advance notice of CEQA projects in its area. See: <http://www.cpuc.ca.gov/tribal/>.

Timing of Consultation: The CPUC will follow the statutory deadlines for tribal consultation under CEQA, which generally require the following:

- When a tribe has requested notice of CEQA projects, the CPUC must provide written notice to that tribe of a project in its area, within 14 days of determining that the project application is complete.
- A tribe may request to engage in consultation within 30 days of receipt of the notice, and designate a lead contact person.
- The CPUC will begin the consultation process within 30 days of receipt of the request for consultation.
 - The CPUC will hold a consultation meeting at one of the CPUC offices (in Sacramento, San Francisco or Los Angeles) or at a tribal government office within 30 days.
 - If a meeting at a Commission office is not feasible for the tribal government, the consultation may occur at a mutually agreeable alternative location or by telephone.
 - If the tribe requests that the consultation be scheduled for a time after the 30 day period, the CPUC will accommodate the request.
- The CPUC will participate in additional consultation meetings as necessary to address the issues and work in good faith to reach an agreement with the tribal government on recommendations for project modifications or mitigation measures.
- The CPUC will honor a tribe's request for CEQA consultation that is made more than 30 days after the tribe's receipt of notice, as long as there is still time for meaningful consultation to occur.

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Other Situations:

When a tribe has not requested advance notice of all CEQA projects from the CPUC, if the Commission is the lead agency, a request will be made to the Native American Heritage Commission to identify tribal entities interested in the project area. Commission staff will ensure that the identified tribal entities receive written notice of a proposed project in their area at the beginning of the environmental review process. The Commission will carefully consider all tribal government comments regarding potential impacts on tribal cultural resources and suggested mitigation measures.

Appendix G: CPUC Enforcement Policy

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I. INTRODUCTION

A. Background

The California Public Utilities Commission (Commission) regulates a broad array of entities and industries, that include privately owned electric, natural gas, telecommunications, water, railroad, rail transit, and passenger transportation entities (regulated entities). The Public Utilities Act (Public Utilities Code § 201 et. seq.) requires the Commission to enforce the laws affecting regulated entities by promptly investigating and prosecuting alleged violations and imposing appropriate penalties.

The Commission considered its existing enforcement policies and practices when developing this Commission Enforcement Policy (Policy). Nothing in this policy document shall be used as the basis of a regulated entities' defense to any enforcement action or as justification for any ratemaking relief, nor in any way relieve regulated entities of any duties and obligations they may have under statutory law.

This Policy does not apply to any violation that, as of the effective date of the Policy, is the subject of a citation, an Order to Show Cause, an Order Instituting Investigation, or a referral to the Legal Division for the filing of a civil or criminal action.

B. Policy Objectives

The goals of the Policy are to promote maximum compliance with Commission rules and requirements through the adoption and application of consistent enforcement practices and to develop a sufficient record that ensures that regulated entities subject to an enforcement action receive due process (e.g., notice and an opportunity to be heard). The purpose of these goals is to ensure that regulated entities provide services and facilities to the public in a manner that is safe, reliable, non-discriminatory and just, and reasonable. The Commission intends for this Policy to promote a consistent approach among Commission staff¹ to enforcement actions, to make enforcement a high priority, and to promote the Commission's enforcement culture.

¹ As used in this Policy the term "staff" refers to division staff or such other staff as may be designated by the Executive Director or a Deputy Executive Director to carry out the functions involved in taking enforcement action.

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The Policy provides guidance on:

1. Achieving a consistent approach to enforcement;
2. Enforcement actions;
3. Settlements; and
4. Setting penalties

C. Policy Components

Guiding Principles

The Commission's enforcement actions will be guided by a standard set of principles, as described in this Policy, within its jurisdictional authority for energy, communications, water, and transportation.

Division Specific Enforcement Teams

This Policy creates division-specific enforcement teams made up of staff handling enforcement work. Among other activities, staff will prioritize enforcement cases, recommend appropriate enforcement actions, and ensure that enforcement activities are monitored and documented and that enforcement actions are made public to the extent possible.

Commission Enforcement Team

The Policy also creates a Commission Enforcement Team made up of at least one enforcement liaison from each division. The enforcement liaisons shall meet at least quarterly to discuss enforcement matters and procedures with the goal of promoting consistency and efficiency throughout the Commission.

Consistent Enforcement Actions

To provide a consistent approach to enforcement, the Policy standardizes enforcement documents and procedures to the extent appropriate.

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II. Guiding Principles

A. Ensuring Compliance

The Commission will strive to ensure compliance with statutes, rules, orders and other requirements and provide a meaningful deterrent to violations through its enforcement actions.

B. Consistent Enforcement

Commission enforcement actions shall be consistent, while considering the differences in the Commission's statutory authority and programs for each particular industry. The Commission's enforcement actions shall be appropriate for each type of violation and shall provide consistent treatment for violations that are similar in nature and have similar safety and/or customer protection impacts. Enforcement actions shall also require a timely return to compliance.

C. Firm Enforcement & Meaningful Deterrence

Enforcement actions should provide a meaningful deterrent to non-compliance. This requires, at a minimum, that the Commission seek adequate remedies, including:

1. Refunding or depriving the economic benefit gained by the noncompliance;
2. Penalties that are higher than the amounts required to be refunded or deprived. In setting the penalty amount, Staff shall be guided by statute and the factors in Appendix I, Penalty Assessment Methodology, which include:
 - a. Severity or gravity of the offense (including physical harm, economic harm, harm to the regulatory process, and the number and scope of the violations);
 - b. Conduct of the utility (including the regulated entity's prior history of violations and actions to prevent, detect, disclose, and rectify a violation);
 - c. The financial resources of the regulated entity (including the size of the business, need for deterrence, and constitutional limitations on excessive fines);

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- d. The totality of the circumstances in furtherance of the public interest; and
- e. The role of precedent.

D. Timely Enforcement

The Commission shall pursue timely enforcement, consistent with the needs of each case.

E. Progressive Enforcement

The Commission shall implement progressive enforcement. Progressive enforcement is an important component of consistent and firm enforcement. Progressive enforcement provides an escalating series of actions, beginning with actions such as a warning letter or notification of violation followed by actions that compel compliance and may result in the imposition of penalties or fines (e.g., the issuance of an enforcement order or filing a civil or criminal action). Progressive enforcement may not be an appropriate enforcement response when violations result from intentional or grossly negligent misconduct, where the impacts on ratepayers or other consumers are widespread, or where impacts to safety are significant.

F. Transparency

The Commission shall provide clear and consistent information about its enforcement actions and which entities it regulates. The Commission will monitor and report its enforcement actions in a publicly accessible way, including the extent to which regulated entities return to compliance.

G. Environmental Justice and Disadvantaged Communities

The Commission shall promote enforcement of all statutes within its jurisdictions in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations in the state. This includes tailoring enforcement responses to address the needs of vulnerable and disadvantaged communities.

H. Adaptive Management

The Commission shall continuously monitor and update its enforcement tools, programs and authorities to ensure that they remain protective of customers,

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ratepayers, and the environment. This includes keeping abreast of new markets, business practices, and consumer abuses that might necessitate changes to the enforcement program and authorities. The Commission will prioritize regular communication among divisions to identify both specific violations and trends.

