

March 2017



# LIGHTS OUT IN THE COLD

Reforming Utility Shut-Off Policies as If Human Rights Matter

# WHY WE DID THIS REPORT

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# LIFE THREATENING CONSUMER TRADEOFFS

In a 2011 survey NEADA, lower-income households reported the following reactions to high energy bills:

- 24% went without food for at least one day
- 37% went without medical or dental care
- 34% did not fill a prescription or took less than the full dose
- 19% had someone become sick because their home was too cold
- 33 %used their kitchen stove or oven to provide heat







**“Regardless of whether it’s shut off or simply that bills are so high that people voluntarily limit usage, several things happen. People use space heaters, kerosene heaters, that increase risk of fire and carbon monoxide poisoning. And people limit use of electricity. They light the home with candles, which are often too close to something combustible.”**

*-David Fox of the National Low-Income Energy Consortium (NLIEC)*

**Power shut off;  
candle triggers  
blaze; 10 killed**

## **7 Children, 3 Adults Lost to the Penalty for Poverty**

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In Baltimore, a fire swept through a row house killing 10 people, including 7 children aged 7 months, 5 , 7 , 11 and 12 years, and two 3 year olds, as well as 3 adults, after the termination of the electricity caused residents to begin using candles and a kerosene lamp for electricity.



## Todd Family

In Princess Anne (Southern Maryland) Rodney Todd, in dire straits after having his electricity disconnected, resorted to using a generator to power the home where he was raising his **seven children**.

Carbon monoxide released by the generator killed the entire family as they slept.







## ConEd Cuts Power—3 Young Boys Killed

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- In New York, three young boys, ages 4 months, 2 years, and 5 years died in a fire caused by a candle used for light after the utility company disconnected service for non-payment.



## Fairfield Fire Claims Four Children Under the Age of 4

- In California, five children, 2-year olds Natalie Rogers and Neveah Nunn, 1-year-old Keviana Morgan, and 4-year-old Robert Charles Jr, lost their lives when their electricity had been disconnected and their mothers, who were sisters living together, used candlelight to light their home, resulting in a fire





And the List Goes On

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*Too Many to Name*

# Our Relationship With Energy

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*“The cost benefit analysis of how the utility business model is structured around utility shut offs in the face of such wealth building focus means a choice of life and death for some and the choice between a Porsche and an Audi for others.”*

*- Jacqueline Patterson, Director,  
NAACP Environmental and Climate  
Justice Program*

