

JUST UTILITIES

ORGANIZING FOR SOLUTIONS TO
THE HOUSEHOLD ENERGY CRISIS



JUNE 2016

A REPORT BY **NOBODY LEAVES MID-HUDSON**

ACKNOWLEDGEMENTS



NOBODY LEAVES MID-HUDSON

Nobody Leaves Mid-Hudson is a grassroots community organization that brings together the people most directly impacted by injustice to fight around the issues that most deeply affect our community and to challenge the systems of power at the root of these problems. Nobody Leaves Mid-Hudson is committed to building working class power in order to strengthen social movements, end oppression, and realize a world that puts people before profit. Originally formed in 2012 to prevent foreclosure and eviction, it initiated its People's Power Campaign in 2014 as it became clear that energy affordability was the predominant housing issue for low-income people of color in the Mid-Hudson Valley and beyond. The People's Power Campaign seeks to win energy utilities justice in the Mid-Hudson Valley, New York State, and nationally. Nobody Leaves Mid-Hudson is also a co-founder of the Hudson Valley Black Lives Matter Coalition. Nobody Leaves Mid-Hudson conducts its statewide work as a Steering Committee member of the New York Energy Democracy Alliance, which works to advance a just and participatory transition to a resilient, localized, and democratically controlled clean energy economy in New York State. Nobody Leaves Mid-Hudson conducts its national work as a member of the Right to the City Alliance and is a partner in Right to the City's Homes for All Campaign.

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RIGHT TO THE CITY ALLIANCE

Right To The City is a national alliance of resident- and worker- led community organizations that help to build social movements led by communities of color to fight for and win a right to the city. The right to housing and land is one of the many rights that collectively comprise the right to the city. Homes for All is a national campaign uniting renters and residents facing displacement in cities across the country to fight for and win renters' rights and community control of land and housing. Homes For All is playing a central role in building the tenants' and housing and land justice movement from city to city through trans-local campaigns. The campaign recognizes racism has always shaped housing and land policies and practices in the U.S. and is led by communities of color and working class communities. Homes For All currently has 52 partner organizations in 30 cities and 20 states, and it continues to grow.

RIGHTTOTHECITY.ORG

ACKNOWLEDGMENTS

This report was principally written by two members of Nobody Leaves Mid-Hudson's Research Committee: Peggy Kahn, Professor of Political Science, University of Michigan-Flint, Flint, Michigan, and William Hoynes, Professor of Sociology, Vassar College, Poughkeepsie, New York. The staff of Nobody Leaves Mid-Hudson, Jonathan Bix, Executive Director; Spencer Resnick, Organizer; and Margaret Kwateng, Organizer, also contributed. William Yates and the rest of the Public Utility Law Project have consistently provided invaluable expertise, assistance, and guidance to the organization and for this report. Much of the report is based on the experiences and courageous work of members of Nobody Leaves Mid-Hudson. Tony Romano of the Right to the City Alliance helped edit the report. Kafui Attoh, from CUNY's Murphy Institute for Worker Education and Labor Studies, provided valuable feedback on an early draft of this report.

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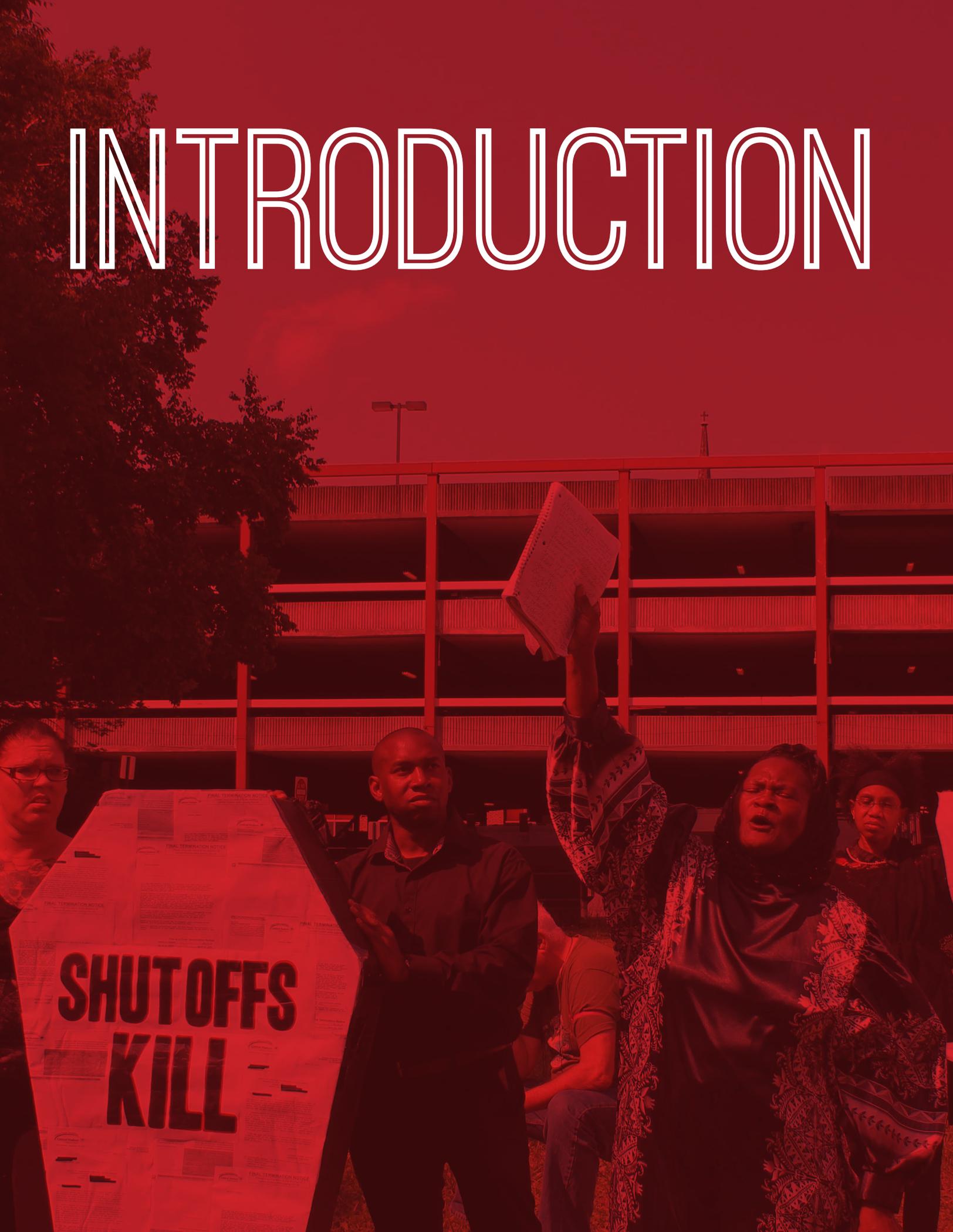
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INTRODUCTION



HOUSEHOLD ENERGY INSECURITY AND ORGANIZING FOR UTILITIES JUSTICE

HOUSEHOLD ENERGY SECURITY AND "UTILITIES JUSTICE"

In the wake of the 2007-2009 recession, grassroots community organizations and public policy advocates have mobilized against displacement from homes and neighborhoods and for housing security—the right to affordable, safe, and secure housing—as part of a growing urban social justice movement. Secure housing is critical to the ability of low-income households to maintain basic well-being, to participate in a range of everyday life activities, to maintain access to public benefits and services, and to participate in community life. The Right to the City Alliance (RTTC) has initiated the national Homes For All campaign to protect, defend, and expand housing that is dignified and truly affordable for low-income and very low-income communities. It engages those most directly impacted by gentrification and other forms of dislocation—organizing locally and nationally, winning strong local policies that protect renters and homeowners, building models for truly affordable community-controlled housing, and shifting the national debate on housing. The campaign regards housing as a human right rather than a commodity. It works to promote a new vision for housing justice based on five principles: affordability; accessibility; long-term stability and protection from displacement; health, sustainability and quality; and community control.

Household energy security—adequate, accessible, and affordable electricity and heat—is integral to housing security and should also be regarded as a human right rather than just a commodity, though it is often neglected by organizers, advocates, and policy-makers. For low-income households, high energy utility costs result in unhealthy low levels of energy consumption, unsafe alternative sources of heat, undesirable trade-offs among basic necessities and debt, and, combined with high rents, unstable and

poor quality housing. While many basic services (water, telecommunications, electricity and gas) are necessary to housing stability and basic well-being, we focus here on gas and electric utilities.

For purposes of this report and following closely the understanding of housing justice, energy utilities justice is the right to affordable, accessible and stable, environmentally sustainable and healthy, and community-controlled household energy. Energy utilities justice requires household energy security, most fundamentally the ability to adequately meet basic household heating, cooling, and energy needs. Household energy provides a critical resource for child development, learning and education, health, family life, ability to work, and community participation. This report defines household energy security using the Right to the City's key pillars: affordability, accessibility, long-term stability and protection from displacement, health, sustainability and quality, and community control, but it merges accessibility and long-term stability into one pillar.¹ Our policy pillars are: (1) utility service should be affordable relative to household income and other basic expenses; (2) utility service should be accessible, and households should be protected from shut-offs; (3) utilities should contribute to household, community and environmental health; and (4) utilities should be subject to community control.

The problem of household energy insecurity lies at the intersection of developments in and outside the utility and energy sector. Rising household energy costs are associated with rising fixed service costs and volume-related distribution charges, inadequate and outdated transmission and distribution infrastructure, and limited public regulation and control. Prolonged severe

HOUSEHOLD ENERGY SECURITY IS A HUMAN RIGHT NOT JUST A COMMODITY

winters raise the price of energy. Weather events related to climate change damage energy production and distribution infrastructure, leading to both disruption and additional costs for upgrading and hardening. Residential electricity prices have risen rapidly and steadily, especially in New England and the Mid-Atlantic states.² In New York, public regulators have not structured residential utility rates and assistance programs to adequately benefit low-income households.

At the same time household income has been declining in an era of precarious jobs, high poverty rates, marginalized communities, and cuts or inadequate provision in public safety nets and services, including cash assistance, food assistance (Supplemental Nutrition Assistance Program or SNAP), and low income home energy assistance (Low Income Home Energy Assistance Program or LIHEAP). The disappearance of good jobs in manufacturing and service sectors combined with the shrinking social welfare state is particularly destructive for low-income communities of color. Women raising children on their own but without living wage jobs, adequate public benefits, or strong public institutions are disproportionately affected.

Structures of racism, rooted in discriminatory practices of earlier eras, persist today. Racial wealth and income gaps are substantial. African-Americans and particularly women of color suffer from high poverty rates, with twice the poverty rates of White women. Poverty rates for Black single mothers are 45.6 percent and for Latina single mothers 46.3 percent.³ These gaps continue to be driven by public policies, including poor enforcement of anti-discrimination laws in housing, insufficient mortgage and loan policies, weak protection of renter rights, weak labor and employment regulation, and dwindling social benefits and services. African-Americans and other people of color remain segregated in places without democratic participatory opportunities, strong schools and public services, adequate physical infrastructures or employment prospects.

UNAFFORDABILITY

Large numbers of low-income households face unaffordable utility bills. Household energy researchers define affordable energy costs as about 6 percent of household income. Low-income households in New York State and across the country are paying energy utility bills that are at three to six times the affordable level. For example, New York State households with incomes below 50 percent of the federal poverty line pay 31 percent of their annual

household income for home energy bills. With income between 50 and 100 percent of the federal poverty line, households pay 16 percent of their income for energy. At the same time, households at the upper end of the income scale pay from less than 1 percent to 5 percent,⁴ underlining how inequality contributes to the difficulty of seeing and acting on the utility challenges of low-income communities. Low-income households are particularly affected by utility price increases, and New York's average residential electricity prices are the fourth highest in the country, lower than only those in Alaska, Hawaii and Connecticut.⁵ Older housing stock and inefficient appliances in low-income households drive up consumption and costs.