The Commission should address new consumer issues as they arise. In instances where the Commission lacks jurisdiction, the Commission will work proactively to identify the appropriate local, state, or federal agency that does have jurisdiction and will work with that agency to remedy the harm to consumers.

I. Enforcement Prioritization

It is the policy of the Commission that every violation should result in an appropriate enforcement action consistent with the priority of the violation. In recognition of its finite resources, the Commission shall exercise its enforcement discretion to prioritize enforcement actions. Enforcement prioritization enhances the Commission's ability to leverage its finite enforcement resources and to achieve the general deterrence needed to encourage the regulated community to anticipate, identify, and correct violations. In prioritizing enforcement actions, the Commission shall consider the impact of violations on vulnerable and disadvantaged communities.

III. Enforcement

In carrying out the Commission's mandate, staff may pursue different levels of enforcement action. In some cases, an enforcement response, such as an oral communication followed by a Warning Letter or Email or a Notice of Violation, will be enough to notify a regulated entity that staff identified an issue or violation that requires corrective action. Other cases may warrant a stronger enforcement action in lieu of, or in addition to, a warning or other initial enforcement response. All enforcement actions shall be designed and implemented to ensure that timely action is taken to avoid or correct a violation and return to compliance.

Division Enforcement Teams

Each division that participates in enforcement work shall establish a Division Enforcement Team. The Division Enforcement Team is made up of the managers or their delegates and an attorney[s] from the Commission's Legal Division. The Division Enforcement Teams shall prioritize division cases for enforcement action to ensure the most efficient and effective use of available

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resources. The Division Enforcement Teams shall meet at least quarterly to prioritize enforcement cases, continuously improve enforcement processes and procedures, and make recommendations about how to proceed with cases, including which enforcement action is appropriate for each case. The Division Enforcement Team is also responsible for tracking and publishing information about division cases in an enforcement database.

Commission Enforcement Team

The Commission Enforcement Team is made up of enforcement liaisons from each division that maintains an enforcement team and attorney(s) from the Commission's Legal Division. The enforcement liaisons and attorney(s) shall meet at least quarterly to discuss enforcement matters of statewide concern with the goal of promoting consistency and efficiency throughout the divisions.

A. Enforcement Actions

Staff may pursue the following enforcement actions:²

1. In Person or Telephone Communication

- a. Staff may, but is not required to, inform regulated entities in person or by telephone of violations that must be corrected. Staff may also orally inform regulated entities of weaknesses, safety concerns, or opportunities for improvement that are not violations but should be corrected to avoid a violation or to reduce safety risk. Staff shall keep a detailed written record of such oral communications with the regulated entity in the case file. The minimum requirements for documenting an oral communication with a regulated entity are:
 - i. Date and time of the communication;
 - ii. The name of the staff member[s] and the representative[s] of the regulated entity involved in the communication;
 - iii. The violation, weakness, safety concern, or opportunity for improvement that was discussed;
 - iv. Actions for correcting the violation or addressing the weakness, safety concern, or opportunity for improvement that were discussed, including required timeframes for completing such actions;

² Nothing in this Policy shall be construed to constrain staff or the Commission from pursuing actions that are otherwise authorized but are not specifically mentioned in the Policy.

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- v. The regulated entity's response to the communication of the violation, weakness, safety concern, or opportunity for improvement; and
 - vi. The evaluation of whether the response is sufficient and/or warrants a follow-up investigation.
- b. All oral communications shall be memorialized in a warning email or letter, Notice of Violation, or other written communication. Oral communications are not required in every case. Staff may issue a Warning Letter or email, citation, Notice of Violation, or refer a case for other enforcement in lieu of an oral communication.

2. Warning Letter or Email

Staff may send a regulated entity a letter or an email that identifies program weaknesses, safety concerns, or opportunities for improvement. A Warning Letter or Email should only be sent to a regulated entity to address issues that are not being cited as violations but should be corrected to avoid a citation or Notice of Violation or to reduce a safety risk. Staff shall verify delivery of the Warning Letter or Email using a Proof of Service form. A Warning Letter or Email shall be placed in the regulated entity case file and recorded in the enforcement database and shall include the following:

- a. The date the letter or email was sent;
- b. The date staff identified the situation or condition at issue;
- c. The circumstances under which staff identified the situation or condition at issue (e.g., during an inspection or by consumer complaint); and
- d. Actions recommended to address the situation or condition at issue, including any recommended timeframes to complete such actions.

3. Request for Information

Staff are authorized to inspect the accounts, books, papers, and documents of a regulated entity. Staff may request the production of accounts, books, papers, and documents of a regulated entity. Failure to make such records available may lead to the issuance of a subpoena or other enforcement action.

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4. Subpoena

Staff may subpoena records from a regulated entity as permitted by the Public Utilities Act. Staff may also subpoena the attendance of a person for deposition or other examination under oath as permitted by the Public Utilities Act. The issuance of a subpoena is not a prerequisite for the exercise of Commission authority under Public Utilities Code section 313 or any appropriate powers under the California Constitution and the Public Utilities Code.

5. Cease and Desist/Stop Work Order

Commission or staff may issue an order to cease and desist an activity or an order to stop work to a regulated entity consistent with existing Commission decisions and orders and as permitted by the Public Utilities Act. Nothing in this Policy is intended to modify existing procedures concerning such actions, including any right to appeal such actions.

6. Notice of Violation

- a. When a violation is identified, staff may issue a Notice of Violation to a regulated entity. Staff shall use a Notice of Violation form. Staff shall verify delivery of the Notice of Violation using a Proof of Service form. A Notice of Violation shall be placed in the regulated entity case file and recorded in the enforcement database and shall include:
 - i. The law or Commission order, decision or rule violated by the regulated entity;
 - ii. The facts that form the basis for each violation;
 - iii. Information related to the potential for additional or ongoing violations;
 - iv. A directive to correct each violation to avoid additional enforcement action;
 - v. A date by which the regulated entity must submit a plan for correcting each violation if a plan is appropriate;
 - vi. A date by which the regulated entity must certify that each violation has been corrected;

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- vii. A penalty amount if the Notice of Violation includes a penalty;³
 - viii. Staff contact information; and
 - ix. Information about how to respond to the Notice of Violation.
- b. A regulated entity that receives a Notice of Violation shall be given an opportunity to respond in writing to that Notice of Violation. The response shall be provided to the enforcing division within 30 days⁴ from the date the Notice of Violation was served upon the regulated entity. The response time may be extended or shortened by staff, depending on the exigencies of a case. The response shall include:
- i. If the regulated entity disputes that a violation has occurred, a statement of the facts upon which the dispute is based;
 - ii. A plan to correct any undisputed violations;
 - iii. Confirmation that the regulated entity will correct any undisputed violations by the date(s) specified in the Notice of Violation or a proposal for a later date with an explanation of the need for additional time; and
 - iv. Confirmation that a penalty assessed will be paid within 30 days of the issuance of the Notice of Violation or a proposal for a lower penalty amount with an explanation of why the lower amount is appropriate.
- c. Staff shall review the regulated entity's response to a Notice of Violation and consider the regulated entity's explanation or defenses. Staff shall determine whether to accept the response or proceed with additional enforcement. The reasons for a determination that the regulated entity's explanation or defenses lack merit should be included in the regulated entity case file. After

³ Staff may decide that violations that are □administrative□ in nature do not warrant the imposition of a penalty given the facts known at the time. Administrative violations do not involve immediate safety implications. Examples of □administrative□ violations include: Inadvertent omissions or deficiencies in recordkeeping that do not prevent staff from determining compliance; records not physically available at the time of the inspection, provided the records exist and can be produced in a reasonable amount of time; and inadvertent violations of insignificant administrative provisions that do not involve a significant threat to human health, safety, welfare, or the environment. A recurring □administrative□ violation may warrant a penalty.