# UTILITY SHUTOFFS

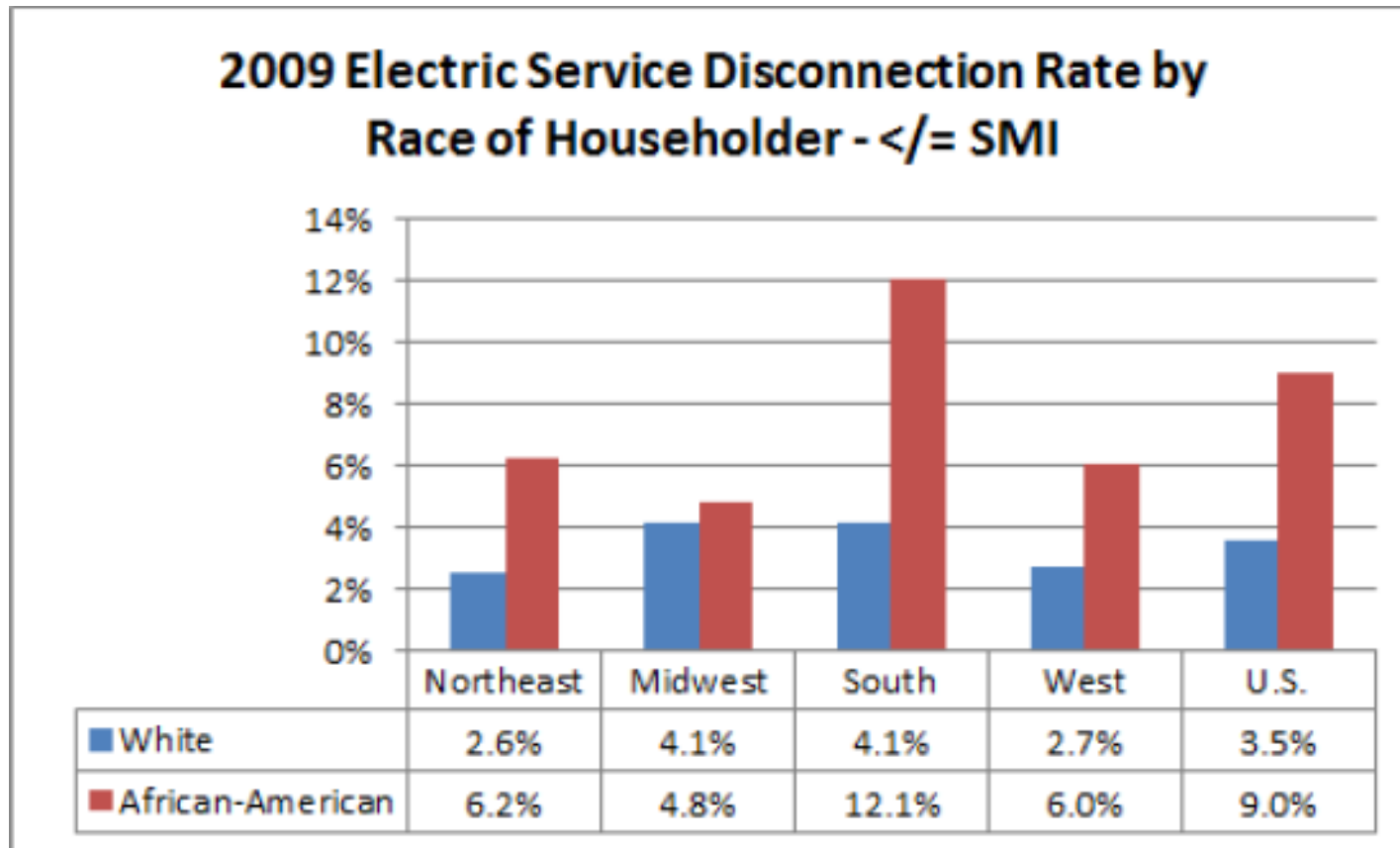
## HUMAN RIGHTS VIOLATIONS

### Endangers the Well-Being of Households

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- 1 High energy costs force customers to forgo other critical services (e.g. healthcare, food, childcare)
  - 2 Termination of utility services increases the impacts of extreme weather events on households
  - 3 Termination of utility services forces customers to find other, often hazardous means of heating and lighting
  - 4 Termination of utility services puts customers reliant on medical devices and life-supporting systems at risk