LACK OF ACCESSIBILITY AND STABILITY

Critical hardships and housing displacement due to shut-offs are grave violations of the principle of ongoing accessibility and long-term stability. New York's Public Utility Law Project reports 6.7 million shut-off notices sent to residential utility customers in New York State in 2012 and 285,148 residential shut-offs in New York in 2014.⁶ In June 2015 the New York Public Service Commission noted that in the 12 months prior to April 2015, 295,797 residential customers had been disconnected for non-payment.⁷ Since each residential customer represents a household, the number of people impacted by shut-offs is much higher than the count of households. Surveys suggest that among households unable to pay energy bills, over twice the percentage of Black people as White people have their power shut off.⁸

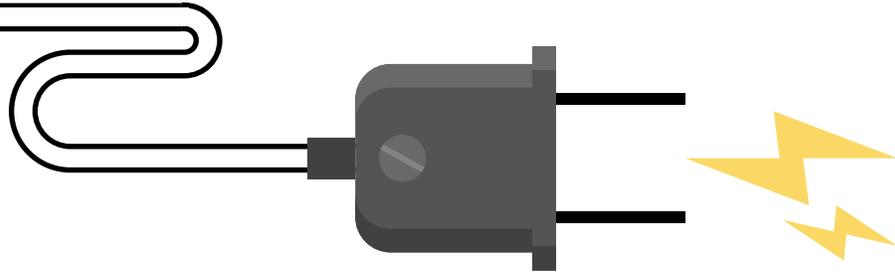
POOR HEALTH AND ENVIRONMENTAL UNSUSTAINABILITY

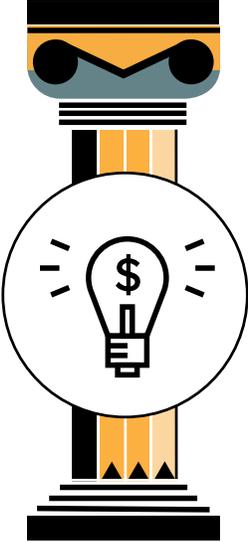
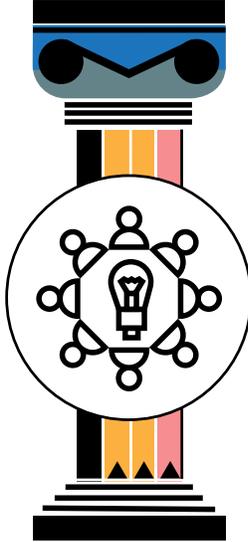
Household energy insecurity has serious health consequences, especially for young children, the elderly, the disabled, and the seriously ill. Child advocates have shown that children in energy-insecure homes, and particularly young Black and Latino children, are more likely than children in utility-secure homes to be food insecure, be in poor health, have been hospitalized since birth, and be at risk for developmental delays.⁹ The elderly are much less able to regulate their body temperature than younger adults, and common diseases of the elderly make hypothermia much more likely. Impoverished households, with members of all ages, are forced into unhealthy situations, as they choose between paying for heat and food, or heat and medical treatment. In many communities, dirty power generation and new weather and climate threats compound the health impacts of unaffordable or under-used household energy. Some of these energy-related health costs are long-term and irreversible. The use of fossil fuels disrupts the environment and contributes to climate change.

LACK OF COMMUNITY CONTROL

Low-income communities have little power to shape their household energy consumption and use. They are only weakly represented in public decision-making bodies, both legislatures and regulatory commissions, and they have little voice in public proceedings. They are excluded from the decisions of the private investor-owned utilities that distribute most household energy. Thus, they have difficulty shaping policy and law governing energy utilities (rates, assistance programs, shut-off protections, weatherization programs, transitions to renewables) and cannot fully benefit from what rights they have.

FOUR PILLARS OF UTILITIES JUSTICE



AFFORDABILITY	ACCESSIBILITY	HEALTH	COMMUNITY CONTROL
			
<p>Affordability. Utility rates should be affordable relative to household income and other basic expenses. Rate structures, payment plans, and utility bill assistance should ensure access without hardship.</p>	<p>Accessibility, long-term stability, and protection from displacement. Households should be able to access the household energy they require and be protected from shut-offs.</p>	<p>Health, sustainability, and quality. Household energy use should contribute to the health and social well-being of families, communities and the environment. Conservation and efficiency are important, and use of renewable resources should be maximized.</p>	<p>Community control. Low-income communities should participate in regulatory and policy processes, benefit from weatherization and efficiency in terms of reduced costs and additional jobs, and own and control distributed energy resources.</p>

NOBODY LEAVES MID-HUDSON, POUGHKEEPSIE, NEW YORK

The residents of Poughkeepsie, New York in the Mid-Hudson Valley have begun to reclaim a right to utility security as part of the right to their city and neighborhoods, through the grassroots community organization, Nobody Leaves Mid-Hudson. Nobody Leaves Mid-Hudson ("Nobody Leaves") is a member-led organization of predominantly low-income Black women based in the City of Poughkeepsie. Its organizational model is an adaptation of many of the practices of City Life/Vida Urbana, a housing rights organization in Boston, Massachusetts, to the Mid-Hudson Valley and the issue of utilities justice. It combines legal defense of individual members, collective public action and protest, and intensive community-building and political education. It defends the interests of its members in affordable utility rates, adequate utility assistance, affordable utility debt repayment agreements, no-shut-off policies, strengthened utility regulation, and cleaner energy. It works with many other organizations, including the Public Utility Law Project (PULP) and those in the New York State Energy Democracy Alliance (EDA), to defend low-income communities, fight for utility justice, and support energy democracy.

Nobody Leaves uses existing legal frameworks to defend households against shut-offs and other threats to household energy security. Thus, it intervenes on behalf of the customers of

Central Hudson Gas & Electric, the local utility, who are not treated in accordance with the New York Home Energy Fair Practices Act (HEFPA). It educates community members about existing legal rights, supports them in interactions with the corporate utility, and urges them to file complaints with the Public Service Commission when those rights are violated. In the first 14 months of its utility justice work, Nobody Leaves prevented or reversed shut-offs to 48 member households.

In addition, Nobody Leaves engages in work that is more collective and public, often using forms of direct action. Together with public utility advocates and environmental allies Nobody Leaves makes use of established regulatory procedures conducted by the Public Service Commission by attending public hearings and pressing the Commission to interact meaningfully with the public more often. In December 2015 it persuaded the PSC to open an investigation into the collection practices of Central Hudson Gas & Electric. It uses media to illustrate what is at stake for low-income households in corporate practices that may violate public law, in proceedings over rate hikes, or in the transition to renewables. Its public demonstrations and protests, often including an element of street theater, aim to make utility justice issues more visible to a broad public and to mobilize pressure on both the utility and public regulatory bodies to meet the needs of lower-income residents.

Nobody Leaves seeks to build a large and active membership of people directly affected by household energy insecurity. The active participation and exercise of leadership by those most

**NOBODY
LEAVES
MID-HUDSON IS
A MEMBER-LED
ORGANIZATION
OF PREDOMI-
NANTLY LOW-
INCOME BLACK
WOMEN BASED
IN THE CITY OF
POUGHKEEPSIE**

WHAT WE DO:

- We bring together the people who are most directly impacted by injustices like these.
- We use the sword (of public protest) + the shield (of legal defense + survival programs) to address people's immediate issues + challenge the root of the problem.
- We use our collective power to wage public fights against corporations who put their bottom line above the needs of the community.
- We deepen our impact by supporting each other: we all commit to building the group, because together we are stronger.
- We develop our leadership + organizing skills to strengthen our fight.
- We are part of a movement to fight for a system that meets the needs of all.
- We build the Hudson Valley Black Lives Matter Coalition to strengthen the fight for Racial Justice in our region.

directly impacted is critical to ethical and effective political activity and policy development and implementation. Within the organization, decisions are made by a leadership team of members. Nobody Leaves invests time in developing the capacities of the members themselves to organize and mobilize others. Leadership development helps ensure that those directly impacted by energy insecurity are leading the fight to shape policies that serve their interests. Nobody Leaves is a community of members based on relationships and shared interests and sustained over time. In order to deepen understanding of utility issues in the context of political, economic, and social power and to contribute to long-term broad social change movements, Nobody Leaves discusses corporate profit-making logic; racism and the marginalization of low-income Black communities; gender and household energy insecurity; and broader environmental questions. Those most directly affected by household energy insecurity can best describe their immediate needs and explain how policy is actually affecting them. Knowledge of rights and services in low-income communities is critical to the effective use of these rights and successful program implementation. The experiences of low-income communities suggest concrete policy directions for addressing urgent needs.

The individual shut-off prevention and debt relief victories Nobody Leaves secures for its members are essential to the group's ability to engage in longer term movement-building and policy change. Members generally come to Nobody Leaves in crisis, as their power is about to be shut off. When individual members succeed in winning immediate victories, they gain the motivation, time, mental space, leadership development experience, commitment to the group and confidence that keep them working for broader and longer-term utility justice goals.

Nobody Leaves Mid-Hudson channels its power and demands into Hudson Valley-wide and statewide policy change. In the Hudson Valley, Nobody Leaves works with the Public Utility Law Project of New York (PULP) and Citizens for Local Power (CLP) to change Central Hudson's corporate policies. PULP is a legal advocacy organization with a team of lawyers and researchers who represent consumer interests within the complex regulatory proceedings. CLP is an Ulster County-based advocacy and educational organization with a focus on clean energy. Nobody Leaves, PULP and CLP defeated Central Hudson's recently proposed 17 percent increase in its basic service charge, a regressive flat fee charged monthly no matter how much energy a customer uses, disincentivizing conservation and disproportionately punishing low-usage and low-income customers. The proposal's defeat will save customers \$36 million relative to Central Hudson's initial proposal (and over \$17.6 million relative to the joint proposal of the official parties) in fixed fees a year.

On the state level, Nobody Leaves Mid-Hudson plays a leadership role on the Steering Committee of the Energy Democracy Alliance (EDA), an emerging coalition of several dozen organizations working for "a just and participatory transition to a resilient, localized and democratically controlled clean energy economy in New York State." The EDA focuses on making energy and utilities work for the public good and increasing public control over policymaking and energy generation itself. It insists that communities are not only "customers" but also active citizens who should be able to design utility practices and energy policies. The EDA is quickly building power to change the energy landscape in New York by

uniting community and environmental organizations – through its statewide membership, its diversity of organizing and advocacy tactics, and its ability simultaneously to be socially and organizationally diverse and remain accountable to low-income people and people of color. Other Steering Committee members are PUSH Buffalo, Good Old Lower East Side (GOLES), the Center for Social Inclusion (CSI), the Alliance for a Green Economy (AGREE), and the Binghamton Regional Sustainability Coalition (BRSC). In its first year EDA has already won initial implementation of a policy that prioritizes inclusion of low-income participants in shared renewable energy development projects; won statewide public hearings about the acceleration of the transition to renewable energy; won statewide hearings around energy affordability for low-income people; used print journalism op-eds, radio interviews and social media to make the call for racial equity, economic justice and participatory regulatory changes; and held four statewide meetings. The EDA also closely collaborates with NY Renews, another emerging statewide energy justice alliance with a strong labor presence and legislative focus.

Nobody Leaves recognizes that household energy insecurity offers an opportunity to build a powerful collaborative grassroots movement for utilities justice reform and deeper social transformations in which basic necessities are seen as human rights and public goods rather than simply as market commodities. The concentrated geography and delivery monopoly of utility companies create a broad local base of households that can be mobilized. Because many women, and women of color, face difficult responsibilities of daily provisioning and maintaining homes as they raise children or grandchildren, they are likely participants and leaders in such organizing efforts. Community members are receptive to organizers working with more expert advocates to help them learn their rights, articulate their needs, and develop strategies to resolve serious problems. Statewide Public Service Commissions that regulate utility services are more unified targets and allow for more immediate victories than state legislatures.

Utilities justice is critically linked to existing and emerging housing justice and environmental movements. Utilities are a housing cost, shut-offs due to inability to pay are a source of displacement and eviction, and home energy regulation is part of a regulatory framework that can make housing affordable and stable. Households struggling to pay rent often also struggle to pay utility bills and often make trade-offs between rent and mortgage payments on the one hand and heat and electricity bills on the other. The utility infrastructure is more universal and delivery is more standardized in price than housing, but access to heat and electricity challenge low-income communities and impoverished households and are part of durable housing solutions. Access to affordable, safe and clean energy in households is a critical environmental question. In addition, household utilities justice can bring the leadership of low-income communities of color into the environmental movement, as it spans consumption and production issues and deeply impacts a large number of low-income households.

This report documents the problems members of Nobody Leaves Mid-Hudson and others in Poughkeepsie and surrounding areas have faced, the policy solutions they have developed, and how they have worked for affordable, just, and sustainable utilities.