⁴ When referred to in this policy, □days□ means calendar days.

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reviewing the response, staff may take any appropriate action including any of the following actions:

- i. Send the regulated entity a draft Proposed Administrative Consent Order and negotiate a proposed settlement for Commission review;
- ii. Request that the regulated entity provide additional information; or
- iii. Take the next appropriate enforcement action.

7. Administrative Consent Order

- a. A negotiated proposed settlement shall be memorialized in a proposed Administrative Consent Order, prepared using an Administrative Consent Order form. The proposed Administrative Consent Order shall become final upon review and approval by the Commission. All proposed and final Administrative Consent Orders shall be placed in the regulated entity case file and recorded in the enforcement database and shall include:
 - i. The law or Commission order, resolution, decision, or rule violated by the regulated entity;
 - ii. The facts that form the basis for each violation;
 - iii. The number of violations, including the dates on which violations occurred;
 - iv. Information related to the potential for additional or ongoing violations;
 - v. An agreement by the regulated entity to correct each violation;
 - vi. A date by which the regulated entity must certify it corrected all violations;
 - vii. An agreement by the regulated entity to pay any penalty by a date specified.
- b. The Commission's Executive Director shall designate Commission management at the Deputy Director level or higher (or designee) to negotiate a proposed Administrative Consent Order.

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- c. If a regulated entity does not respond to a Notice of Violation within the required time frame, or if a proposed Administrative Consent Order is not negotiated, staff shall take the next appropriate enforcement action.

8. Citation and Compliance Programs

- a. If staff discover a violation that can be addressed under an existing Citation and Compliance Program, staff shall determine whether to issue a citation as allowed under the Citation and Compliance Program or take a different enforcement action. Factors to consider in determining whether a different enforcement action is appropriate include, but are not limited to:
 - i. Whether more flexibility in determining the penalty is appropriate for the circumstances, including whether the appropriate penalty is lesser or greater than the administrative limit imposed by the Citation and Compliance program (the remaining factors below may be relevant to this determination);
 - ii. The culpability of the regulated entity e.g., whether the violation was negligent, knowing, willful, or intentional;
 - iii. Whether the regulated entity benefitted economically from noncompliance, either by realizing avoided or reduced costs or by gaining an unfair competitive advantage;
 - iv. Whether violations are chronic, or the regulated entity is recalcitrant;
 - v. Whether violations can be corrected within 30 days;
 - vi. Whether the actual or potential harm from a violation is substantial;
 - vii. Whether the case warrants specific corrective action requirements that cannot be included in a citation; and
 - viii. Whether the case warrants a recommendation for an Order Instituting Investigation and/or civil or criminal action.
- b. If staff discover a violation that cannot be addressed through a pre-existing Citation and Compliance program, staff should take the next appropriate enforcement action.
- c. Prescriptive and Proscriptive Requirements All requirements (including, but not limited to, complaint procedures, an action or failure to act identified as a violation in a Citation and Compliance

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Program, and requirements to report actual or potential violations to any entity, e.g. local authorities or the Commission), that are otherwise applicable to a regulated entity shall continue to apply and remain enforceable, regardless of whether staff choose to issue a citation for a violation under a Citation and Compliance Program or pursue a different enforcement action.

9. Administrative Enforcement Order

- a. Staff may issue a proposed Administrative Enforcement Order to a regulated entity, prepared using an Administrative Enforcement Order form. Staff shall verify delivery of the proposed Administrative Enforcement Order to the regulated entity using a Proof of Service form. Proposed Administrative Enforcement Orders shall be placed in the regulated entity case file and recorded in the enforcement database and shall include:
 - i. The law or Commission order, resolution, decision, or rule violated by the regulated entity;
 - ii. The facts that form the basis for each violation;
 - iii. The number of violations, including the dates on which violations occurred;
 - iv. Information related to the potential for additional or ongoing violations;
 - v. A directive to correct each violation;
 - vi. A date by which the regulated entity must certify that it corrected all violations;
 - vii. A directive to pay a penalty by a date specified;
 - viii. Staff contact information; and
 - ix. Information about how to request a hearing on the proposed Administrative Enforcement Order.
- b. The Commission's Executive Director shall designate Commission management at the Deputy Director level or higher (or designee) to transmit a proposed Administrative Enforcement Order to a regulated entity.
- c. The regulated entity may request a hearing on the proposed Administrative Enforcement Order by filing a Request for Hearing

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form within 30 days of the date the proposed order is served on the entity. The right to a hearing is forfeited if a Request for Hearing is not timely filed. If a timely Request for Hearing is not filed, the proposed Administrative Enforcement Order shall become final upon adoption by the Commission. Corrective action requirements in a proposed Administrative Enforcement Order remain in effect, notwithstanding the filing of a Request for Hearing. Neither payment of the penalty nor filing a timely Request for Hearing shall excuse the regulated entity from curing a violation. The hearing shall be conducted by an ALJ in accordance with the hearing provisions in the Citation Appellate Rules. A draft ALJ resolution approved by the Commission is subject to rehearing pursuant to Public Utilities Code section 1731 and to judicial review pursuant to Public Utilities Code section 1756. The amount of the penalty shall continue to accrue on a daily basis until the violation is corrected or until the appeal, rehearing, and judicial review process is fully concluded, a penalty is found to be appropriate, and the penalty is paid in full. The requirement that a penalty be paid shall be stayed during the hearing and rehearing process. Interest may be charged on unpaid balances and staff may take whatever actions are provided by law to recover unpaid penalties.

10. Order Instituting Investigation

Staff may recommend that the Commission issue an Order Instituting Investigation. Factors that may be considered in determining whether to recommend an Order Instituting Investigation include, but are not limited to:

- a. The appropriate penalty for the case exceeds limits set by resolution or decision;
- b. The matter is complex;
- c. The violations caused fatalities, substantial injuries, and/or involved significant property damage in a widespread area;
- d. The matter includes allegations of fraud or knowing, intentional or willful behavior;
- e. The regulated entity's potential explanation or defenses; and
- f. The entity has repeatedly violated the law or Commission rules and orders.

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11. Order to Show Cause

Staff may recommend that the Commission issue an Order to Show Cause - an order that requires a regulated entity to show cause why a specified Commission action should not be taken. In deciding whether to recommend that the Commission issue an Order to Show Cause, Staff shall consider:

- a. Whether the regulated entity failed to comply with a Commission order, general order, ruling, rule, data request, or statute; and
- b. If the regulated entity failed to comply, whether the failure is a Rule 1.1 violation, a violation of Public Utilities Code section 2107, or its actions meet the criteria for a finding of contempt.

