March 19, 2020

Governor Larry Hogan, Chair
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Mr. Brandon Presley, President
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Mayor Bryan K. Barnett, President
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Mr. Jim Matheson, CEO
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Ms. Joy Ditto, President and CEO
American Public Power Association
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Steve Schneider, President
Association of Metropolitan Water Agencies
1620 I Street, NW, Suite 500
Washington, DC 20006

Re: URGENT ACTIONS TO ADDRESS ELECTRIC AND WATER UTILITY SHUT-OFFS AND ACCESS ISSUES EXACERBATED BY THE CORONAVIRUS NATIONAL EMERGENCY

Dear Governor Hogan of the National Governors Association, Mayor Barnett of the United States Conference of Mayors, Mr. Presley of the National Association of Regulatory Utility Commissioners, Mr. Matheson of the National Rural Electric Cooperative Association, Ms. Ditto of the American Public Power Association, and Mr. Schneider of the Association of Metropolitan Water Agencies:

On behalf of our millions of members and supporters nationwide, we, the undersigned 577 organizations—including energy democracy and justice, environmental justice, utility justice, environmental, faith, labor, health advocate, consumer advocate, and legal educational organizations—write with deep concern about the impacts of the coronavirus national emergency on the access to electricity, water, and other basic utility services for millions of low-wealth households. The coronavirus pandemic is already resulting in the widespread loss of wages and jobs across the country and will disproportionately impact low-wealth households. As these losses impact the ability of families to pay for essential utility services, access to electricity and running water for handwashing are crucial to protect households and our communities from the spread of disease.

We request that your associations—and their member governors, mayors, utility regulators, and rural electric cooperative, public power and water utility boards—take steps to **implement a moratorium on all electricity and water utility shut-offs, waiver of all late-payment charges, and reinstitution of any services that have already been cut off due to nonpayment**. Further, while a moratorium provides a necessary temporary respite during this COVID-19 crisis, it does not tackle the systemic issues driving these all-too-common energy and water injustices across America. Therefore, we urge your associations to compel your members to **implement policies that both increase the deployment of and access to distributed clean energy systems and that establish percentage-of-income payment plans for water and other utility services**, which enhance the long-term energy and climate resilience for all low-wealth families, communities, and tribes across the country.

The global COVID-19 emergency has impacted and will continue to impact the economy—and in particular, will disproportionately harm low-wealth families, especially in communities of color and American Indian and Alaska Native communities. Everyday businesses and services are increasingly closing to safeguard the public health, with only one-third of the workforce able to work remotely, according to the Bureau of Labor Statistics. As a result, millions of low-wage jobs—including retail and restaurant service workers, security guards, nurse aides, education aides, and janitorial workers—are at risk of being reduced or lost over the course of this national emergency.

As Congress works on passing relief bills to assure enhanced unemployment benefits and paid sick leave for some Americans, it is essential that state and city governments and utility regulators and boards also act to prevent low-wealth families from facing the threat of losing their essential electricity and water during this turbulent period. Families should never be put in the impossible position where they must choose between getting care for the coronavirus or other illness and sustaining access to their power and water services.

Unfortunately, that is a trade-off that is commonly made across America, and the coronavirus emergency exacerbates and highlights the urgency of these issues. A national survey found that the average water utility disconnected 5 percent of households for nonpayment in 2016, affecting an estimated 15 million Americans.[1] Moreover, in recent years, hundreds of thousands of American families have been forced to discontinue their service because of their inability to pay electricity bills, as utilities continue to raise rates and fixed fees.[2] The consequences of poverty are literally fatal; without electricity access, lives have been lost due to extreme heat and cold, as well as disconnection from life-saving devices like respirators and medicines requiring refrigeration. Moreover, the climate emergency has exacerbated the country's extreme weather conditions—through unprecedented wild fires, heat waves, and increased frequency and intensity of storms—that necessitate a greater demand in electricity for survival and a basic standard of living, most especially in American Indian and Alaska Native and rural regions. That is why we request that your organizations take the following actions in this coronavirus emergency.