ELECTRICITY AND HEATING UTILITIES

Electricity in the U.S. is distributed to households and businesses mainly by publicly regulated investor-owned utilities—private, for-profit businesses. Most of these regulated utilities are very large private companies, often part of energy conglomerates, and they control very large shares of the market. About 2,000 smaller municipally owned utilities and rural electricity cooperatives also provide services to about 47 million people. Investor-owned utilities (IOUs) are owned by shareholders and investors with no particular stake in the service area, financed by a combination of shareholder equity and bondholder debt, and dedicated to maximizing return on shareholder investment. They may own all or some of their power plants and transmission lines, and they use a combination of resources they own, resources they acquire through contracts with other entities, and short-term purchases and sales. Following a wave of piece-by-piece deregulation of vertically integrated utilities in the 1990s, many competing non-utility private companies now generate electricity. Utilities themselves may own electricity generation sources and own or maintain transmission and local distribution networks. Investor-owned utilities serve about 70 percent of all electricity customers and make a combined total of about \$222 billion in electricity sales annually.¹⁰ Similarly, natural gas is transported from its source through a complex system of pipelines and then distributed by regulated utilities to households.

The energy crisis of the 1970s and the politics of the 1980s and 1990s led to energy restructuring and federal and state conservation-driven regulations. The Public Utility Regulatory Policies Act (PURPA) of 1978 allowed non-utility producers of power to sell to utilities. It inaugurated an era of separated power generation and power distribution, of increased competition among power generators, and of ever more complex relationships among energy providers and regulators. PURPA also encouraged alternative clean energy sources, and it eliminated rate structures that allowed utilities to decrease the price of each unit of electricity with more electricity the consumer used. An existing federal agency was strengthened in its ability to monitor inter-state commerce energy transactions, as more power was purchased and transmitted over longer distances across state lines. FERC, the Federal Energy Regulatory Commission, continues to regulate interstate transmission and wholesale power sales. In the 1980s and 1990s states passed further deregulation legislation. In most cases deregulation forced or encouraged utilities to sell off power generation to new private owners, so that there would be “competing sellers” of power to utilities and the wholesale market would be deregulated. In some cases, legislation allowed new unregulated or lightly regulated “energy service provider companies” (referred to as Energy Service Companies or ESCOs in New York) to compete for customers in the retail market—to offer different prices for electricity or gas and other consumer services, while the utility continued to maintain actual distribution to households.

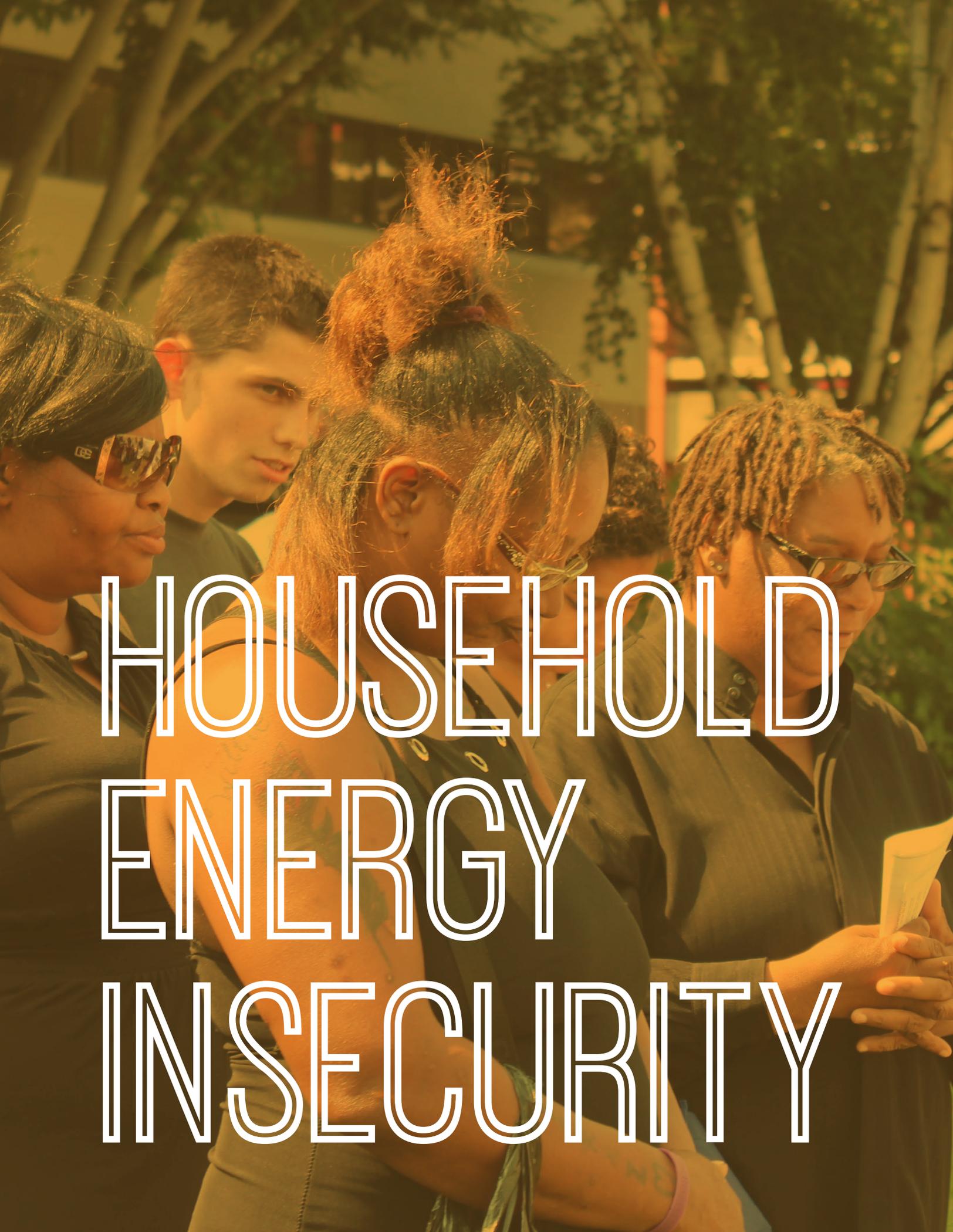
New York State passed legislation enacting both forms of deregulation in 1996, early in the period of the nationwide transition away from public planning and regulation to competitive and less regulated markets. The first decade of New York State’s deregulation was full of problems and failures: electricity prices rose, even in relation to the national average; little new generation capacity

came on line; and there were no clear environmental improvements.¹¹ Some of these problems have continued. The problems of unregulated retail companies led the New York State legislature to attempt to create consumer protections for customers of ESCOs, the Energy Service Companies, but serious problems have persisted: high bills, high complaint rates, fraud and deception, high shut-off rates. The New York State Public Service Commission is embarking on another round of regulation of private energy retail companies.¹²

State agencies, such as the Public Service Commission in New York State, regulate the rates charged for electricity and gas, utilities’ mix of power sources (including renewables), long-term planning, construction, efficiency, elements of corporate structure and financing, and service standards. The state regulators in New York thus oversee the rate structure for households as well as the protection of household energy users guaranteed under the Home Energy Fair Practices Act (HEFPA). HEFPA specifies when and how shut-offs of services may occur, various options for billing arrangements, and complaint procedures. However, the protections in the Act are limited. In its current low-income proceeding, the Public Service Commission is discussing whether its regulation of utilities with respect to low-income households should be modified. However, Nobody Leaves Mid-Hudson and other advocates regard the proceeding process and initial proposal as flawed. The PSC has also initiated a major review of its regulations in order to accelerate the transition to energy efficiency and use of renewable energy resources, the Reforming the Energy Vision (REV) proceeding. An emerging question is the degree to which public and low-income communities, rather than simply the investor-owned utilities, will be involved in designing this transition and controlling energy generation and usage.

The highly centralized, investor-owned, for-profit utilities are governed by shareholder elected boards and like all private corporations work to maximize their profits, even within a regulatory framework. These are not publicly owned and operated utilities, and they do not receive public subsidies. The regulatory framework on the whole defers to corporate and allied stakeholders, while offering weak or no representation to low-income consumers. New York lacks a strong voice for low-income households within the Public Service Commission, and the Utility Intervention Unit in the Department of State does not focus on low-income households. New York State does not have some of the rate structures and assistance plans that most help low-income households. Investor-owned utilities have strong incentives to maximize and protect revenue, even at the expense of the broad public interest and the basic needs of low-income consumers. Historically utilities have tended to overbuild because their allowed rate of return is based on investment. Cost-plus regulation allows utilities to pass through all costs to consumers, and rates often reflect excessively high levels of investment.¹³ Utilities also have incentives to sell more to increase profits in the short run. This may be a reason utilities resist implementing energy efficiency programs and resist focusing on weatherization and efficiency for low-income households. In addition, many investor-owned utilities have developed extensive assets in the traditional centralized, fossil-fuel dominated generation, transmission and distribution system and may see renewables, especially on a smaller scale and community-controlled, as disruptive. The centralization of this corporate- and market-driven system leaves little room for community-scale or consumer-tier energy projects especially in low-income neighborhoods, though these are increasingly feasible given renewable and smart grid technology.





HOUSEHOLD
ENERGY
INSECURITY

HOUSEHOLD ENERGY INSECURITY IN LOCAL PERSPECTIVE

THE CITY OF POUGHKEEPSIE

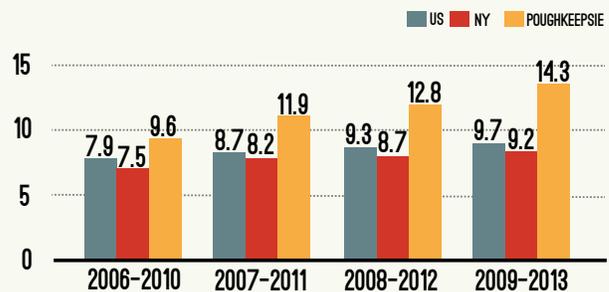
The City of Poughkeepsie, located 75 miles north of New York City on the Hudson River's eastern shore, has a population of about 30,000 (32,736 according to the 2010 Census). It covers a relatively compact area of 5.1 square miles, surrounded by sprawling, more prosperous suburbs. The population is majority people of color, with large Black and Latino populations. A de-industrialized older area, the city itself suffers from a shortage of secure jobs, high unemployment, extensive poverty and a variety of high social needs. The city has high rental costs in older housing stock, and households are charged high rates by the local gas and electric utility, Central Hudson Gas & Electric.

Poughkeepsie began a long-term economic decline in the post-World War II years, though it had been a thriving industrial city in the late 19th and early 20th centuries. Industrial firms, including clothing and shoe manufacturers, farm equipment makers, an iron foundry, a glass factory, and a large creamery, closed. They left behind decaying buildings and despoiled land. In the 1950s, people abandoned residences in the City, and new communities of single-family homes mushroomed alongside new shopping centers just outside the City. From the 1950s through the 1980s IBM brought a significant number of well-paying jobs to the region and played a key role in accelerating suburbanization. However, in the 1990s IBM began a steady decline and a series of major layoffs that continued through the 2000s. "Urban renewal" policies in the 1960s and 1970s resulted in construction of a highway through the center of Poughkeepsie ("the arterial") and an expanded four-lane north-south thoroughfare (Route 9). Both send traffic around rather than into Poughkeepsie—to newly developed shopping malls to the south, tourist attractions such as historic Hyde Park to the north, and destinations across the river. Two hospitals, three colleges, two large suburban public school districts, three state prisons and a smaller IBM are now among the largest employers in the Poughkeepsie area. The downtown area remains home to City and County government offices and historic buildings, a train station that is the final stop on the commuter line to New York City, and the Walkway

over the Hudson, a renovation of a long-abandoned railway bridge that is the longest pedestrian river bridge in the country and a State Park.

Access to stable and living wage jobs remains a serious challenge, exacerbated by the 2007-2009 recession from which the City has not recovered. According to the American Community Survey, unemployment among the civilian labor force in Poughkeepsie is far higher than in New York State or the country, officially 14.3 percent in 2013, and many jobs are part-time, low-wage and precarious. The majority of workers are in low-paid occupations, with women predominantly in office support, sales, personal care, health care support and food preparation jobs, and men in food service, construction, office support, sales, management, production, and buildings and grounds. Many of these jobs are located in the public services sector, reflecting the significance of schools, hospitals, and local government for the local economy.