12. Suspension, Alteration, Amendment, and Revocation/Receivership

Commission or staff may suspend, alter, amend, or revoke the license or certification of a regulated entity consistent with existing Commission decisions and orders and as permitted by the Public Utilities Act. Nothing in this Policy is intended to modify existing procedures concerning such actions, including any right to appeal such actions.

13. Civil or Criminal Action

Staff may request that the Commission refer the matter to the Legal Division for the filing of a civil or criminal action, including requests for injunctive relief. Factors staff may consider in determining whether to refer the matter for civil or criminal action include, but are not limited to:

- a. The matter includes allegations of criminal behavior;
- b. Any of the factors for recommending an Order Instituting Investigation exist; or
- c. Referral is appropriate given resource availability.

14. Referral to or from Another Agency

In some circumstances it may be appropriate to refer a case to another local, state or federal agency for consideration of enforcement action. If another agency refers a case to the CPUC,

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enforcement actions considered and/or taken will be in accordance with this Policy.

B. Settlement of Enforcement Actions

The Policy does not list the full range of considerations that may be relevant to negotiating a proposed settlement. However, the following general considerations should be evaluated as part of any proposed settlement to be submitted for Commission review:

1. Equitable factors;
2. Mitigating circumstances;
3. Evidentiary issues; and
4. Other weaknesses in the enforcement action that the division reasonably believes may adversely affect the ability to obtain the calculated penalty.

C. Penalties

The Commission and staff that choose not to take enforcement action under a Citation and Compliance Program, shall calculate an appropriate penalty using the methodology set forth in Appendix I (Penalty Assessment Methodology).

D. Monitoring Compliance with Orders, Decisions, and Resolutions

Staff is responsible for monitoring compliance with all final orders (including administrative consent orders), decisions, and resolutions. Staff shall document compliance in the enforcement database and the regulated entity's case file.

Appendix I

Draft Penalty Assessment Methodology

When a regulated entity violates the Public Utilities Act or Commission rules, decisions, or orders, Commission staff may propose, and the Commission may assess a penalty against the regulated entity. The penalty amount for each violation may be proposed or assessed at an amount that is within the statutory range authorized by the Public Utilities Act. This Penalty Assessment Methodology sets forth the factors that staff and the Commission must consider in determining the amount of a penalty for each violation. The factors are consistent with those that the Commission previously adopted and has historically relied upon in assessing penalties and restates them in a manner that will form the analytical foundation for future decisions that assess penalties.

The purpose of a penalty is to go beyond restitution to the victim and to effectively deter further violations by the perpetrator or others. Effective deterrence creates an incentive for regulated entities to avoid violations. Deterrence is particularly important against violations that could result in public harm and other severe consequences. The following factors shall be used in setting penalties that are appropriate to a violation:

I. Severity or Gravity of the Offense

The evaluation of the severity or gravity of the offense includes several considerations:

- Economic harm to victims
- Physical harm to people or property
- Threatened physical harm to people or property
- Harm to the integrity of the regulatory processes, including disregarding a statutory or Commission directive
- The number of violations
- The number of consumers affected

Economic harm reflects the amount of expense that was imposed upon victims. In comparison, violations that cause actual physical harm to people or property are generally considered the most severe, followed by violations that threaten such harm. The fact that the economic harm may be difficult to quantify does

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not itself diminish the severity or the need for sanctions. For example, the Commission has recognized that deprivation of choice of service providers, while not necessarily imposing quantifiable economic harm, diminishes the competitive marketplace and warrants some form of sanction.

Many potential penalty cases do not involve any harm to consumers but are instead violations of reporting or compliance requirements. Such violations harm the integrity of the regulatory processes. For example, state law requires all California public utilities to comply with Commission directives:

□ Every public utility shall obey and comply with every order, decision, direction, or rule made or prescribed by the Commission in the matters specified in this part, or any other matter in any way relating to or affecting its business as a public utility, and shall do everything necessary or proper to secure compliance therewith by all of its officers, agents, and employees. □ (Public Utilities Code § 702).

Such compliance is essential to the proper functioning of the regulatory process. For this reason, disregarding a statutory or Commission directive, regardless of the effects on the public, will be accorded a high level of severity.

The number of the violations is a factor in determining the severity. A series of temporally distinct violations can suggest an on-going compliance deficiency that the regulated entity should have addressed after the first instance. Similarly, a widespread violation which affects a large number of consumers is a more severe offense than one that is limited in scope. For a □ continuing offense □, Public Utilities Code section 2108 counts each day as a separate offense.

II. Conduct of the Regulated Entity

The evaluation of the conduct of the regulated entity includes several considerations:

- Degree of culpability
- Actions taken to prevent a violation
- Actions taken to detect a violation
- Actions taken to disclose and rectify a violation, including voluntary reporting of potential violations, voluntary removal or resolution efforts

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undertaken, and the good faith of the regulated entity in attempting to achieve compliance after notification

- Actions taken to conceal, hide, or coverup a violation
- Prior history of violations

This factor recognizes the important role of the regulated entity's conduct in: (1) preventing the violation, (2) detecting the violation, and (3) disclosing and rectifying the violation. The regulated entity is responsible for the acts of all its officers, agents, and employees:

□ In construing and enforcing the provisions of this part relating to penalties, the act, omission, or failure of any officer, agent, or employee of any public utility, acting within the scope of his [or her] official duties or employment, shall in every case be the act, omission, or failure of such public utility. □ (Public Utilities Code § 2109).

Prior to a violation occurring, prudent practice requires that all regulated entities take reasonable steps to ensure compliance with Commission directives. This includes becoming familiar with applicable laws and regulations, and most critically, the regulated entity regularly reviewing its own operations to ensure full compliance. In evaluating the regulated entity's advance efforts to ensure compliance, the entity's past record of compliance with Commission directives should be considered.

The Commission expects regulated entities to diligently monitor their activities and operations. When staff determines that regulated entities, for whatever reason, failed to monitor and improve substandard operations, staff will continue to hold the regulated entity responsible for its actions. Deliberate as opposed to inadvertent wrong-doing will be considered an aggravating factor. Staff will also look at the management's conduct during the period in which the violation occurred to ascertain the level and extent of involvement in or tolerance of the offense by management personnel. Staff will closely scrutinize any attempts by management to attribute wrong-doing to rogue employees. Managers will be considered, absent clear evidence to the contrary, to have condoned day-to-day actions by employees and agents under their supervision.

When a regulated entity is aware that a violation has occurred, staff expects the regulated entity to promptly bring it to the attention of Commission staff. The precise timetable that constitutes □ prompt □ will vary based on the nature of the

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violation. Violations that physically endanger the public must be immediately corrected and thereafter reported to the Commission staff. Reporting violations should be remedied at the earliest administratively feasible time.

Prompt reporting of violations and expeditious correction promotes transparency and public trust and furthers the public interest. For this reason, steps taken by a regulated entity to promptly and cooperatively report and correct violations may be considered in assessing any penalty.

III. Financial Resources of the Regulated Entity, Including the Size of the Business

Effective deterrence also requires that staff recognize the financial resources of the regulated entity in setting a penalty that balances the need for deterrence with the constitutional limitations on excessive penalties. Some California regulated entities are among the largest corporations in the United States and others are extremely modest, one-person operations. An accounting rounding error to one company is annual revenue to another. If appropriate, penalty levels will be adjusted to achieve the objective of deterrence, without becoming excessive, based on each regulated entity's financial resources.