CURRENT UTILITY PRACTICES ENDANGER HUMAN LIFE AND WELL-BEING AND THUS **VIOLATE BASIC HUMAN RIGHTS**

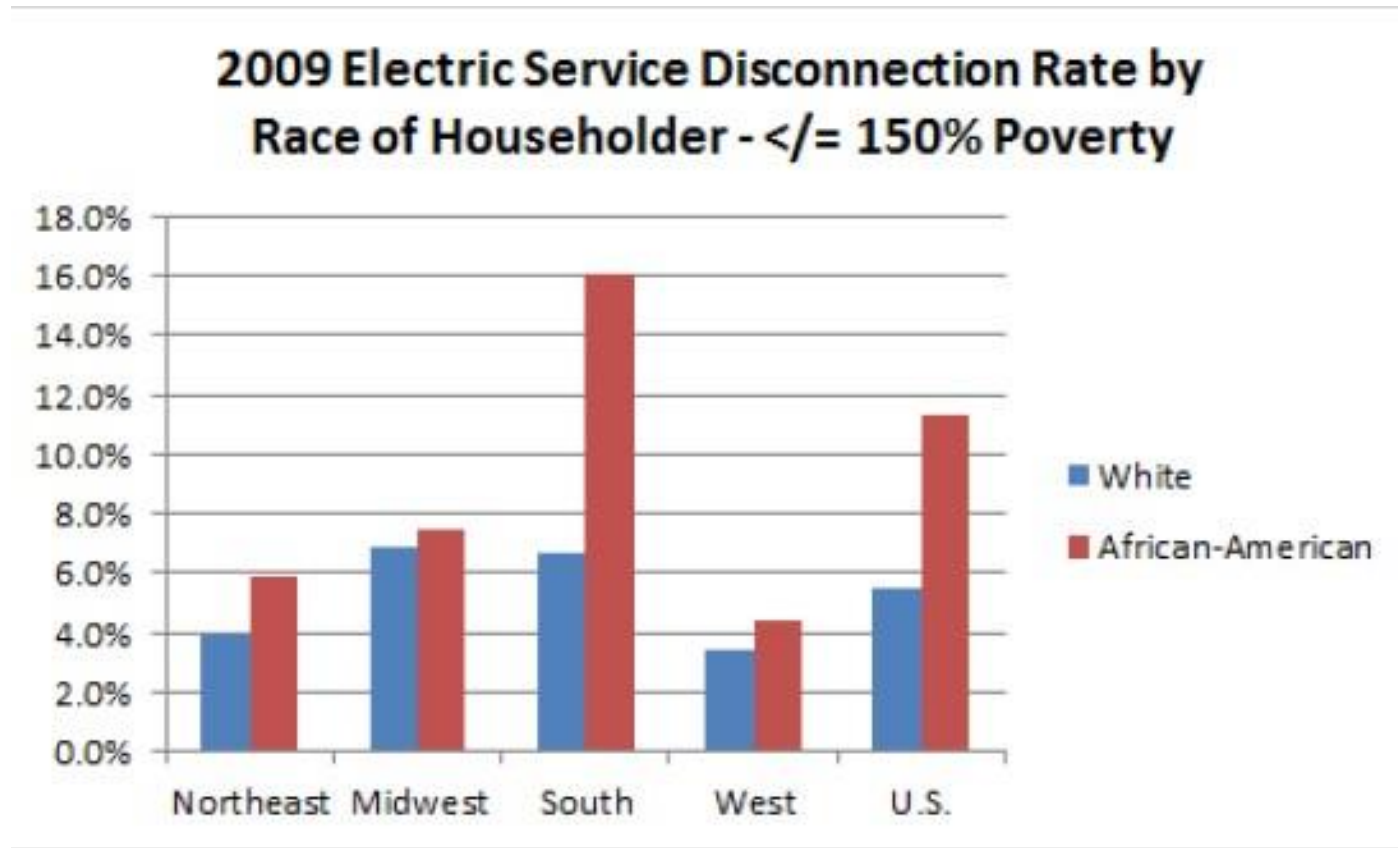
# DISPARITIES IN DISCONNECTION RATES



Analysis of the National Consumer Law Center



# DISPARITIES IN DISCONNECTION RATES



# Most Impacted Communities/Populations

- In general, poor communities spend a significantly higher fraction of expenditures on energy purchases than the middle-class and the wealthy:
  - ▣ 13% of expenditures in the poorest decile as opposed to just 5% of expenditures in the top decile.
- Older consumers with the lowest incomes struggle the most to pay their utility bills.
- An estimated 35 percent of older households have incomes of less than \$20,000 and experience the greatest energy burden, or percentage of income spent on energy costs.



# African American Communities and Energy

- ❑ African Americans spend a significantly higher fraction of total expenditures on energy use than non-African Americans in America for almost all income levels.
- ❑ African Americans comprise 12.7% of the overall population. Based on an eligibility model and self-reporting, African Americans are estimated to receive an estimated 23-25% of LIHEAP funds.