PERCENTAGE UNEMPLOYED, U.S., NY, CITY OF POUGHKEEPSIE



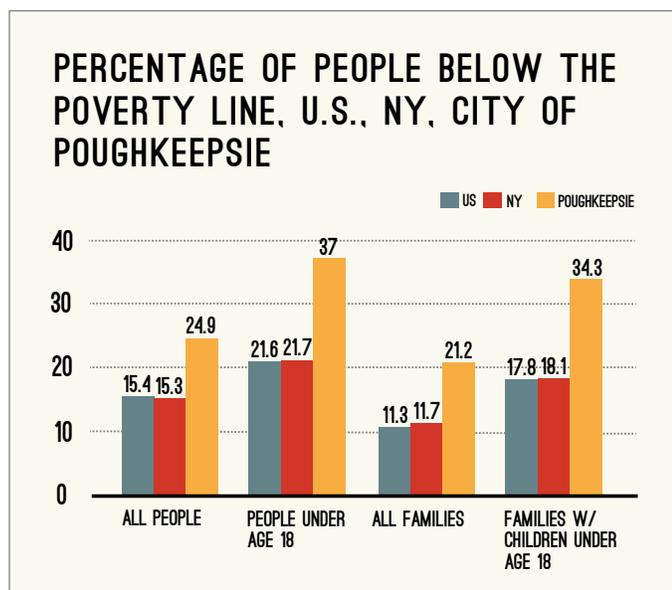
Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

THE MEDIAN HOUSEHOLD INCOME IN THE CITY, \$39,482, IS 68% OF THE NEW YORK STATE MEDIAN

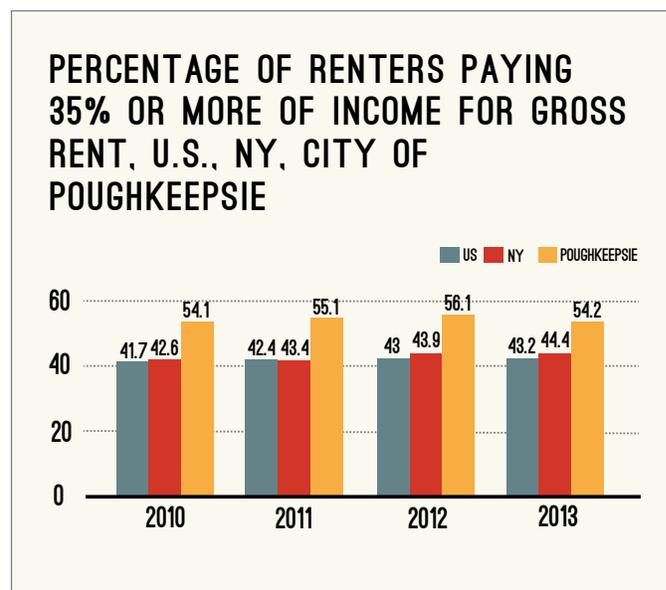
The median household income in the city, \$39,481, is only 68 percent of the New York State median. According to the U.S. Conference of Mayors, the Poughkeepsie-Newburgh metropolitan area experienced the poorest economic growth in 2013 – actually, a decline of 1 percent – among the 100 largest metropolitan areas in the United States.¹⁴ The poverty rate in Poughkeepsie of 24.9 percent is more than 60 percent above the national or state rate. The family poverty rate of 21.2 percent is more than 80 percent higher than the family poverty rate in New York or the U.S. Thirty seven percent of children in Poughkeepsie live below the official poverty line. In addition, a sizeable proportion of the population is particularly vulnerable due to high social and care costs combined with limited income. More than one-third of households (35.2%) are comprised of a person living alone, three in ten (30.4%) include at least one child, and one-quarter (25.3%) include at least one elderly member age 65 or older. Poughkeepsie is also home to a larger than average population of residents with disabilities, 16 percent of all residents and 40 percent of those aged 65 or older, a higher rate than in New York or in the country as a whole. The number of households receiving food assistance (Supplementary Food Assistance Program or SNAP), an indicator of low income and other vulnerabilities, soared between 2009 and 2013.

Following decades of White flight and a recent growth of immigrant communities, people of color now constitute a majority of the City of Poughkeepsie's population. Industrial Poughkeepsie attracted families from Southern and Eastern Europe and African-Americans from the U.S. South, while in the 1990s and 2000s new immigrants reshaped the face of Poughkeepsie. In the late 1990s a growing number of families from the Mexican state of Oaxaca settled in Poughkeepsie. More recently, a large Jamaican population has settled. Shops and restaurants catering to the growing Mexican and Jamaican communities are now common in the city, and when Casa Latina opened in 2001 it became the first large grocery store in Poughkeepsie since the major supermarkets left for the suburbs decades earlier. According to recent Community Survey data, Poughkeepsie is 40 percent White, 34 percent Black, 21 percent Latino, and 2 percent Asian. More than one-fifth (21.2%) of the population was born outside the United States, with 80 percent of immigrants from Latin America or the Caribbean.

More than 60 percent of all households in Poughkeepsie rent rather than own their homes, far more than statewide (45.8%) or nationally (33.4%). The housing burden for this population is extremely high. In 2013 more than 54 percent of Poughkeepsie renters were spending 35 percent or more of their monthly income on rent, far higher than New York or national averages. More than one-third of renters pay greater than 50 percent. Poughkeepsie's rental cost burden is one of the highest among major cities in the U.S.¹⁵ The housing stock of residential buildings is much older than typical residential housing in New York State or the country as a whole, with more than 40 percent of households living in pre-1940 buildings. A large proportion of this housing is wired for electricity as the primary source of heat, and electricity is more expensive than gas.



Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey



Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

CENTRAL HUDSON GAS & ELECTRIC

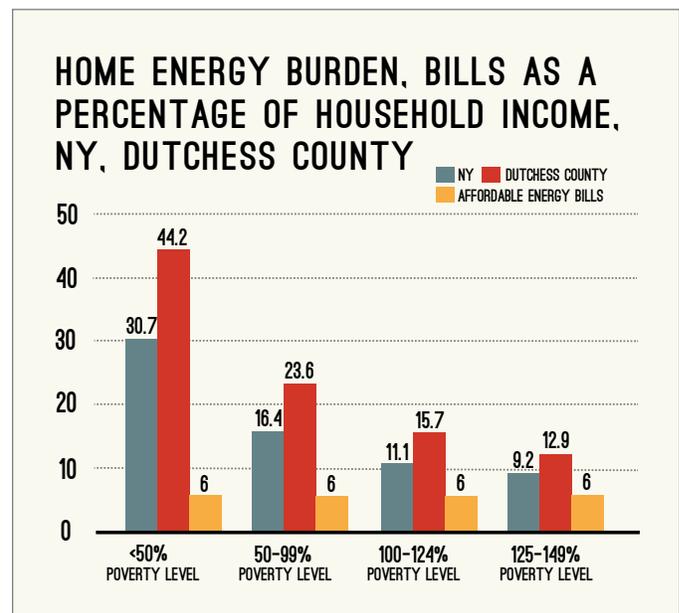
Central Hudson Gas & Electric Corporation is the regulated private utility in the Mid-Hudson Valley. Its headquarters lie south of the Poughkeepsie city center, and it employs about 940 staff. Central Hudson is the only energy utility provider in Dutchess County (in which Poughkeepsie is located), where it has 116,000 customer accounts, and Ulster County, where it has 87,000 customer accounts. It also serves parts of Albany, Columbia, Greene, Putnam, Orange and Sullivan Counties (about 100,000 customer accounts). In 2014, Central Hudson supplied electricity to 254,349 households and natural gas to 66,592. In the City of Poughkeepsie, Central Hudson delivers electricity to all households; for heat, it delivers utility gas to 51 percent of the population and electricity to 24 percent, with other households relying primarily on fuel oil or bottled, tank or LP gas.¹⁶ Central Hudson no longer owns any power generating plants but purchases energy on the wholesale market.

In 2013 Central Hudson merged with the investor-owned utility and energy group, Fortis, Inc. Fortis is the largest investor-owned distribution utility in Canada with more than two million gas and electricity customers. It owns electric utilities in five Canadian provinces and two Caribbean countries and a natural gas utility in British Columbia, as well as hydroelectric power generation facilities in Canada, Belize, and Upstate New York. It owns hotels and commercial real estate in Canada. The terms of the merger included commitment of limited funds to low-income programs, a freeze in delivery rates through July 2015, and a four-year no-layoff commitment to Central Hudson workers. Labor and utility justice advocates warned of the company's limited commitment to low-income rate payers, history of pushing down labor costs through layoffs, aggressive outsourcing of work, hiring of non-union labor, and huge payments in equity and cash to corporate executives.¹⁷ Recently, Central Hudson sought a substantial rise in electricity and gas delivery rates, which was in large part approved by the Public Service Commission, against strenuous objections from a number of public representatives. While Central Hudson works to project a positive public image, it deprioritizes the immediate affordability needs of Poughkeepsie's low-income population.

UNAFFORDABLE RATES

Fisher, Sheehan and Colton publish annual state and county data on the home energy cost burden, defining affordable energy bills as 6 percent of gross household income. Their New York State data indicate that the number of households facing unaffordable home energy burdens is staggering. The poorest households in the state, those with incomes at or below 50 percent of the federal poverty line, pay almost one-third of their income for residential energy, while those between 50 and 100 percent pay 16.4 percent of household income. In Dutchess County, where Poughkeepsie is the largest population center, the home energy affordability gap is even more severe than the statewide gap. Dutchess County households with incomes below 50 percent of the federal poverty line pay 44 percent of income for household energy, households between 50 and 99 percent of the poverty line pay 23 percent, and households between 125 and 149 percent of

the poverty line pay 12.9 percent of income or double the sustainably affordable level. Overall, the annual gap between actual and affordable energy bills is \$46 million in Dutchess County, with an average gap of about \$2,000 per household and a gap in the lowest-income households of \$2,700 per year.¹⁸ Members of Nobody Leaves Mid-Hudson report bimonthly utility bills, at least in winter, nearly equal to their rent; these two housing-related expenses often consume a very large proportion of their limited incomes. Electricity and gas bills are comprised of a number of elements. Supply charges go towards the cost of the energy generated by power plants or of natural gas. When in very cold, long winters market prices spike, the supply price increases. Delivery charges, on the other hand, go to the utility to fund infrastructure and operations (and profits) and include a fixed basic service charge, a variable delivery charge, and a system benefit mandated by the state to fund initiatives such as energy efficiency and low-income assistance. While supply charges are substantial, the regulated basic service charge and variable delivery charges comprise a significant proportion of the bill.



Source: Fisher, Sheehan, and Colton. Homeenergyaffordabilitygap.com, 2015

For both electricity and gas heating, Central Hudson has the highest basic fixed service charge among investor-owned utilities in New York State. At \$24 per month, Central Hudson's basic fixed electric charge is 30 percent higher than the state average of \$18.41. Similarly, Central Hudson's basic fixed monthly charge for gas heat of \$23 is the highest in the state and 29 percent higher than the state average of \$17.84. The typical low-usage (500kwh) electricity customer's overall monthly bill increased 49 percent from \$56.90 to \$84.83 between 1996 and 2013, while the typical low-usage gas (20 ccf) bill increased 125 percent from \$22.10 to \$49.79. But basic monthly fixed service charges have grown at a far higher rate. Between 1996 and 2013 Central Hudson's basic service charge for electricity increased by 236 percent and its basic service charge for gas increased 273 percent. As a result, basic fixed service charges account for an ever larger portion of energy bills for low-usage, primarily low-income customers. In 2000 basic service charges amounted to 29 percent of a monthly low-usage

customer's gas bill, while in 2013 they amounted to 47 percent.¹⁹ Recently the New York Public Service Commission denied Central Hudson's proposal for an increase of \$5 per month in basic electric and \$3 for basic gas service charges for residential customers, after interventions by the Public Utility Law Project, Citizens for Local Power, Nobody Leaves Mid-Hudson, and others. In general, low-income households use less energy than higher income households. Fixed energy charges are a relatively larger portion of bills than for higher usage households, and these fixed charges cannot be reduced by household strategies to reduce usage. In addition, a large fixed service charge limits household financial incentives to lower usage and conserve energy. As a way of reducing risk of lower sales through energy efficiency, weather changes, economic downturn, or new forms of distributed energy, utilities across New York State and the country have been proposing to recover more costs through monthly fixed charges rather than variable rates.²⁰

The volumetric delivery charge also works to the detriment of low-usage and low-income customers. Under the declining block rate for gas delivery, the average cost per unit of service declines as customers use more. For electricity, the delivery rate is a flat rate per unit. The Public Utility Law Project judges that "the one-two punch burdens of high fixed costs and higher or flat per unit delivery costs" have likely driven up cost challenges and customer arrears.²¹ They also note that these rate designs do not generally encourage energy efficiency and conservation. However, in June 2015, the Public Service Commission approved an overall

increase over three years in the delivery charge and the continuation of Central Hudson's declining block rate structure for gas and flat rate for electricity. Electric delivery rates will rise an average of about \$.38 per month in the first year, an additional \$3.86 per month in 2016, and another \$5.58 per month in 2017. Gas delivery rates will drop \$.33 per month the first year, then rise \$1.19 the second year, and increase by nearly \$5.00 per month the third year.