IV. Totality of the Circumstances in Furtherance of the Public Interest

An evaluation of the totality of the circumstances in furtherance of the public interest includes several considerations:

- Establishing a penalty that effectively deters further unlawful conduct
- Consideration of facts that tend to mitigate or exacerbate the degree of wrongdoing
- Harm from the perspective of the public interest
- Ensuring that a regulated entity does not have incentives to make economic choices that cause or unduly risk a violation

Setting a penalty at a level that effectively deters further unlawful conduct by the regulated entity and others requires that staff specifically tailor the package of sanctions, including any penalty, to the unique facts of the case. Staff will review facts that tend to mitigate the degree of wrongdoing as well as any facts that exacerbate the wrongdoing. In all cases, the harm will be evaluated from the perspective of the public interest.

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An economic benefit amount shall be estimated for every violation. Economic benefit includes any savings or monetary gain derived from the act or omission that constitutes the violation. In cases where the violation occurred because the regulated entity postponed improvements, failed to implement adequate control measures, failed to obtain required Commission authority or did not take other measures needed to prevent the violations, the economic benefit may be substantial. Economic benefit should be calculated as follows:

- Determine those actions required to comply with a permit, decision, or order of the Commission, an enforcement order, or that were necessary in the exercise of reasonable care, to prevent a violation. Needed actions include obtaining regulatory authority or coverage, capital improvements, staff training, plan development, or the introduction of procedures to improve facility management.
- Determine when and/or how often the regulated entity should have taken these actions as specified in the permit, decision, or order, or as necessary to exercise reasonable care, in order to prevent the violation.
- Evaluate the types of actions that the regulated entity should have taken to avoid the violation and estimate the costs of these actions. There are two types of costs that should be considered; delayed costs and avoided costs. Delayed costs include expenditures that should have been made sooner (e.g., for capital improvements such as plant upgrades, training, development of procedures and practices), but that the regulated entity implemented too late to avoid the violation and/or is still obligated to perform. Avoided costs include expenditures for equipment or services that the regulated entity should have incurred to avoid the incident of noncompliance, but that are no longer required. Avoided costs also include ongoing costs such as needed additional staffing from the time the costs should have been incurred to the present.
- Calculate the present value of the economic benefit. The economic benefit is equal to the present value of the avoided costs plus the \square interest \square on delayed costs. This calculation reflects the fact that the regulated entity has had the use of the money that should have been used to avoid the instance of noncompliance.
- Determine whether the regulated entity gained any other economic benefits. These may include income from unauthorized or unpermitted operations.

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The economic benefit should not be adjusted for expenditures by the regulated entity to abate the effects of the unauthorized conduct, or the costs to achieve or return to compliance.

The economic benefit amount should be compared to the penalty amount calculated using the other factors set forth in this appendix.

The penalty amount should be at least 10 percent higher than the economic benefit amount so that regulated entities do not construe penalties as the cost of doing business and that the assessed penalty provides a meaningful deterrent to future violations. Absent express findings of exceptional circumstances or other factors as justice may require, if the penalty amount is lower than the economic benefit amount plus 10 percent, the economic benefit amount plus 10 percent shall be the penalty. It would be unfair to regulated entities that voluntarily incur the costs of regulatory compliance to impose a lower amount absent exceptional circumstances.

V. The Role of Precedent

Penalties are assessed in a wide range of cases. The penalties assessed in cases are not usually directly comparable. Nevertheless, when a case involves reasonably comparable factual circumstances to another case where penalties were assessed, the similarities and differences between the two cases should be considered in setting the penalty amount.

APPENDIX A.5

**Department of HealthCare Services – All County Letter
Excerpt referencing use of *TheWorkNumber* in programs,
Pg. 1-2.**

Full report available at:

<https://www.dhcs.ca.gov/services/medical/eligibility/letters/Documents/22-08.pdf>



State of California—Health and Human Services Agency
Department of Health Care Services



April 15, 2022

TO: ALL COUNTY WELFARE DIRECTORS Letter No.: 22-08
ALL COUNTY WELFARE ADMINISTRATIVE OFFICERS
ALL COUNTY MEDI-CAL PROGRAM SPECIALISTS/LIAISONS
ALL COUNTY HEALTH EXECUTIVES
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY MEDS LIAISONS

SUBJECT: USE OF THE VERIFY CURRENT INCOME SERVICE (VCI) THROUGH THE CALIFORNIA HEALTHCARE ELIGIBILITY, ENROLLMENT, AND RETENTION SYSTEM (CalHEERS)

(Reference: All County Welfare Directors Letter Nos. 18-21, 21-04, 18-25, 08-07, 21-12, 21-23 and Medi-Cal Eligibility Division Information Letter Nos 20-13, 21-36, 22-06)

Purpose

The purpose of this All County Welfare Director's Letter (ACWDL) is for the Department of Health Care Services (DHCS) to provide counties with the policies and procedures related to the use of Equifax's Verify Current Income (VCI) Service through the California Healthcare Eligibility, Enrollment, and Retention System (CalHEERS) with Change Request (CR) 164426, implemented on February 22, 2022.

Background

The Affordable Care Act introduced the use of electronic sources to verify income when determining Modified Adjusted Gross Income (MAGI) Medi-Cal eligibility, essentially minimizing the need for applicants and beneficiaries to submit paper documentation ([CFR 42 § 435.949](#)). Currently, CalHEERS has the ability to electronically verify income through federal and state agencies, such as the Internal Revenue Service (IRS), Social Security Administration (SSA), Employment Development Department, and the Franchise Tax Board. DHCS recently received authorization from the Centers for Medicare and Medicaid Services (CMS) to add Equifax's VCI Service as an additional electronic verification source through the Federal Data Services Hub (FDSH).

Equifax provides two different sources for electronic verification, the online verification source known as the "The Work Number" and the VCI Service that will be available through CalHEERS. The Work Number requires government entities to have a contract for usage in order to verify information. CMS has not authorized for DHCS to use

Equifax's online verification service The Work Number, but has authorized DHCS to use VCI Service through CalHEERS for Medi-Cal only cases.

Note: This letter does not supersede guidance found in [ACWDL 18-21](#) regarding the following:

- Policy prohibiting the use for the commercial income verification service through Equifax's The Work Number for Medi-Cal only cases, and
- The use of commercial income verification reports for other public assistance programs such as CalFresh and the California Work Opportunity and Responsibility to Kids (CalWORKS).

Equifax's Verify Current Income Service

Updates contained in CR 164426 integrated the VCI Service into existing e-verification sources, such as the IRS and SSA, in CalHEERS' call to the FDSH to electronically verify attested employment income.

Using the FDSH for VCI Service Response

When sending case data to the FDSH, CalHEERS will attempt to generate a request from Equifax's VCI Service for each applicable individual on a Medi-Cal case who has a:

- First name,
- Last name,
- E-verified valid Social Security number, and
- Date of Birth.

Additionally, for applicants or beneficiaries whose first name is "First Name Unknown" or "FNU," when sent through the FDSH, the response provided from the VCI Service, if applicable, will be that of "Applicant Not Found."