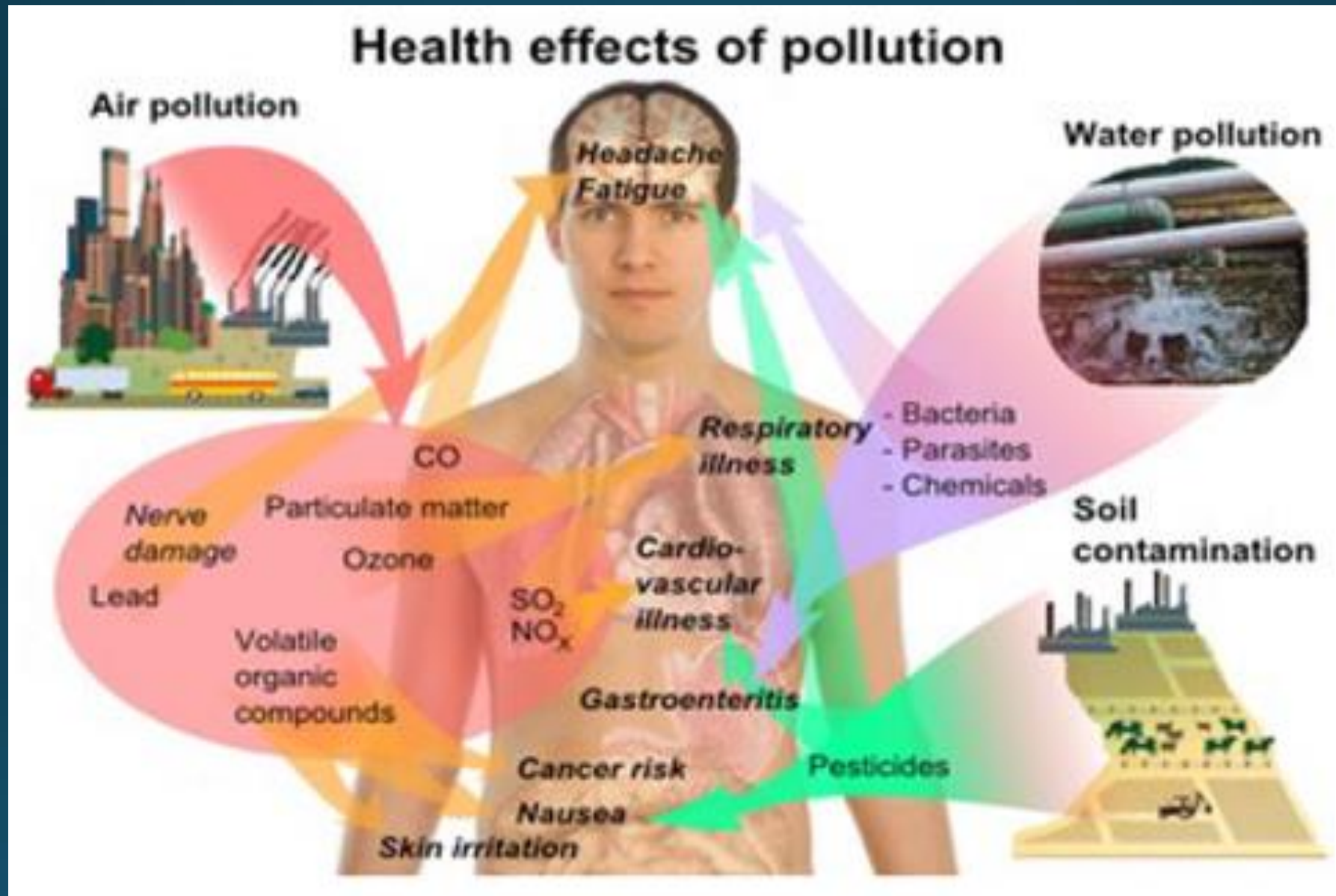
# 2008 Snapshot of Energy Poverty

- ❑ By April, Pennsylvania Power and Light Electric Utilities disconnected 7,054 customers---up 168%.
- ❑ Duke Energy in North Carolina averaged about 11,000 shutoffs a month--10% of its 1.4 million residential customers.
- ❑ For Peoples Gas in Chicago, disconnects were up 27%.
- ❑ Disconnects were 14% for Southern California Edison
- ❑ Shutoffs were at 56% for Detroit Edison--In Michigan, where home foreclosures were soaring and the unemployment rate is the USA's highest, more than one in five Detroit Edison customers were behind in their electric bills by May.





# Effects of Pollution







# Current State of Utility Policies/Practices

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# Current Utility Cut-Off Policies/Practices

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- 7 states offer no payment plans to cure delinquency;
- 8 states have no medical protection policies on affecting disconnection of services;
- 14 states have no date-based protection policies. Date based – set specific dates of when customers cannot without due diligence be disconnected from a utility service;
- 28 states have no temperature-based policies: Meaning regardless of how cold it becomes, or how hot it becomes, utilities can be shut-off;
- 11 states have no disconnection limitation policies (ex. day and time of disconnection);
- 36 states have reconnection fees.
- Too many states require deposits in order for services to be re-established.

State	Procedural Protections	Seasonal Protections	Payment Assistance	Protections for Vulnerable Groups
Alabama	<p>Provide customers with a written notice five days before scheduled disconnection</p> <p>Requires a reconnection charge</p>	When the temperature is forecasted to be 32°F or below for that calendar day, the utility cannot be disconnected	The utility does not have a payment plan option	Special consideration based on age, disability, medical conditions or other circumstances is granted, but not required
Alaska	<p>Customers receive an initial notice fifteen days before scheduled disconnection, and a second notice is provided in person, by telephone or by posting three days before a disconnection</p> <p>Disconnections can occur Monday- Thursday between 8:00am-5:00pm</p>	Does not require seasonal protections	Deferred payment agreement with the utility to pay their outstanding balance in installments over a period not to exceed 12 months	A customer, who is elderly, ill, dependent on life support systems, or disabled, can have their disconnection postponed for fifteen days
Arkansas	<p>Initial notice to be mailed eight days or delivered five days before the disconnection,</p> <p>Disconnections can only occur during normal business hours</p> <p>No reconnection charges</p>	<p>Disconnections are not permitted between November 1- March 31 Gas utilities may not disconnect for low-income customers</p> <p>When the temperature is 95°F or above, disconnections are not allowed for elderly or disabled customers</p>	Offer payment plans for customers, who qualify as low- income, during winter protection period	Customers, who are elderly or have disabilities, must have two notice attempts at least 72 hours before shut off
Kansas	Written notice to be sent ten days before scheduled disconnection and the utility must call two times at least two days before disconnection	<p>Disconnections are not permitted between November 1- March 31</p> <p>If temperature drops below 35°F in the following 48-hour period, disconnections are not permitted</p>	Customers must enter into negotiated payment plan, pay 1/12 of arrearage, 1/12 of current bill and disconnection, reconnection and deposit if applicable and apply for energy assistance funds to avoid disconnection	Customers with a medical certification must also provide proof of inability to pay the bill in full
Tennessee	<p>Requires only a reasonable notice to be provided</p> <p>Does not specify a period for disconnections</p>	Does not offer date based or temperature based protection	Offers payment plans for customers	A thirty day disconnect delay can be granted if physician, public health official or social service official certifies that a household member's health would be adversely affected