First, we request your associations call for an immediate moratorium on all electric and water utility shut-offs, waiver of late-payment charges, and reinstatement of disconnected service. Less than half of all state governments, including Connecticut, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Ohio, and Wisconsin, have ordered disconnection suspensions statewide on either electricity or water utilities and in some cases both. A handful of cities have followed suit. In addition, several investor-owned and public utility companies have voluntarily suspended service disconnections for nonpayment, including ConEdison, Dominion Energy, Duke Energy, Georgia Power, and Southern California Edison. However, many of the country's 3,300 private, public, and rural cooperative electric utilities have not suspended disconnections. Similarly, 100 municipal water providers have already issued orders prohibiting utility companies from shutting service off during the coronavirus emergency, but

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[1] Food & Water Watch, *America's Secret Water Crisis,* October 2018, https://www.foodandwater watch.org/ insight/americas-secret-water-crisis.

[2] NAACP Environmental and Climate Justice Program, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter*, March 2017, https://www.naacp.org/climate-justice-resources/lights-out-in-the-cold/.

many have yet to.[3] We ask you to urge your associations of governors, mayors, utility regulators, and rural electric cooperative and public power and water utility boards to immediately implement a blanket moratorium on electricity and water shut-offs, waiver of all late payment charges, and reinstitution of any disconnected services, as the proper response to the national emergency declared by President Trump last week.

Second, we request your associations call for systemic policies to prevent electricity and water shut-offs in the long-term by increasing the deployment of distributed clean energy systems for all low-wealth and other communities across the country. As detailed above, the immediate moratorium on utility shut-offs is a temporary band-aid for a far deeper energy and water justice crises facing low-wealth communities. In particular, the coronavirus outbreak has highlighted the reality that poverty, climate-induced weather events, and dependence on a centralized electric utility system that increases energy burdens on families to finance dirty energy plants is having fatal results. In addition to an immediate moratorium, we request an order addressing the deeper systemic issues that have led to the crisis of electricity shut-offs impacting the entire country. Specifically, we urge your members to commit to policies that transition communities to democratic and decentralized energy systems for a secure climate future—whereby low-wealth families are not beholden to utilities that continue to build more harmful and expensive fossil fuel plants and thwart efforts to establish cheap and clean distributed power systems. Distributed clean energy systems, especially rooftop and community solar, are vital to protecting families against these energy injustices. Community solar programs, for example, provide multiple community benefits in the form of energy cost savings, more predictable billing, local decision-making authority, and reliable jobs that pay family-sustaining wages and are unionized.[4] Moreover, distributed energy systems, particularly in the form of micro-grids and solar plus storage, greatly enhance community, tribal and climate resilience. They provide resilient power when the grid is down or when centralized energy access is truncated, as is occurring in this epidemic, and can recover faster in severe climate-induced weather events, decreasing community dependence on centralized fossil power.[5] Moreover, we urge your members to tackle our nation's water affordability crisis head-on by establishing percentage-of-income payment plans for water, sewer and stormwater bills, with arrearage forgiveness for low-income households. In light of the coronavirus emergency, now is the time for your member governors, mayors, utility regulators and boards to tackle the greater systemic issues underlying the threat of electricity and water service cut-offs.

Thank you for your consideration of this important request.[6]

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[3] *See* Energy Policy Institute, *LIVE: Utilities that have and have not suspended disconnects amid COVID-19*, https://www.energyandpolicy.org/utilities-disconnect-coronavirus/ (last updated March 18, 2020); Food & Water Watch, *Local/State Water Shutoff Moratia Amidst Coronavirus* (last updated March 18, 2020), https://docs.google.com/spreadsheets/d/153Ze6RRZ-ZZ9oVkaSErhVH GMv3Z4laQD s0GRO7UmYnQ /edit?usp=sharing.

[4] *See* J.Farrell, *Community Solar Power: Obstacles and Opportunities*, The New Rules Project (2010), https://ilsr.org/wp-content/uploads/files/communitysolarpower2.pdf.

[5] *See* National Renewable Energy Laboratory, *Distributed Energy Planning for Climate Resilience* (2018), https://www.nrel.gov/docs/fy18osti/71310.pdf.

[6] For any questions regarding this letter, please reach out to Jean Su at the Center for Biological Diversity (jsu@biologicaldiversity.org) and Chandra Farley at the Partnership for Southern Equity (cfarley@psequity.org).

Sincerely,

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