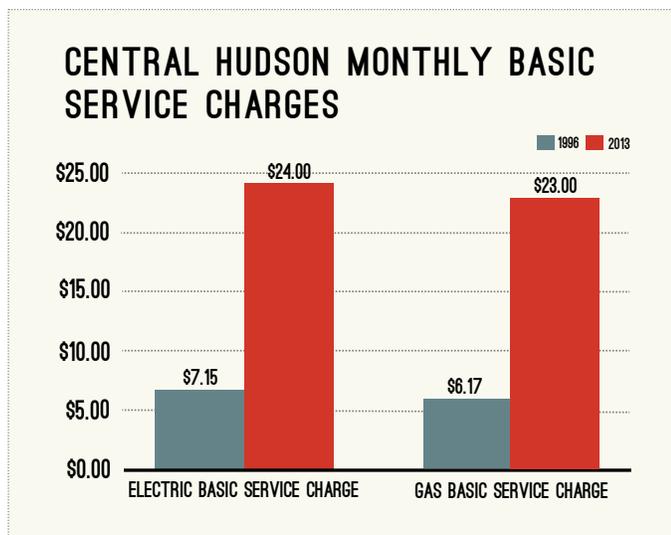
These high costs produce daily life struggles in which those on low incomes are forced into difficult choices. The National Energy Assistance Directors' Association has shown that energy unaffordability leads to forgone other household necessities, including food, rent or mortgage payments, and health and dental care and prescriptions. Public policymakers have recognized that as energy costs rise especially in cold weather states during the winter, households spend less on food. Therefore policy provides that even small amounts of federal assistance for household energy costs should automatically make households in cold weather states eligible for more food assistance benefits. Pediatricians who have studied the health of children under three in poor families note the nutritional consequences of household energy insecurity.²² In addition, those stressed by utility bills close off parts of homes, let the temperature rise or fall beyond what is comfortable or healthy, and use space heaters, candles and other potentially dangerous alternative sources of light and heat.²³ In the context of persistent household energy insecurity Poughkeepsie residents struggle with these high utilities costs and the trade-offs they impose.

NEW YORK STATE BASIC MONTHLY SERVICE CHARGES

UTILITY	ELECTRIC
New York State Average	\$18.41
Central Hudson	\$24.00
Con Edison	\$15.76
Niagara Mohawk	\$16.21
NYSEG	\$15.11
Orange & Rockland	\$18.00
Rochester Gas & Electric	\$21.38

UTILITY	GAS HEATING
New York State Average	\$17.84
Central Hudson	\$23.00
Con Edison	\$20.40
Corning Natural Gas	\$16.75
KeySpan Long Island	\$14.99
KeySpan New York	\$13.74
Natural Fuel Gas	\$15.54
Niagara Mohawk	\$17.85
NYSEG	\$12.30
Orange & Rockland	\$16.30

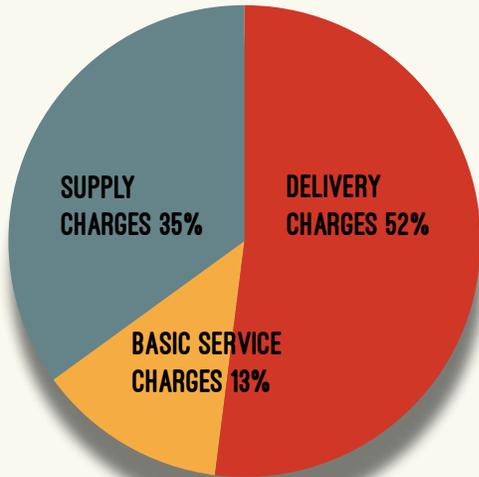
Sources: State of New York, Department of Public Service, Monthly Residential Bills Including State GRT, Major Electric Companies, January 1, 2013; State of New York, Department of Public Service, Monthly Residential Bills, Major Gas Companies, Winter 2013.



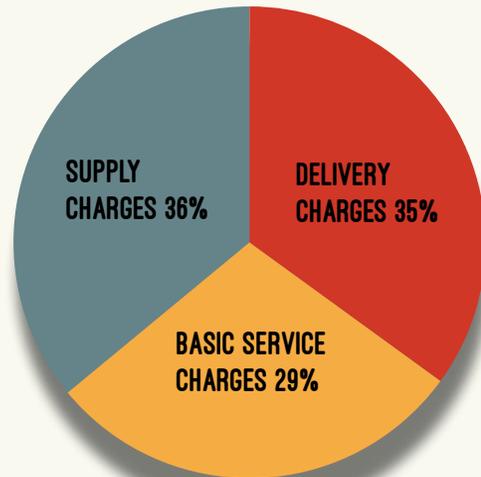
Sources: State of New York, Department of Public Service, Monthly Residential Bills Including State GRT, Major Electric Companies, January 1, 1996 and January 1, 2013; State of New York, Department of Public Service, Monthly Residential Bills, Major Gas Companies, January 1, 1996 and Winter 2013.

CENTRAL HUDSON UTILITY BILLS

TYPICAL CENTRAL HUDSON ELECTRIC BILL FOR LOW USAGE (500 KWH) CUSTOMER.

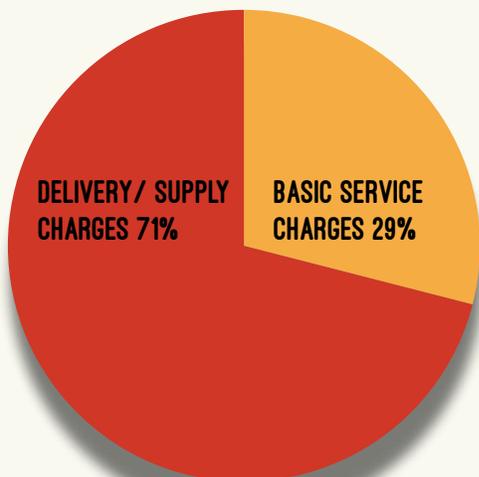


2000

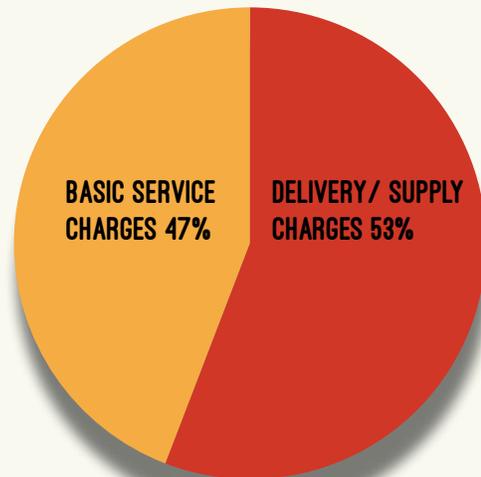


2013

TYPICAL CENTRAL HUDSON GAS BILL FOR LOW USAGE (20 CCF) CUSTOMER.



2000



2013

Source: New York State Department of Public Service. 2013. Typical Customer Bill Information. October 11. <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/C56A606DB183531F852576A50069A75D?OpenDocument>

MEMBER STORY: JASON GANTT

A

fter losing full-time work in fall and unable to find another job through the winter though he had a college degree, Nobody Leaves Mid-Hudson member Jason Gantt struggled to pay the utility bills for his small home. He used his unemployment check to pay the mortgage and the electricity bill. But he cut out his use of fuel oil, the main source of heat in the home. “Yes, absolutely, I didn’t turn my oil on at all. I have a fireplace and I have an axe and I have trees. So I tended to keep the fireplace going, and I can get my upstairs up to about 75 degrees, but that requires a lot of wood. I cut down a lot of trees, so I have basically deforested my own backyard. My wife and child left and got an apartment, basically because of lack of utilities, and sometimes I didn’t want her to bring my daughter because I didn’t want (my daughter) to be cold, so my utility bill has literally divided my family.” He also cut back his food consumption, eliminating meat: “I just don’t eat; as you can see I’ve lost weight. I have an \$800 electric bill. Food is \$100 and 12 percent of my electric bill. I buy less food so that I can just keep the lights on. I recently converted to being a vegetarian just because I can’t afford meat.” He also dropped his cable subscription, though he had relied upon it for the news.

“MY WIFE AND CHILD LEFT AND GOT AN APARTMENT, BASICALLY BECAUSE OF LACK OF UTILITIES”



MEMBER STORY: TANYA BARBER

Tanya Barber, a member of Nobody Leaves Mid-Hudson, speaks to her constant struggle to make ends meet with high utility costs. Forty-seven years old, with a daughter and son both in their 20s and a 17-month-old grandson living with her, she rents half of a two-family house that she describes as a comfortable home. Her income is a \$700 disability check. Tanya, her daughter, and grandson are in the home most of the day, while her son is out working. Her rent is about \$270 per month. Her winter utility bills are nearly \$500 (bimonthly), and she has in the past accumulated debt of nearly \$2500 over three months. She explains she wouldn't be able to shop for food if she didn't receive food stamps (Supplemental Nutrition Assistance Program) and that she also has co-pays on her medications that stretch her budget. She sees the main trade-off as between utilities and rent some months. She thinks both are essential: "I have to pick and choose which bills. I need to get a way of paying my rent and getting Central Hudson as much as possible, at least just to keep the lights on and to give my grandson a bath. . . I just have to talk to my landlord and say give me some time where I can try to catch up on my rent. I think having a roof over my head is important, much more important than having the lights on. But aint no sense in having a roof over your head if you can't have lights and be able to cook or whatever in the apartment you know, so I have to make sure the lights stay on for the baby's sake and my sake. I would just skip by on my rent for a month or maybe just to make sure Central Hudson gets their money...Sometimes I just have to borrow money so I can give it to the landlord. The landlord's very understanding. I probably owe her like \$700 right now, and I been owing her this for over six months, so she's very understanding."

“I WOULD JUST SKIP BY ON MY RENT FOR A MONTH TO MAKE SURE CENTRAL HUDSON GETS THEIR MONEY”



ARREARS

Over the past decade, a growing number of Central Hudson customers have fallen behind on utility bills. The percentage of residential customers in arrears peaked in 2009 at 10.65 percent and has since modestly declined but remained above pre-recession levels. In 2014 almost one in ten were at least 60 days past due on payments to Central Hudson. In total, customers in arrears more than 60 days owed more than \$13.3 million in 2014, and they are subject to substantial late payment fees, with penalties of up to 18 percent annually.²⁴ Among 47 Nobody Leaves Mid-Hudson members in debt, average debt amounts to over \$2,400. The lowest debt is \$126 and the highest is \$12,882. One member describes her feeling of constantly accumulating debt as “it’s like you’re drowning, and you need a life raft, because without it you know you aren’t gonna live.” The Public Service Commission has noted that one contributor to the accumulation of debt and termination has been Central Hudson’s practice of billing bimonthly unless custom-

ers have made special monthly “budget-billing” arrangements,²⁵ and in 2015 the PSC announced it would begin requiring Central Hudson and other energy providers to bill customers on a monthly basis.

Deferred Payment Agreements (DPAs) have increased since 2005 from 13.5 percent of those over 60 days in arrears to 37.4 percent in 2014.²⁶ Utilities are required to offer negotiated Deferred Payment Agreements, allowing a household to pay back bills in monthly installments, to all residents threatened with service termination. DPAs allow customers to pay back utility charges over time if they also remain current with regular bills. No late fees or interest may be charged on the DPA amounts, though they may be added to other late portions of the bill. But it is often impossible to catch up. The “budget billing” procedure simply spreads the billing more evenly over 12 months, but it does not reduce the total bill or make payments affordable to most low-income customers.