# How Do We Stop the Bleeding?

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*Short Term Utility Reform*



Maureen Taylor, State  
Chairperson--Michigan  
Welfare Rights Organization

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*"What kind of world do we live  
in where children can die a fiery  
death and there is no massive  
outcry?..."*

*We call on everyone opposed to  
this constant inhumanity  
against poor people to join  
us...and demand an immediate  
moratorium on gas and light  
shutoffs,"*



# Principles of Reform

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- Secure **ACCESS** to utility services for all households;
- **INCLUSION** of all customers in the development of utility policies and regulations;
- **TRANSPARENCY** of the actions of and information held by utility companies, regulating bodies; legislatures, and utility affiliated organizations;
- **PROTECTION** of the human and civil rights of all customers; and
- Advance programs that help **ELIMINATE POVERTY**, so that all customers can pay utility bills.





# Practices of Reform

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- Improved record keeping and data management practices
- Tighter legislation and regulation
- Improved protections--procedural, seasonal, social vulnerability, payment assistance, etc.





# SEASONAL PROTECTIONS

- Protect customers from health risks associated with having a utility disconnected during periods of extreme weather
- Sets specific criteria for when customers cannot, without due diligence, be disconnected from a utility service
- Two variations:
  - Date-Based
  - Temperature-Based

# PROTECTIONS FOR SOCIALLY VULNERABLE GROUPS

- Most states offer protections for groups that may be considered especially vulnerable to the risks and hazards associated with disconnections:
  - The elderly
  - Young children
  - Individuals with health conditions
  - Individuals with disabilities
- Require utilities to offer protections to socially vulnerable customers **who register with the utility**



# FINANCING TO REDUCE AND ELIMINATE DISCONNECTIONS

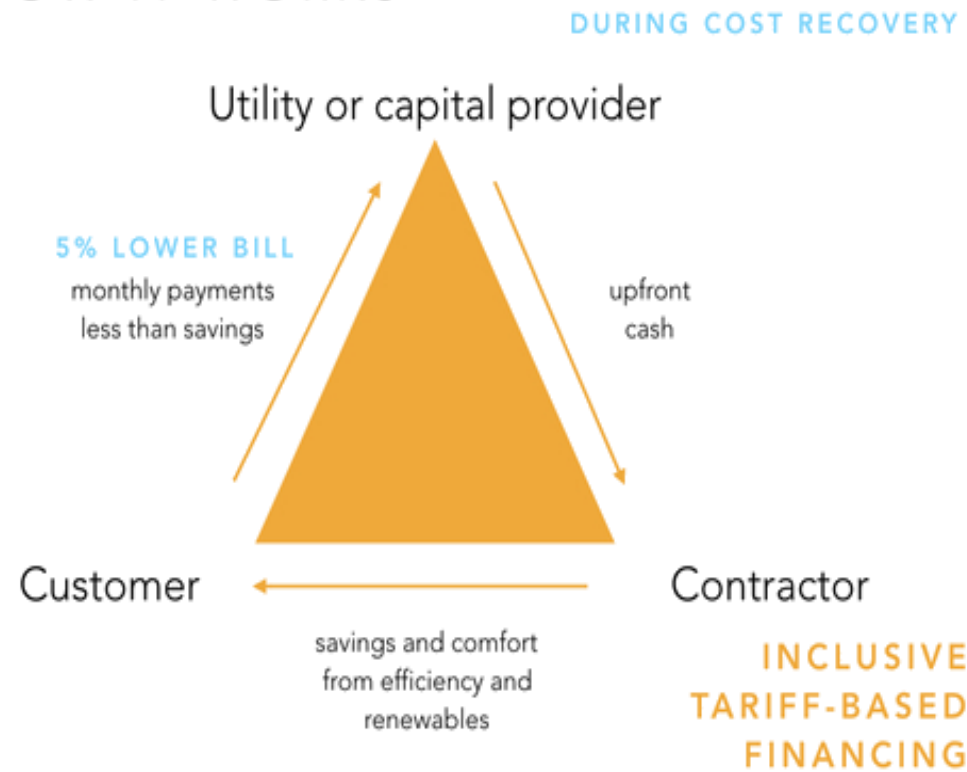
1. Bill Assistance Programs
  - Low Income Home Energy Assistance Program (LIHEAP)
  - Emergency Food and Shelter Program (EFSP)
  - Residential Assistance for Families in Transition (RAFT)
2. Weatherization and Energy Efficiency Programs
3. Inclusive Financing Models





# INCLUSIVE FINANCING

## HOW IT WORKS



Allows customers to opt into a tariff that authorizes the utility to:

1. Make site-specific investments in cost effective energy upgrades
2. Recover its costs with a charge on the bill that is significantly less than the estimated savings.