Similar to other FDSH sources, a VCI Service response will not be returned for applicants or beneficiaries when:

- Applicants or beneficiaries do not have a valid social security number (including those that use an Individual Taxpayer Identification Number or ITIN),
- The applicant or beneficiary is not found, or
- The income could not be found for the individual in the request to the FDSH.

Information Contained in a VCI Service Response

If an applicant or beneficiary is found within Equifax's database of employers, the VCI Service response will then be sent back to the system that originated the request

through the Determination Eligibility Response (DER) via the electronic health information transfer (eHIT). The VCI Service response information can include:

- Employer name,
- Employee Status Code (whether the individual is currently active with the employer or not),
- Original hire date and/or end date, and
- Current income information that includes;
 - Employer or organization name,
 - Pay period, including end date for pay period,
 - Income amount, and
 - The number of hours per pay period.

Use of VCI Service Data and Ex Parte

The VCI Service varies from other FDSH sources in that after the self-attested income is compared against the electronic sources, Equifax will provide county eligibility workers (CEWs) near real-time information for any applicant or beneficiary found within the VCI Service. Other electronic sources only return a high-level result on whether the income was found reasonably compatible or not, whereas VCI Service will send additional data, as previously detailed above.

VCI Service data can be used in the ex parte process to support initial applications, change in circumstances (CIC), and annual redeterminations for:

- MAGI Medi-Cal,
- Non-MAGI referrals from CalHEERS,
- Mixed Household cases ran through the Business Rules Engine, and
- Covered California programs that offer financial assistance.

Note: Future guidance will be issued by the Statewide Automated Welfare System (SAWS) in the next viable release that will provide more detail on SAWS functionality of Equifax's VCI Service response data, when applicable.

VCI and MAGI Medi-Cal Reasonable Compatibility

When verifying income for MAGI Medi-Cal financial eligibility, CalHEERS compares the self-attestations made by applicants or beneficiaries on the application or renewal forms to available electronic data sources through the FDSH. Once the self-attested income information is entered in CalHEERS or SAWS, CalHEERS will attempt to verify the income first electronically. The VCI Service is available for CalHEERS to use the information received in the same way as other electronic verification sources already available as part of the reasonable compatibility check. The attestation and data source

are considered “reasonably compatible” if they are either at or below the eligibility threshold ([ACWDL 22-03](#)). If reasonably compatible, then the self-attested information is considered electronically verified (see [ACWDL 21-04](#) for further guidance).

Even though the VCI Service differs from other electronic sources in that CEWs will receive additional data, the treatment of MAGI reasonable compatibility policy does not change with the addition of the VCI Service. Once CalHEERS has evaluated the self-attested information from any of the integrated verification sources (including VCI), CEWs must follow regulations found in [42 CFR § 435.952\(c\)\(2\)](#) in which:

- If income is reasonably compatible (whether or not the VCI Service response is received), CEWs can proceed with the financial determination.
 - This includes scenarios if an applicant reports zero income **and** the income is found reasonably compatible through the VCI Service, the applicant or beneficiary is not required to provide additional verification and the CEW can proceed with the financial eligibility determination.
- If income is **not** reasonably compatible and the VCI Service response is received, the VCI Service response must not be used as a stand-alone verification source and manual verification must be requested.
 - CEWs may use the VCI data to assist with manual verification requests; however, the data received is not considered verification of income since the reasonable compatibility check failed.

VCI as a Verification Source

While CMS allows the ability to apply reasonable compatibility standards to Non-MAGI groups, California did not opt to include the ability for CalHEERS to electronically verify or use reasonable compatibility standards of income for Non-MAGI Medi-Cal programs automatically, due to:

- Technical and system restrictions, as well as
- Due to the complexity and variation in calculating income eligibility for the various Non-MAGI programs.

Since Non-MAGI Medi-Cal does not leverage the automated MAGI reasonable compatibility conditions for income in CalHEERS, the intended use of the VCI Service response is to confirm the applicant or beneficiary’s self-attested information using a manual reasonable compatibility in certain situations.

CEWs must use the VCI Service response (when available) for the Aged, Blind, and Disabled (ABD) Federal Poverty Level (FPL) program to confirm self-attested information. To be eligible to the ABD FPL Non-MAGI program, an applicant or beneficiary’s countable income cannot exceed a level set by the state that is based on

the FPL. Due to the ABD-FPL program's percentage threshold for income eligibility, this aligns more easily than other Non-MAGI program income eligibility calculations in order to leverage the reasonable compatibility policy concept.

CEWs can proceed with verifying income using VCI Service response for Non-MAGI ABD-FPL program eligibility determinations when:

- The VCI Service response matches with the applicant or beneficiary's self-attested employer information, i.e., company or organization where they are employed, **and**
- The self-attested income and the VCI Service response (after all applicable income deductions have been applied) would not exceed the federal poverty level (FPL) for the Aged, Blind, and Disabled (ABD) program.

However, if the self-attested income information and/or the VCI Service response would result in a Share-of-Cost (SOC) to the applicant or beneficiary, CEWs must contact the applicant or beneficiary to request verification.

At this time, the VCI Service response currently must only be used for the ABD-FPL Non-MAGI program. DHCS will explore the future use of VCI Service response with other Non-MAGI Medi-Cal programs and will issue future guidance when other programs are identified.

Note: For more information on the acceptable use of the FDSH e-verifications for Non-MAGI Medi-Cal eligibility determinations, please see [ACWDL 20-17E](#).

Use of Available Information

With the inclusion of the VCI Service response into the sources of electronic verification of income, previous eligibility determinations may include VCI Service Response data. Per [ACWDL 18-21](#), counties must continue to complete an ex parte review of all available information, from cases or programs that are either open or were closed within the last 90 days, which may include any available commercial income verification reports, including the VCI Service response. The county should evaluate the veracity and age of the information as they would any other available income information.

Should a CEW determine financial eligibility using a VCI Service response where an adverse or negative action is taken, CEWs must utilize the Notice of Action and language provided in [ACWDL 21-23](#).

Additionally, since most applicants or beneficiaries provide self-attested income information that does not match how income is reviewed and calculated for Medi-Cal, it will not be unusual for the VCI Service response to have:

- Discrepancies, or not an exact match, between the self-attested income information and the VCI Service response, or
- A VCI Service response sent back even when self-attested income information is not reasonably compatible with the information received from any of the electronic data sources.

In accordance with [42 CFR § 435.952\(b\)](#), self-attested information that is provided by the applicant or beneficiary, when found reasonably compatible, shall be used to determine or renew Medi-Cal eligibility based on such information. Reasonable compatibility is intended to confirm, not replace, the self-attested income information. Therefore, when the VCI Service response and the self-attested income do not match **and** income is reasonably compatible, CEWs shall enter or continue to use the self-attested income information in SAWS. This policy aligns with existing reasonable compatibility functionality from other verification sources, such as the IRS.

However, when requesting manual verification to complete the eligibility determination, CEWs can incorporate the information received in the VCI Service response such as the individual's employer or organization name to best assist the applicant or beneficiary in locating the information needed by the county, or provide clarity for the request.