CENTRAL HUDSON CUSTOMERS IN ARREARS MORE THAN 60 DAYS, 2005 - 2014

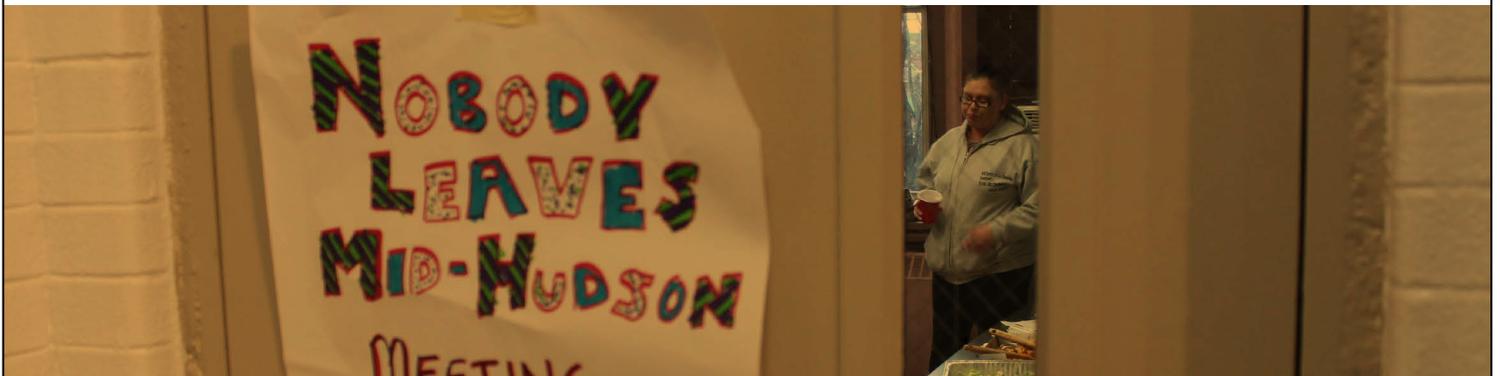
	% CHANGE, 2005-2014	2014	2009	2005
NUMBERS OF RESIDENTIAL CUSTOMERS	26.40%	23,259	25,758	18,396
PERCENTAGE OF RESIDENTIAL CUSTOMERS	21.20%	9.03%	10.65%	7.45%

Source: Public Utility Law Project of New York, Comments on Central Hudson Electric and Gas Rate Case

MEMBER STORY: MARY GRACE WYCKHUYSE

M

ary Grace Wyckhuyse, the parent of four daughters aged 17, 15, 13, and 11 and renting the bottom floor in an old house, accumulated a \$1,000 debt, after multiple winter bills of \$850 (bimonthly). A member of Nobody Leaves, she says, “Every time I didn’t pay my bill because it was \$850, and then they put me on (a Deferred Payment Agreement), and I felt like it just kept adding, it seems like it just keeps adding up, like it’s not decreasing. So what’s the point of having a (Deferred Payment Agreement) if your bill is staying the same and not going down, you’re not making a dent in it. It’s just like having a credit card. They tell you to pay the interest, but if you’re constantly paying the interest you never get to the debt. . . so it really doesn’t help you.”



INADEQUATE UTILITY ASSISTANCE PROGRAMS

Neither federal-level nor utility-sponsored assistance programs are adequate to seriously mitigate unaffordability and growing utility debt. The federal Low Income Home Energy Assistance Program (LIHEAP) makes block grants to states, which in turn mainly make direct grants to households to meet heating and cooling costs. In New York, households at or under 60 percent of the median state income are eligible and receive assistance through social services offices. In New York State, the regular LIHEAP benefit is a heating benefit available only from November through March. LIHEAP is underfunded and reaches a fraction of income-eligible households in New York State, about 30 percent according to the Public Utility Law Project. PULP has shown that while there were double-digit increases in the numbers of households receiving LIHEAP in the Central Hudson service area between 2009 and 2014, the average annual LIHEAP grant per household declined over 30 percent, to about \$379 from \$530.²⁷ Historically the energy burden of LIHEAP recipient households is about twice that of all households.²⁸

In New York, further payment assistance programs are run by the utilities. Central Hudson runs a "Powerful Opportunity Program" (POP) that offers discounted budget bills and arrears forgiveness. The monthly discount generally ranges from \$50 to \$225. Debt can be forgiven over 24 months with a monthly arrears credit. When customers pay the full amount due on time for four consecutive months, they receive an extra credit towards reducing their arrears. Participants are also referred to the EmPower Program operated by the New York State Energy Research and Development Authority (NYSERDA), where they are potentially provided with support to reduce their energy consumption. However, POP is a small program that accepts applicants based on several conditions and an element of discretionary decision-making. Participants must have a past due balance of at least \$100; pay for their own (electric/

gas) heat through Central Hudson and not a separate Energy Supply Company; enroll in monthly budget billing; meet LIHEAP (Low Income Home Energy Assistance Program) income guidelines; and have the financial ability to pay a discounted budget bill each month. They must also be able to pay a full bill after two years on the program.

According to Nobody Leaves Mid-Hudson, the greatest difficulty with the criteria are the requirements that the applicant must be able to meet their bill each month on time while in the program and be able to afford a full bill after two years on the program. This is often nearly impossible for low-income households. In addition, judgments about which customers are able to meet this requirement seem arbitrary and not well informed by the actual circumstances of individual applicants. The overall number of participants in the POP program in 2013-14 was 1,066, a 10 percent decrease from 2009-10, though the households receiving LIHEAP increased by 18.5 percent. Customers may only use this program for 24 months. Central Hudson enrolls only 1 out of every 300 customers in the program, while their own estimates are that 1 out of 225 is eligible. Only about one-third of participants are able to complete the program successfully.²⁹

Central Hudson's other assistance program is the Low Income Bill Discount Program, initiated by Public Service Commission staff and approved by the Public Service Commission. The intent of this program is to provide assistance in the form of a monthly bill credit to all low-income customers receiving LIHEAP benefits. These credits are modest, between \$17.50 and \$23.00 for heating bills and \$5.50 for non-heating per month. The procedural requirement that LIHEAP assistance be applied directly to the Central Hudson account creates an additional administrative barrier, since customers are unaware of this requirement and social services workers do not usually inform them of the importance of this procedure.

MEMBER STORY: TANYA BARBER

Tanya Barber was paying 40 percent of her income to Central Hudson, with a \$10 Deferred Payment Agreement for her \$2500 debt in addition to her regular monthly bills. She had repeatedly applied but was rejected from the POP program. After she enlisted the help of Nobody Leaves Mid-Hudson and spoke publicly about her situation, she was finally accepted. In POP, Tanya's bills will be cut to about 20 percent of her household income, still over three times the affordability level. If she successfully completes the program, her \$2500 current debt will be forgiven. Yet, her fixed income is not rising, and in two years she will again be paying 40 percent or more of her household income to Central Hudson. It is likely that Tanya will then again fall into debt and face the threat of a shut-off.

ESCOS (ENERGY SUPPLY COMPANIES)

ESCOs, the poorly regulated private retail energy supply companies that have proliferated in New York State as a consequence of deregulation, have exacerbated the crisis of affordability for low-income people in New York State and in Poughkeepsie. Many ESCOs have attracted very high rates of complaints to the Public Service Commission for both high prices and fraudulent and deceptive marketing practices. ESCOs promise price reductions for the first two months (“teaser rates”) and then switch customers to higher rates not disclosed when consumers make their decision to use the ESCO. Actual rates and prices are not made transparent. Systematic statewide information shows that ESCO bills are higher than those generated by full service from utilities. The Public Service Commission noted in 2014, “Many low-income customers desperately seeking relief from New York’s high utility rates were in-

duced to switch to ESCOs, which ultimately added to their financial problems and increased terminations.”³⁰

ESCOs aggressively market door-to-door in Poughkeepsie, trying to convince people that using ESCOs as suppliers will permanently lower their utility rates. Use of an ESCO as a supplier renders the customer ineligible for Central Hudson’s LIHEAP discount and its POP program, facts not always understood by residents. Active in Poughkeepsie, Ambit Energy, for example, was targeted for investigation by the Public Service Commission consumer advocate after complaints against it spiked to nearly 300 in the first quarter of 2015.³¹ Complaints from across the state and from the Central Hudson service area to the Public Service Commission have escalated in the last several years.

RESIDENTIAL UTILITY CUSTOMER COMPLAINTS AGAINST ESCOS IN CENTRAL HUDSON SERVICE AREA

	TOTAL	HIGH ESCO PRICES	DECEPTIVE PRACTICES (INCLUDING SLAMMING)	SLAMMING (SWITCHING ACCOUNT WITHOUT CONSENT)	CUSTOMER WANTS TO SWITCH BACK TO UTILITY	EARLY TERMINATION FEE	HARASSMENT	CUSTOMER CHARACTERISTICS		
								SENIOR	NON-ENGLISH SPEAKER	DISABLED
Total	294	194	101	28	49	41	11	16	1	1
2012	46	26	11	6	6	10	1	3	0	0
2013	72	48	20	5	10	9	2	2	1	1
2014	176	120	70	17	33	22	8	11	0	0

Source: Public Utility Law Project of New York (from Detail Complaint Logs of Residential Utility Customer Against ESCOS to the NYS Public Service Commission)

RESIDENTIAL UTILITY CUSTOMER COMPLAINTS AGAINST ESCOS IN NY

	TOTAL	HIGH ESCO PRICES	DECEPTIVE PRACTICES (INCLUDING SLAMMING)	SLAMMING (SWITCHING ACCOUNT WITHOUT CONSENT)	CUSTOMER WANTS TO SWITCH BACK TO UTILITY	EARLY TERMINATION FEE	HARASSMENT	CUSTOMER CHARACTERISTICS		
								SENIOR	NON-ENGLISH SPEAKER	DISABLED
Total	8,864	5,394	2,850	1,863	1,382	1,187	281	678	139	86
2012	1,886	1,082	572	432	282	363	55	176	58	27
2013	2,524	1,437	765	571	340	373	82	208	33	28
2014	4,454	2,875	1,513	860	760	451	144	294	48	31

Source: Public Utility Law Project of New York (from Detail Complaint Logs of Residential Utility Customer Against ESCOS to the NYS Public Service Commission)

MEMBER STORY: MARY GRACE WYCKHUYSE

Mary Grace Wyckhuyse, struggling with her utility bills as she tried to care for four children on a limited income, switched to the ESCO, Major Energy Services. She switched after a representative came to her door and promised Major Energy would lower her bills, pay her \$330 debt to Central Hudson, and prevent her from ever being shut off. Major Energy has a documented history of aggressively recruiting customers through door-to-door marketing. They also promise low rates, which then rise substantially, and they fail to explain the difference between fixed and variable rates. Customers report that their customer service department is difficult to reach and unresponsive. Mary Grace explains: “Somebody had come to the house and told me that, oh, they got programs that will help you pay the bill. If you sign up with us, we can have these people come to your house in about three to five business days, give you a check, pay your bill, and you’re good to go. That was a lie because they never came, and they suckered me into making them my supplier.” She is one of several Nobody Leaves members who reports problems with ESCOs.



TERMINATED ACCESS

Terminations resulting from unaffordability violate the critical pillar of stable access to utilities and housing itself. With a growing number of local residents facing energy bills they cannot afford, the number of customers receiving Termination Notices from Central Hudson—official notification of an impending shut-off due to late payment—has increased substantially over the past decade. In the 12-month period ending August 31, 2014, Central Hudson issued more than 309,000 termination notices, an increase of more than 30 percent since 2005. As a percentage of their residential customer base, the increase was even sharper, with termination notices growing from 8 percent of the customer base in 2005 to 10.6 percent in 2014.

The number of actual shut-offs among Central Hudson customers has also risen. In 2014 more than 11,000 customers, 4.6 percent of Central Hudson customers, had their service terminated—more than double the number and percentage in 2005. For those in arrears more than 60 days, the likelihood of being shut off also increased dramatically. About one-quarter of those with accounts more than 60 days past due were terminated in 2005, and this increased to more than half of such customers in 2014. Thus, Central Hudson's more aggressive collection approach combined with its high rates in a struggling local economy resulted in the highest annual shut-off rate—the number of shut-offs as a percentage of customers—among investor-owned utilities in New York State in 2014, the fourth time in the past five calendar years that Central Hudson has had the highest shut-off rate.