[INSTITUTE FOR LOCAL SELF-RESILIENCE: Energy Democracy Initiative](#)

# Recommendations for Action

*"For some customers, there is a permanent level of unaffordability built into the rates."*

*- William Yates, Senior Financial Analyst, Public Utility Law Project of New York*

# IMPROVED DATA COLLECTION, RESEARCH, & TRANSPARENCY

## Utility Regulators

- Set strict record keeping standards of the disconnection process
- Conduct studies on the financial and human costs of utility disconnections
- Make records of disconnection publicly available

## Government Agencies

- Maintain databases containing disconnection data
- Obtain, analyze, and make transparent, aggregate national utility disconnection data
- Hold PUC's, regulators, and utility companies accountable for providing complete data

## Research Institutions

- Expand research on socially-oriented utility and energy models
- Partner with communities in and promote community participatory research models
- Use expanded data in accordance with the principles and rights outlined



# UPHOLDING HUMAN RIGHTS

## Utilities

- Operate according to the principles and practices of human rights
- Cease investments and lobbying practices that undermine the right to uninterrupted utility services

## Regulators

- Enforce and adhere to the principles of a human-rights based utility model
- Hold public hearings to investigate disconnections in services areas
- Support the implementation of energy efficiency, clean energy, and distributed generation programs
- Ensure that regulatory processes, meetings, and proceedings are accessible to all customers

## Legislatures

- Amend legal definitions of "public interest" to incorporate additional aspects of human rights
- Establish policies mandating the principles and practices of the right to uninterrupted utility service
- Pass legislation that enables the advancement of energy efficiency and clean energy programs
- Pass legislation that enables the advancement of energy independence

# RECOMMENDATIONS FOR UTILITY CUSTOMER AND CONSUMER ADVOCATES

1. Engage state and local legislatures
2. Petition utilities and public utility commissions to adopt these principles
3. Document and build the evidence base of human and civil rights violations
4. Partner with research institutions to conduct community participatory research
5. Demand improved access to PUC and regulatory meetings and proceedings
6. Demand increased transparency of the operations of utility companies and their affiliates
7. Enforce the demand for policies and practices that protect human life through grassroots advocacy



# BUILDING ON A LEGACY OF CHANGE

[TURN: The Utility Reform Network](#) [CA]

[George Wiley Center](#) [RI]

[Utility Reform Project](#) [OR]

[New York Utility Project](#) [NY]

[Committee Against Utility Shutoffs \(CAUS\)](#) [MI]

[National Consumer Law Center](#)

[The Consumer Federation of America](#)





# Advancing Transformation To Energy Sovereignty for Our Communities

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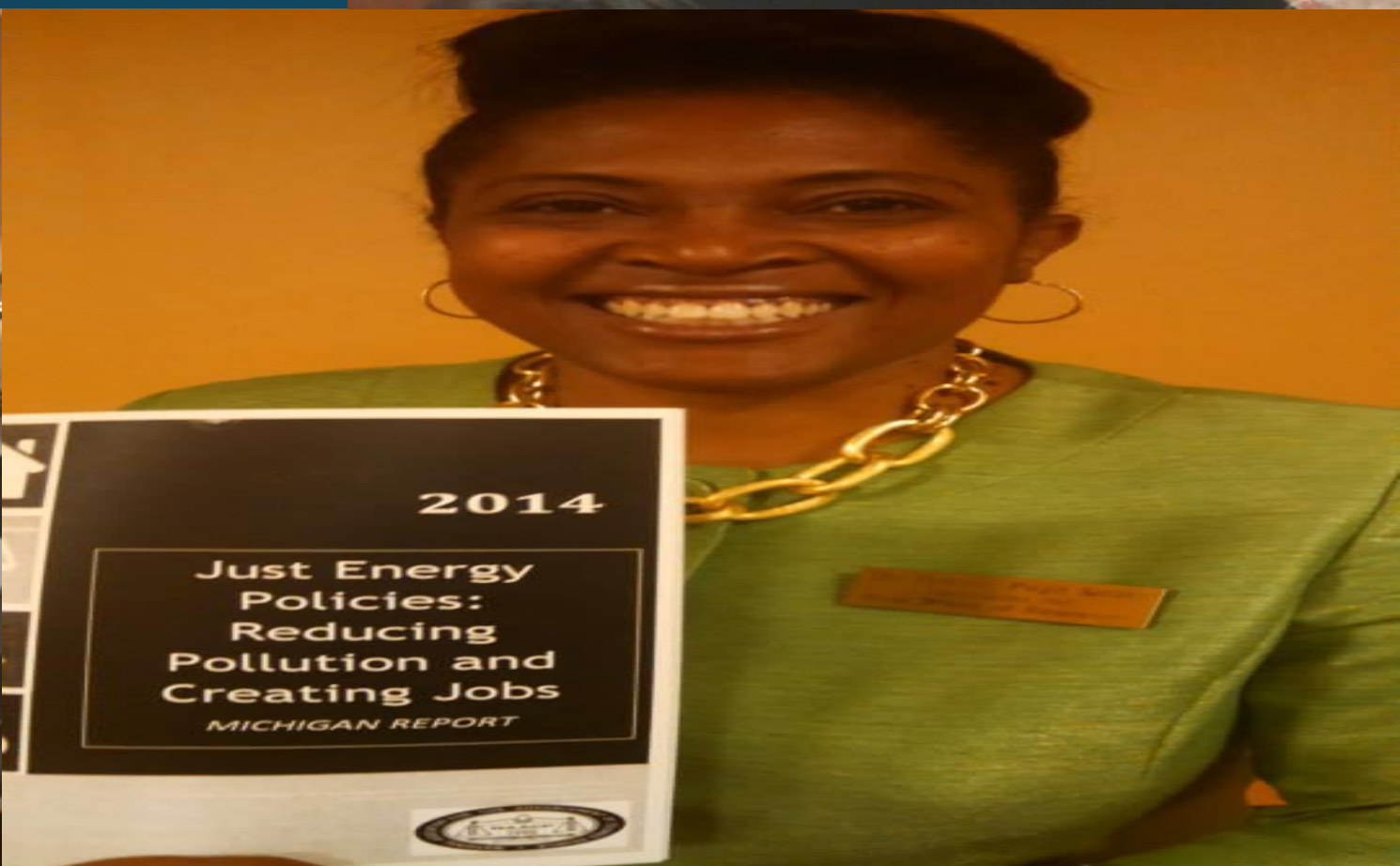
## Pillars of Our Energy Democracy Agenda