For further guidance related to contact requirements, please see [ACWDL 08-07](#) and [ACWDL 18-25](#). For reminders on acceptable Medi-Cal verification request forms, further guidance can be found in [MEDIL 20-13](#), while the most updated guidance released by CMS regarding the use of affidavits can be found in [ACWDL 21-12](#). Furthermore, CEWs shall continue to follow current guidance in [MEDIL 21-36](#) regarding historical income record entry where an applicant has self-attested to receiving income during the current calendar year, including but is not limited to Unemployment Insurance Benefits (UIB).

VCI Service Response Examples

Example #1: The VCI Service Response Was Received and Income is E-verified

- Applicant A applies for Medi-Cal at their local county office and self-attests to part time employment with Safeway earning \$800 per month.
- The CEW enters self-attested data in SAWS and information is sent to CalHEERS.

- The VCI Service response is provided by CalHEERS via eHIT to SAWS.
- The VCI Service confirms active employment with Safeway.
- Income is reasonably compatible using IRS income information (this would not be visible to the county in the DER).

Outcome: Since Applicant A's self-attested income information and the total countable income in the FSDH are both under the MAGI FPL limit, the income has been confirmed reasonably compatible and the CEW can proceed with completing the application without requiring manual verification for income.

Example #2 Two-Person Household and VCI Service Response is Received for One Applicant Only

- Spouse A and Spouse B apply for Medi-Cal at their local county office. Spouse A self-attests to earned income of \$775 per month from Dollar Tree, while Spouse B self-attests earned income of \$1100 per month from Kaiser.
- The CEW enters self-attested data in SAWS and information is sent to CalHEERS.
- Both Spouse A and Spouse B's income were determined reasonably compatible using IRS income information (this would not be visible to the county in the DER).
- Equifax only finds Applicant A in its database and the VCI Service response is sent via eHIT to SAWS.
- The VCI Service response confirms Applicant A's employment with Dollar Tree, and shows earned income information as \$900 per month, which differs from the self-attested amount.
- Spouse B is not known in Equifax's database and a VCI Service response is not included on the eHIT to SAWS.

Outcome: While the VCI Service response was received for only Spouse A, self-attested household income information and other income sources within the FSDH, such as IRS, were used to determine reasonable compatibility. The CEW can proceed with completing the application without requiring manual verification of income.

Example #3 VCI Service Response and Self-Attested Income Information for a Non-MAGI Financial Evaluation is Below ABD-FPL Program Limits

- Applicant A is 67 years old and applies for Medi-Cal at their local county office.

- Applicant reports monthly unearned income of \$900 per month from RSDI, as well as earned income from a part time job at McDonalds for \$325 per month.
- Applicant's RSDI is verified in IEVS.
- Applicant A was found in the Equifax database and the VCI Service response is sent via eHIT to SAWS.
- The VCI Service response confirms active employment with McDonalds but reflects current earned income of \$500 per month.

Outcome: After all applicable Non-MAGI income deductions have been applied to the unearned and earned income for Applicant A and despite the discrepancies, the CEW finds that the VCI Service response and the self-attested income for Applicant A do not exceed the income limits for the ABD-FPL program; so, Applicant A's earned income can be verified using the VCI information.

Example #4 VCI Service Response and Self-Attested Income Information for a Non-MAGI Financial Evaluation Is Above ABD-FPL Program Limits

- Applicant D is 68 years old and applies for Medi-Cal through CalHEERS and self-attests to \$1100 in RSDI and earned income with Target of \$845 per month.
- Applicant D was found in the Equifax database and the VCI Service response is sent via eHIT to SAWS.
- The VCI Service response confirms active employment with Target but reflects current earned income of \$1020 per month.
- After all applicable Non-MAGI income deductions have been applied to the unearned and earned income, the VCI Service response exceeds the ABD-FPL program limits and would potentially result in a SOC.

Outcome: The CEW must request manual verification of income to verify the discrepancy and ensure the SOC would be accurate with manual verification.

Example #5 The VCI Service Response Received Shows Active Employment with an Undisclosed Employer at a Beneficiary's Annual Renewal

- Beneficiary A returns the annual redetermination paperwork along with pay stubs from their current self-attested employment with Apple Inc.
- Beneficiary A self-attests to \$850 per month in earned income with Apple Inc.
- Beneficiary A was found in Equifax's database and a VCI Service response was sent to SAWS in the DER via eHIT.
- VCI Service response confirms active employment with two employers; Apple Inc. and CVS,

- After all applicable Non-MAGI income deductions have been applied to the unearned and earned income, the VCI Service response exceeds the ABD-FPL program limits and would potentially result in a SOC.

Outcome:

The CEW must request manual verification of income to verify the discrepancy and ensure the SOC would be accurate with manual verification.

Example #6 Self-Attested Income Reported is Above the ABD-FPL Limits and the VCI Service Response is Below.

- Applicant A, 68 years old, applies for Medi-Cal through CalHEERS.
- Applicant A reports both unearned income for RSDI of \$1335 per month and earned income with Costco for \$675 per month.
- Applicant A is found within Equifax's database and the VCI Service response is sent via eHIT to SAWS.
- CEW views the VCI Service response and notices that Applicant A's income from Costco shows \$400 per month.

Outcome: After all applicable Non-MAGI income deductions have been applied to the unearned and earned income, the self-attested income exceeds the ABD-FPL program limits and would potentially result in a SOC. Since the self-attested income information exceeds the ABD-FPL limit, the CEW must request manual verification prior to determining financial eligibility.

Example #7 Applicant Reports Zero Income and VCI Service Response is Not Received

- Applicant A applies for Medi-Cal at their local county office and reports zero income.
- The CEW enters all data into SAWS and sends the information to CalHEERS.
- Applicant A is not known in the Equifax database and the VCI Service response is not received.
- Income is reasonably compatible via the IRS and e-verified in CalHEERS.

Outcome: Since the self-attested income information has been confirmed reasonably compatible, the CEW can proceed with completing the application without requiring manual verification for income.

Example #8 Applicant Reports Zero Income and VCI Service Response is Received

- Applicant A applies for Medi-Cal via mail and reports zero income.
- The CEW receives the application and enters all data into SAWS and sends the information to CalHEERS.
- Applicant A is known in the Equifax database and the VCI Service response is received.
- Income is reasonably compatible and e-verified in CalHEERS.

Outcome: Since the self-attested income information has been confirmed reasonably compatible, the CEW can proceed with completing the application without requiring manual verification for income.

If you have any questions or if we can provide further information, please contact Janis Kimball by phone at (916) 345-8060 or by email at Janis.Kimball@dhcs.ca.gov.

Original Signed By

Linda Nguyen, Acting Chief
Medi-Cal Eligibility Division

APPENDIX A.6
**Data Request response from Equifax with Email
correspondence & Word Attachment**

PARTIALLY CONFIDENTIAL

Marquez, Alejandro "Alex"

From: Rick Keene <rick.keene@equifax.com>
Sent: Friday, February 10, 2023 1:39 PM
To: Marquez, Alejandro "Alex"
Cc: Damon Price; Juan Cole
Subject: [EXTERNAL] Re: [IE] In Re: IBFC Proposal
Attachments: CPUC Doc.docx; CPUC High Level Flows.pptx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Alex,

Please find the responses to your questions and the flow chart attached below.