MEMBER STORY: DONNA WEST

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onna West, living on a fixed income of about \$800 a month and with three children in the home, became known as “the lady with no lights” after Central Hudson shut off her power. Central Hudson claimed she owed over \$12,000 in arrears, though she had been sending checks of \$100-200 each month. She and her children lived in the dark for several months. During the winter months, her pipes froze and burst, and black mold grew throughout her basement. Donna and one of her three children, both of whom suffered from asthma, administered their nebulizer treatments at a neighbor’s house, and Donna heated water on the stove so that her children could wash before school. With the help of Nobody Leaves, Donna filed a complaint with the Public Service Commission, and Central Hudson was forced to restore service.

**SHE AND
HER CHILDREN
LIVED
IN THE DARK
FOR SEVERAL
MONTHS**

FINAL TERMINATION NOTICES ISSUED BY CENTRAL HUDSON

	2014	% CHANGE 2005-2014	2009	2005
NUMBER OF NOTICES	309,714	30.50%	269,119	237,379
PERCENTAGE OF CUSTOMERS	10.60%	32.50%	9.20%	8.00%

Source: Public Utility Law Project of New York, Comments on Central Hudson Electric and Gas Rate Case

SERVICE TERMINATIONS IN CENTRAL HUDSON SERVICE AREA

	2014	% CHANGE, 2005-2014	2009	2005
NUMBER OF ACCOUNTS TERMINATED	11,113	137%	10,063	4,688
PERCENTAGE OF ACCOUNTS TERMINATED	4.60%	130%	4.10%	2.00%
PERCENTAGE OF ACCOUNTS TERMINATED W/ ARREARS >60 DAYS	50.50%	103%	38.30%	24.90%

Source: Public Utility Law Project of New York, Comments on Central Hudson Electric and Gas Rate Case

SERVICE TERMINATIONS ACROSS NY

SERVICE TERMINATIONS AS A PERCENTAGE OF AVERAGE NUMBER OF CUSTOMERS, NY INVESTOR-OWNED UTILITIES, 2010-2014

	CENTRAL HUDSON	CON EDISON	KEYSPAN LONG ISLAND	KEYSPAN NEW YORK	NATIONAL FUEL GAS	NY STATE ELECTRIC & GAS	NIAGARA MOHAWK	ORANGE & ROCKLAND	PUBLIC SERVICE ELECTRIC & GAS	ROCHESTER GAS & ELECTRIC
2010	4.9	3.3	1.9	4.6	4.6	3.5	3.7	4.7	1.9	4
2011	5.3	2.8	1.8	4.7	5.7	1.8	3.5	3.6	1.9	2.3
2012	5.9	2.8	1.5	3.8	4.1	2.7	3.3	4.1	1.8	2.5
2013	5.5	3	1.6	3.8	4.9	2.6	3.4	4	1.7	1.7
2014	4.5	2.8	2.1	4.1	4.4	2.3	4.2	3.4	1.6	1.7

Source: Public Utility Law Project of New York, Highest Annual Termination Rate

The Public Service Commission has expressed concern that “Central Hudson is relying too heavily on residential service terminations as a tool in collecting overdue amounts. Although we understand that the Company’s service termination practices comply with the technical requirements of HEFPA [the Home Energy Fair Practices Act], over-reliance on service terminations when other options are available unnecessarily jeopardizes the health and welfare of New Yorkers and is not in the public interest.”³²

Forty-one percent of 184 Poughkeepsie residents whom Nobody Leaves surveyed at the Department of Social Services had experienced at least one Central Hudson shut-off, with 37 percent shut off more than once. Many of those experiencing shut-offs lived in especially vulnerable households. Sixteen percent had a disabled household member, 14.5 percent had a household member with a serious health condition (asthma, diabetes, heart disease), and 33 percent had a minor child in the home. Many Nobody Leaves members have experienced shut-offs, a primary reason Poughkeepsie residents contact the organization.

MEMBER STORY: ZAKIYYAH SALAHUDDIN

Despite living alone in a small home, conserving energy, and working full time, Zakiyyah Salahuddin, 61, had her gas and electricity shut off by Central Hudson for six months last year after falling \$3,500 behind in her payments. In her case, the poor insulation and energy inefficiency in her home played a key role in driving up the bills. “I had nowhere to go. Was Central Hudson concerned with how I was going to sleep? To survive? I slept in my car... What makes these costs so extravagant?” she asked, “We are not trying to avoid our obligations; we’re trying to work with the system. The system isn’t working with us.” Zakiyyah spoke out at a Nobody Leaves Mid-Hudson protest at Central Hudson, and she filed a legal complaint with the help of Nobody Leaves. As a result, Central Hudson has negotiated a \$10-a-month Deferred Payment Agreement that for now avoids a termination of services, and she was accepted into the utility’s low-income assistance program, POP. Zakiyyah has also been shut off three other times over the years. “You can’t imagine how hard it is. You see your breath in the house,” she said. “You get pneumonia. And then you’ve got a doctor’s bill, too.”



INADEQUATE CONSUMER PROTECTION

In 1981 New York State enacted the Home Energy Fair Practices Act (HEFPA), sometimes referred to as the “utility service bill of rights.” The law refers to access to utilities as an element of the common good. HEFPA sets out a number of rights, but most relevant to the problem of affordability and access are the protections against termination of electricity and heating services.³³

One protection against termination is a Deferred Payment Agreement (DPA). The Home Energy Fair Practices Act obliges utilities to offer written Deferred Payment Agreements, based on good faith negotiations, to all residential customers threatened with service termination. DPAs allow customers to pay utility charges over time and prohibit termination if they are current with monthly bills and agreed incremental payments. The utility may not charge interest on the agreed DPA amounts but may charge other late fees. The maximum down payment is 15 percent of arrears or half of one month’s average usage, whichever is greater. Public Service Commission regulations provide that the installment payments may be as low as \$10 per month with no down payment, if the applicant’s financial condition merits such terms. If the applicant’s financial circumstances change, the utility must in good faith renegotiate the DPA.

Categorical shut-off protections are a second set of protections. These are more limited in New York State than in many other states. Nevertheless, they include safeguards in medical emergencies; for elderly, blind or disabled customers living without able-bodied adults in the household; and in cold weather periods. Suspensions of terminations do not mean suspension of charges to the household. A utility customer falls into the category of medical emergency when she presents a certification of medical emergency from a doctor or local health official and renews the certificate after 30 days and demonstrates inability to pay. For chronic diseases the renewal period can be longer, and for life-sustaining devices the protected period continues until termination by the Public Service Commission. In cold weather periods, from November 1 to April 15, utilities must take special measures to avoid health and safety impairment and other serious risks where customers use heat-related services or electricity for other purposes.

However, less than 1 percent of the approximately 2,000 people canvassed by Nobody Leaves at their doors and at social services offices had even heard of the Home Energy Fair Practices Act or any of the utility rights it grants. The 35 community members who attended the utility rights clinic mounted jointly by Nobody Leaves Mid-Hudson and the Albany-based Public Utility Law Project in February 2015 were surprised to learn that they had any legal rights related to gas and electric utility access. They had no idea that they had recourse to a Public Service Commission if they thought their rights were being violated. One member explains, “Yes, I now know they shouldn’t just turn you off, they should try to make an arrangement, they should try to make a deal with you, and there is a PSC where I can make a complaint, but Central Hudson never told me any of that. This helps because now if I know they are doing something wrong, I can remind them that they’re doing something wrong.” The PSC receives complaints and tallies them by utility, showing the rate of complaints and the level of the

complaint (whether the first call from the PSC results in a remedy agreed with the customer or whether the complaint is escalated to a stage two complaint). However, these numbers do not show the nature of the complaint (shut-off or other). They also do not reflect Nobody Leaves’ consistent observation that low-income customers do not know about the complaint procedure either at first or second stage and that Central Hudson in a variety of ways discourages complaints and customer escalation of complaints. In addition, no member or other person with whom Nobody Leaves has spoken has understood their right to counter-propose a more affordable and sustainable DPA in response to a Central Hudson mailed offer of a deferred payment arrangement and so did not understand violation of this right as a possible ground for complaint.

Nobody Leaves Mid-Hudson has identified instances in which Central Hudson does not appear to have complied with the obligation to negotiate a Deferred Payment Agreement in good faith, taking into account the financial circumstances of the customer, and to renegotiate the agreement following a change in financial circumstances. In addition, there have been shut-offs in situations where customers fall into protected categories. In particular, there have been several cases of households with seriously ill or disabled children and adults being shut-off, and two adults in their 70s were shut off while living alone.

THERE ARE NO RIGHTS THAT PROTECT CHILDREN AS A CATEGORY

However, even if household members were aware of their existing rights and Central Hudson respected them, the limits of protection rights in New York State would leave households struggling to safeguard vulnerable members. There are no rights that protect children as a category, despite clear evidence that young children are especially vulnerable to energy insecurity and all children suffer from compromised home energy situations. One member of Nobody Leaves was shut off despite the presence of her 1-year-old grandson, with Central Hudson refusing to negotiate an affordable Deferred Payment Agreement. A household with two month-old twins was shut off with no DPA negotiation until Nobody Leaves supported a PSC complaint that led to power restoration and an affordable DPA. There is also no protection for the elderly as a category.

MEMBER STORY: ANGELA NEWMAN

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ngela Newman, a member of Nobody Leaves Mid-Hudson, lives in a poorly insulated residence. She had accumulated \$5,000 in debt and was shut off for non-payment in the middle of Winter 2014. Until recently she was still paying about 20 percent, or \$130 dollars a month, of her \$730 fixed monthly income, on utilities, even with a Deferred Payment Agreement. Before contacting Nobody Leaves, she was not informed of her HEFPA rights to negotiate an affordable payment plan or to appeal to the PSC. But Angela also failed to receive protection through other HEFPA rights. In medical emergencies and for life-sustaining devices, shut-offs are prohibited; utilities must exercise particular care when a disabled person is living alone; and utilities must take special measures with regard to heat-related services during the cold weather season. Angela lives by herself, had mechanical heart valves installed in open heart surgery, uses a pacemaker and electronic pacemaker monitor, and continues to struggle with underlying heart and respiratory conditions: congestive heart failure, chronic obstructive pulmonary disease, and asthma. Her physician had supplied Central Hudson with the medical note that should have ensured that her disabilities and equipment needs were taken into account. Yet, Central Hudson shut off her power in winter, forcing her to rush to the hospital to ensure her safety and wait for social workers to locate funds to pay the utility to turn power back on. After Angela worked with Nobody Leaves and spoke out publicly, Central Hudson put her on their Life Support Program and committed themselves to admitting her into the POP program and negotiating an affordable payment plan.



CENTRAL HUDSON SHUT OFF HER POWER IN WINTER, FORCING HER TO RUSH TO THE HOSPITAL

MEMBER STORY: TRUDY-ANN BOWEN-GRIFFITHS

T

rudy-Ann Bowen-Griffiths explains, “I have a child born at 19 weeks. He was fighting for his life for six months, had open-heart surgery. Upon discharge from the hospital my son—we sent a letter to Central Hudson—he came out on oxygen, he came out on all kind of machines, he had 24-hour nursing care. As the nurses there are giving my son treatment, had him on the machine, Central Hudson came, and we told the guy, ‘Go inside, look, the child is on the machine.’ He said, ‘I don’t care, I have an order to shut it off,’ and he shut it off on my child. This child fought for his life for six months, and he’s now five years old. I keep on having to be asking for a letter from the doctors to say, well, he’s still disabled. The doctor’s getting tired also because it’s a chronic disease and the kid has been like this for all this time, and there should not be any reason why they have to keep on giving a letter every month saying the child is this way. He is still classified as disabled. He still has a breathing treatment. And in the winter I have been shut off too.”

**“HE SHUT IT OFF
ON MY CHILD. THIS
CHILD FOUGHT
FOR HIS LIFE”**



MEMBER STORY: TANYA BARBER

C

entral Hudson planned to shut off Tanya Barber in February 2015 despite the presence of her one-year-old grandson in the home. She said, “I have a baby who needs heat, hot water, lights. His safety is number one to me. (If my power is off) I have no way to cook for him, to give him baths. He can’t run around in the dark.” But Central Hudson was demanding \$2,500 to maintain her access to electricity and heating. Only after she filed a PSC complaint with the help of Nobody Leaves did Central Hudson cancel the shut-off and grant Tanya a \$10 a month DPA. Her legal ground for the complaint and its resolution, however, was not a HEFPA right protecting young children but the utility’s refusal to negotiate an affordable DPA.