- ❑ Energy Efficiency Resource Standards
- ❑ Renewable Portfolio Standards
- ❑ Distributed Generation/Net Metering
- ❑ Community Ownership and Asset Development
- ❑ Economic Justice
- ❑ Political Power Building

RESOLUTION DATE AND NAME	SUMMARY
1977—Energy Resolution	Addresses “the serious world shortage in traditional energy sources,” and aims to ensure “the development of adequate energy sources.”
2007-- Climate Change and Discriminatory Practices Resolution	Commits to advocating for socially just solutions for the environment and global warming that will reduce racial and ethnic economic disparities.
2008-- NAACP Support for Present and Future Green Jobs Appropriations and Policies	Advocates for the Green Job Act funding and inclusion of African Americans in emerging green energy sector.
2010-- NAACP in Opposition to Expanded Offshore Drilling Without Adequate Safety Technology and Clean Energy	Supports the exploration of clean energy alternatives, including wind, solar, hydro, and geothermal solutions, in addition to energy conservation and reduction strategies.
2011-- Clean Air Act-Greenhouse Gases-Coal Fired Power Plants	Advocates health and sustainable alternatives to the current overreliance on coal for energy.
2012--Renewable Energy Resolution	Supports transition to clean energy by setting minimum standard of 25% of our energy portfolio to come from clean sources (wind, solar, geothermal) by 2025.
2015 Clean Energy Resolution	Promotes access to distributed generation as a key tool for energy democracy through shared ownership in advancing a clean energy economy.





**MOUNT ZION BAPTIST CHURCH**  
 (soon marking their 145th Anniversary)  
**HOSTING**  
**INDIANA NAACP TOWN HALL**  
**JUST ENERGY: REDUCING POLLUTION AND CREATING JOBS**  
**JOBS \* ENERGY EFFICIENCY \* WEATHERIZATION \* HEALTH \* ENVIRONMENT \* STEWARDSHIP**

				
Greg Tester Indiana State Senator District 33	Yvonne Summers House Representative District 39	Dana Reed Wynn Chief, Bureau Environmental Health Marion County Public Health	Julianne Allen Executive Director WE EcoCenter	Rev. Dr. Karl Phillip James Pastor Mount Zion Baptist Church

**MOUNT ZION BAPTIST CHURCH**  
**3500 GRACELAND AVENUE**  
**INDIANAPOLIS, IN 46208**  
**MARCH 21<sup>st</sup>, 2014**  
**DOORS OPEN AT 5:30 PM**  
**TOWN HALL 6:00 PM TO 8:00 PM**

Inquiries can email Denise Abdul-Rahman, Indiana NAACP Environmental Climate Justice Chair: [indnaacp@aol.net](mailto:indnaacp@aol.net)





**IGO Indiana Green Outreach**



**INDIANA VICTORY**

**Defeating  
House Bill  
1320**





## GULFPORT VICTORY

Gulfport NAACP  
Instrumental in  
Jack Watson  
Coal Plant  
Cessation of  
Coal Burning





SECOND REGULAR SESSION

# HOUSE BILL NO. 2197

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCNEIL.