There are some unknowns that would assist us with better estimates on pricing, but the fundamentals are there.

Let me know if you have any additional questions, or would like to discuss any details.

Also, I know your colleague wanted to discuss your current low income energy assistance program reverifications. We would be happy to set up some time for that discussion also when you like.

Have a great day!

Rick Keene

Account Executive - Public Sector
California State and Local Government
Equifax Workforce Solutions
(530)354-5711

On Wed, Feb 8, 2023 at 5:51 PM Marquez, Alejandro "Alex" <Alejandro.Marquez@cpuc.ca.gov> wrote:

Hi Rick,

I wanted to see if any progress has been made on the confidentiality agreement. I'd really like to have access to particular cost details asap to submit as part of my classified testimony to the Commission.

Below is an outline of customer counts (percentage and total 2020 numbers) for the three large electric utilities. We expect both the low and middle income tiers to have high >90% verification rates as the assignment carries heavy incentive.

We're still weighing feedback on the income range for the largest group which may extend it from 100k to 125k, potentially widening the middle tier group.

1. What percentage of low-income individuals can be captured through TheWorkNumber's data-sources? What kind of auxiliary programs exist to collect information on the remaining?

We define low-income as those at or below 200% of the federal poverty line.

The Equifax database includes over 145M active and 584M total income records provided directly from employers or through our payroll partners.

Equifax's solution can also include income data from 1099 contractor and gig workers as well as Direct Deposit Accounts (which significantly increases that number). This requires additional information and permissions from the applicant to check those sources.

2. What percentage of total households/individuals (or estimated) have readily available data accessible to TheWorkNumber (whether W2, 1099, etc.)?

3. What would be the implementation cost?

We would have an implementation fee that would be charged to activate a Utility. We presume the Utility would cover this fee. In addition, we would include transaction costs charged per individual searched in the household.

Our pricing is volume and commitment based.

[REDACTED]

The number of records depends on the number of employers records returned per individual.

If preferred for predictability, submission-based pricing can also be made available on a per household basis. Current census estimates 2.92 people per household in California. The number of single parent households is around 22%.

Perhaps the Utilities would have better numbers, but assuming 1.5+ adults per household at [REDACTED] including the cost of the application website, we could provide the service on a per rate payer household basis [REDACTED] per initial application.

- a. How would it be broken down by customer?

Each utility would have its unique location code that would allow us to bill transactions to that specific Utility.

4. What information from the utilities is needed to create proposals?

We would likely provide a single proposal for a contract that allows the Utilities to purchase at the proposed discounted rate. Our proposal would include a description of the purchasing process leveraging a single master contract that gets updated with every Utility.

5. You discussed previously that a master contract with all IOUs would be the least expensive option. Can you confirm that to me in writing?

A master contract with annual minimums would allow the IOUs to leverage economies of scale to obtain the best pricing. Pricing is driven by commitment.

6. To what degree can we determine that households will be assigned to the correct tier (income range) bracket?

We cannot estimate accuracy in our proposal. However, the solution would leverage a combination of attested and verified income to determine the range along with a risk indicator when a record for one or more individuals is not found or we are unable to leverage DDA data to complete the process.

The appropriate income range will be identified based on income captured and aggregated for each included member of the household.

Since our data is comprised of data provided by the employers themselves, what we can provide is highly reliable, but if income is earned or received from other, non-reported sources, actual personal income could be higher than reported in our data but very unlikely to be lower. Individuals are therefore very unlikely to be assigned a tier that is higher than actually eligible.

7. Can we discuss the re-verification process again? Last time we spoke, you let me know that an ongoing waiver to assess a customer's income for potential reassignment was an option. If the Commission were to opt for annual assessment requirement, can Equifax leverage the previous year's approval to

reassess a customer's income? Would authorization be needed every time an individual's income was being measured.

What would be the cost of said reassessment?

If the approval language in the application allows for current and future eligibility determinations, then approval can be ongoing.

If the purpose of the redetermination is to assess the continued eligibility due to current income, then the redeterminations would assumedly need to re-establish applicant income at that time, which would require another income search for current eligibility at the redetermination interval.

One option is that this process could be automated at the interval chosen by the Commission, without the need to recontact the applicant.

If chosen, the re-verification would be billed at the same rate as our initial verification with but would have a reduced burden on the Utility (no need to notify residents to remind them to re-verify) and also the individual household. Note that changes in households would not be reflected in the re-verification if this method is utilized. Changes in the adult residents in the household would not be reflected.

An alternative, if desired, would be to have notices inform the household to recertify by completing a new application.

8. Can a customer opt-out of said re-verification permissions after they've been given for future fetches?

Yes, a customer would be able to opt-out for future fetches, but if they reapply for the benefit they would essentially opt back in as part of the new application. Opting out would be through the Utility who would need to notify Equifax.

9. If a customer disputes their income assignment Equifax can handle all appeals internally. Can you please describe the process from the customers end? Is there more than one process for appealing for customers who may struggle? (i.e., is there multilingual phone support, can it be done online and through mail?)

To comply with FCRA regulations, Equifax provides access to an Employment data report for customers who dispute their income assignment due to an error

with reported income. This support is multilingual. TheWorkNumber receives its data directly from employers and payroll providers. However, if information in your EDR is incorrect or inaccurate, you can dispute it under provisions of the FCRA, and find instructions from doing so on the “My Personal Data” section of our website.

10. Last time we spoke you mentioned an online portal could be set up quickly, maybe even within a quarter’s time. Is that still the case?

Yes. We are able to set up an online portal within a quarter’s time.

11. If Equifax collects income information from employers directly, does that mean unemployed persons aren’t in TheWorkNumber database at all?

TheWorkNumber data reflects both active and inactive work status from 2.5 million employers. We don’t have all employers in the state since this data is reported to us voluntarily. We are not certain how this translates into income searches for rate payers, but we believe, given the target income brackets and our experience in other California benefit programs, the number will be very high.

APPENDIX A.7
***TheWorkNumber* Government Services Brochure**

EQUIFAX[®]

THE WORK
NUMBER[®]



Put Your Benefit Eligibility Processes on the Fast Track

How The Work Number[®] helps social service agencies perform quicker and more efficient income and employment verifications



Verifying income and employment can get complicated

In order to assess benefit applications and renewals, social services agencies face the task of making sure all eligibility requirements are met. Verifying information such as income and employment – often from a wide variety of sources – is an essential step in this process.

Common difficulties faced by social services agencies at every level:

- A high volume of applications and renewals, especially during challenging times for the economy
- Information provided by the applicant may not be current and available public sources such as state quarterly wage data are often out of date
- Verifying income may require documents from multiple sources – meaning the process can become complicated and time consuming

State wage data is typically anywhere from 30 to 120 days old²

Outdated data can lead to bigger issues:

- Potential determination or payment issues for eligible recipients when decisions are based on outdated information
- Delays in enrolling individuals and families who may need urgent assistance
- More work for caseworkers when manual follow-up is required, wasting time and resources, and increasing potential for less attention during reviews
- Significant burden on applicants, who are left to track down and provide much of the documentation and information themselves

Instead of manual checks for income verification that may take up to 45 days, expedite the process with automated access to current data.¹