5645L.011

D. ADAM CRUMBLISS, Chief Clerk

## AN ACT

To amend chapter 393, RSMo, by adding thereto seven new sections relating to the Missouri energy efficiency performance standard.





## OHIO



## MINNESOTA



## WISCONSIN



## UTAH











# SOLAR HOLLER

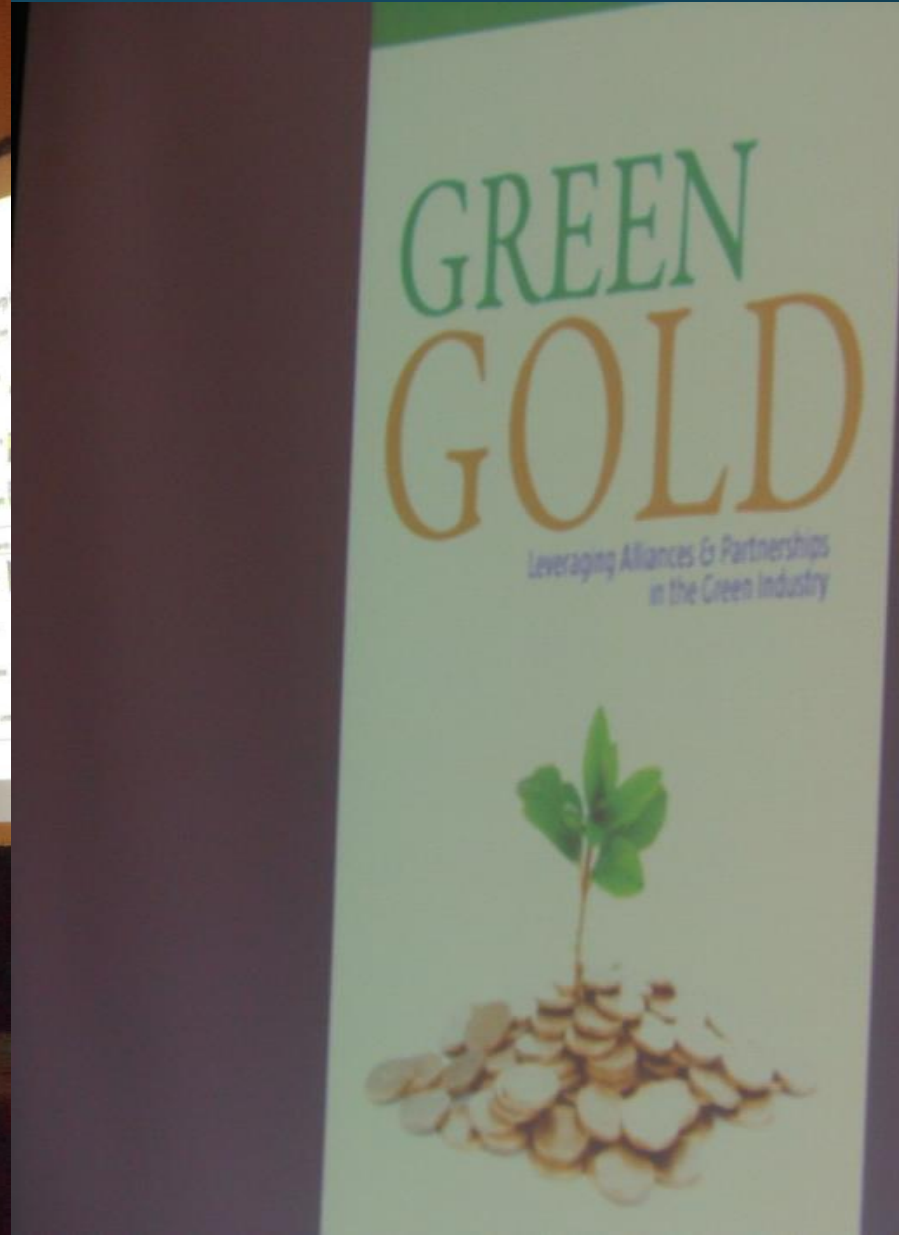
REPOWERING APPALACHIA  
WITH HOMETOWN ENERGY



Soulardarity Streetlight Campaign



# Just Energy Entrepreneurship







Learn Partner Volunteer Support

# Economic Opportunity



**\$110 Million**  
in savings for families

**People. Planet. Employment.**





## Want to support clean energy? Fight for voting rights

By Brentin Mock and Jacqueline Patterson on 25 Jul 2014

13 comments





## Amy's Story

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- How an NAACP ECJ Chair from Arizona Went from Being in the Dark to Energy Independence!



*Brought To You By.....*

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Design,  
Research,  
Analysis,  
Strategy,  
Writing, and  
Outreach/  
Promotion  
TEAM

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# *Thank You*

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