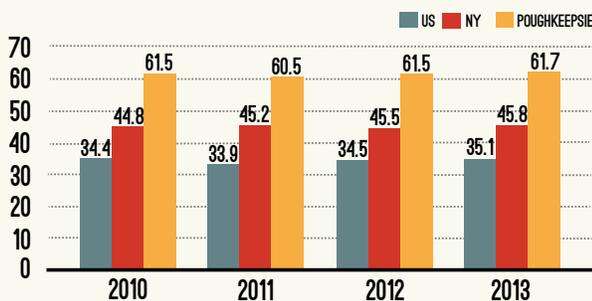
INEFFICIENCY AND LACK OF ACCESS TO RENEWABLES

A major problem contributing to high energy usage and unaffordable bills is the condition of rental housing in the City of Poughkeepsie. More than 40 percent of Poughkeepsie households live in pre-1940 buildings, a percentage significantly higher than the New York State rate of 33 percent and three times the national rate. Older housing stock is typically less well insulated than newer buildings, a particular problem in relation to tenants’ heating in cold winter months. Most rental units in housing stock built before the late 1970s have individual meters, rent does not include utility costs, and landlords do not have strong incentives to increase rental unit energy efficiency. In addition, over 40 percent of all housing units in Poughkeepsie are two-to-four-unit dwellings.³⁴ Nationally about 70 percent of owners of two-family rental properties only own one or two properties. Traditionally, these small landlords are less connected to professional resources, including utility and energy conservation information and services, than larger landlords, tend to do (or neglect) maintenance themselves, and derive limited revenue from rent, especially as renter incomes fall.³⁵

Low-income Poughkeepsie residents regularly refer to the poorly insulated housing in which they live, citing particularly problems of energy usage in winter. The vast majority of Nobody Leaves Mid-Hudson’s members have neither heard of nor used New York’s two low-income efficiency and weatherization programs. New York’s main program is EmPower New York. It provides no-cost energy efficiency services such as air sealing to plug leaks, insulation, replacement of inefficient refrigerators and freezers, energy-efficient lighting and safety checks. Renters living in buildings with 100 or fewer units and with household income below 60 percent of the state median income (same eligibility as LIHEAP) are eligible for services. Additional weatherization and efficiency services are available through the New York Weatherization Assistance Program, funded by the U.S. Department of Energy. WAP providers conduct an assessment or energy audit and provide no-cost services, including sealing cracks and holes; insulating attics and walls, repairing or replacing heating systems; insulating hot water tanks and pipes; repairing or replacing outdoor windows and doors; and mitigating energy-related health and safety issues (e.g. poor ventilation that might lead to mold growth). Income-eligible households are those at or below 60 percent of the state median income or those receiving SSI, cash assistance, food assistance, or LIHEAP. Program services are available to both homeowners and renters, with priority given to seniors, families with children, and persons with disabilities. The majority of information about EmPower New York seems to be online, and many low-income residents do not have regular Internet access. Many members are unable to use the services due to disinterested or uncooperative landlords, whose permission is needed for participation in many elements of the program. EmPower itself has made considerable effort to reach small landlords, explaining that they are offering free services where tenants are eligible, but the small-landlord response has been limited.

The Public Utility Law Project and other advocates fear that the costs of the transition to more renewables are falling unfairly on low-income utility customers. PULP argues that the more customers adopt solar and the less those customers require delivery, the more others will pay for their own energy delivery and the more low-income customers are likely to be burdened. Low-income customers cannot afford the up-front cost of installing solar systems, partly due to the design of state policies promoting solar adoption (for example, limited subsidies and non-refundable tax credits), and they disproportionately rent from small landlords whose interests are unlikely to lead

RENTERS AS A PERCENTAGE OF TOTAL HOUSEHOLDS, U.S., NY, CITY OF POUGHKEEPSIE



Source: U.S. Census Bureau, 2009-2013 5-Year American Community Survey

to solar adoption. Central Hudson communities whose household median incomes were below the state median were less likely to have installed residential solar systems from 2003 to 2014. PULP argues that the threat to revenues from the transition is a major factor in Central Hudson's attempts to impose increasing fixed basic costs of service and higher delivery charges.³⁶

In addition, Central Hudson and other utilities are fighting to maintain ownership of large-scale renewables in the transition, strengthening their domination and control over energy supply and distribution. Citizens for Local Power and the Alliance for a Green Economy (AGREE) have argued against allowing the monopoly utilities to control generation of green power (mainly from solar). Instead, they have argued for both utility contracts with large-scale generation providers and distributed solar energy, some of which would be under the control of municipalities and other community institutions and organizations. Central Hudson's proposed demonstration project involves Central Hudson's ownership of assets tied to renewables. There seems to be little commitment at the state or utility level to solar projects that would be affordable for and accessible to low-income customers, though Central Hudson's demonstration project includes a low-income affordability component.

LACK OF PUBLIC PARTICIPATION AND COMMUNITY CONTROL

Nobody Leaves' members and low-income people in general have no meaningful input into Central Hudson's practices or policies. Many practices of the utility are regulated by the Public Service Commission, but the utility itself could engage in more meaningful outreach; more fully observe rights granted in the Home Energy Fair Practices Act, especially those regarding Deferred Payment Agreements and shut-off protection; extend shut-off protections beyond the state minimum; and expand and improve its assistance programs. The first attempt by Nobody Leaves to meet with the Chief Executive Officer of Central Hudson to discuss urgent individual cases, community needs, and possible policy changes was rebuffed. A subsequent meeting of ten member-leaders and staff with Central Hudson's Head of Public Relations, Head of Customer Accounts, Head of Credit and Collections, and Head of Community Relations and Consumer Outreach had a better outcome. At this meeting, Central Hudson agreed to recognize Nobody Leaves as a third-party negotiator for its members as a way to resolve urgent individual cases but rejected attempts to discuss more general practices and policies that would ease the burdens of low-income customers. After a public demonstration calling on Central Hudson to be more responsive, Central Hudson withdrew Nobody Leaves' third-party negotiator status, claiming the organization couldn't be trusted.

The Public Service Commission is the critical regulatory body for gas and electric utilities, but it is difficult for low-income communities to access. Rate cases for the utilities involve lengthy, bureaucratic, and technical proceedings and only occur every three years or so. The proceeding moves through several stages: the utility files a proposal for a rate increase and gives testimony in support of its proposal. A subsequent procedural and technical conference is open to official parties including the utility. Official parties may negotiate, and a majority of the official parties usually then makes

a joint proposal. Membership organizations of low-income people face high hurdles to becoming official parties, since the participating organization must in practice have a staff lawyer or other staff member available to work extensively on the case. The public may send comments online or participate in a public statement hearing. Public statement hearings are often conducted under conditions that minimize public input, especially from low-income communities. A public hearing regarding Central Hudson's recently approved rate hike was held in Poughkeepsie only after official parties had already created a joint proposal. The public hearing was announced only a couple of weeks before it was held, the PSC engaged in no serious outreach to encourage attendance, and the wrong address for the public hearing was listed on PSC communications. The hearing was held in the town of Poughkeepsie, not the City, and it was therefore not accessible by public transportation. Nevertheless, Nobody Leaves and its members testified.

The Public Service Commission also considers statewide policy changes, for example transitions to renewables or restructuring of state energy efficiency programs, on a rolling basis. These proceedings are even more weighted in favor of utility companies and experts and away from the general public and low-income communities. Every utility company participates as an official party and, as in company-specific proceedings, the utility companies' expenses are fully paid by customers through allowances in rates, while there is no public funding for independent consumer advocates or community organizations to participate. The Public Utility Law Project is independent and publicly funded, though only through the highly unpredictable annual state budget process. PULP is thus dependent upon back-room negotiations over the budget. In 2010 negotiations to include PULP in the final budget failed, and PULP was forced to cease operations for two years. While its budget has been restored, funding remains insecure.

Currently, a major proceeding is underway to outline the Reforming the Energy Vision (REV) initiative, the Governor's initiative to make New York's electricity and energy system cleaner, more resilient and more affordable. There are few opportunities for grassroots organizations and low-income communities to meaningfully participate. In the current Public Service Commission proceeding about changes to low-income assistance programs, no low-income people or organizations with low-income members were involved in early discussions, and as of July 2015 no public hearings had been scheduled. When Energy Democracy Alliance members Nobody Leaves Mid-Hudson, Alliance for a Green Economy, PUSH Buffalo, and Syracuse United Neighbors brought members to a technical conference in Albany to make clear their concerns, the PSC dismissed their insights as not sufficiently technical or as unnecessary since they had already been considered by official parties. However, in response to these EDA efforts, the PSC scheduled public hearings for Poughkeepsie, NYC, Buffalo, and Glen Falls. Nobody Leaves Mid-Hudson mobilized 21 members to attend and 16 of its members to testify at the public hearing in the town of Poughkeepsie on the low income assistance programs in the state. Members related a series of accounts of stressful, often health-endangering experiences, combined with more general observations about what utilities justice might mean. Others from the area also testified about the needs of the low-income community. There are now ongoing discussions among the PSC, Governor's Office, and EDA groups and their low-income members about more opportunities for public and low-income participation in not only the low-income but also the broader REV proceeding.



LIBRARY STUDIOS

POLICY SOLUTIONS FOR LOW-INCOME HOUSEHOLDS AND COMMUNITIES

1. TACKLE UNAFFORDABILITY

Affordability is the key problem for low-income households, and lack of affordability leads to damaging coping strategies, arrears and indebtedness, and terminations. Affordability is affected by household income but also utility charges and assistance. Various policy solutions, both separately and in combination, are available. Affordability policies and programs must be adequately funded. They must also be adequately implemented, through automatic enrollment or through effective outreach, which includes community partners.

- 1.1 LIMIT FIXED SERVICE CHARGES**
- 1.2 CHANGE THE RATE STRUCTURE IN DIRECTION OF INCLINING RATES**
- 1.3 INTRODUCE A PERCENTAGE OF INCOME PAYMENT PROGRAM (PIPP)**
- 1.4 EXPAND AND IMPROVE IMPLEMENTATION OF LIHEAP**
- 1.5 DEVELOP A ROBUST STATE-MANDATED DISCOUNT PROGRAM**
- 1.6 STRENGTHEN AND STANDARDIZE UTILITY-BASED ASSISTANCE PROGRAMS**
- 1.7 PREVENT ESCOS FROM CHARGING HIGHER HOUSEHOLD ENERGY PRICES**

1.1 LIMIT FIXED SERVICE CHARGES

The New York State Public Service Commission should sharply limit flat-rate fixed service charges. High fixed monthly customer charges disproportionately and inequitably increase utility payments of low-usage customers, a group that includes many low-income, elderly, and people of color customers. In addition they work against energy efficiency and development of distributed generation.³⁷

POLICY MODEL

CONNECTICUT'S LOW FIXED SERVICE CHARGE



The Connecticut Roundtable on Climate and Jobs, the American Association of Retired Persons (AARP), and other advocates and legislators argued that a monthly cap on fixed charges is essential. Consumers in the state paying the highest electric rates in the Northeast, and fixed charges have doubled since 2004. Senate Bill 570 would, among other things, limit the monthly residential fixed charge to recovering only fixed costs and operation and maintenance expenses directly related to metering, billing, service connections, and providing customer service, without mandating variable charges or necessarily affecting the overall revenue received by the utilities. While the Bill doesn't name a cap, a \$10 limit is being discussed.

1.2 CHANGE THE RATE STRUCTURE IN DIRECTION OF INCLINING RATES

The Public Service Commission should move towards inclining (the more units used, the higher the per unit charge) block rate structures, which benefit low-income consumers, reduce the need for other forms of energy payment assistance, and encourage efficiency and conservation.³⁸

POLICY MODEL

CALIFORNIA'S INCLINING DELIVERY RATES

California's electricity rates were until late 2015 based on four tiers of volume of energy usage, with rates escalating as usage increased. A very low rate was charged for up to 100% of the local utility's baseline amount, while the tier-four rate at over 200% of baseline usage was about twice the cost per kilowatt-hour as the first-tier rate. Low-usage customers, usually in lower-income households, paid below cost and high-usage customers above. The tier design also encouraged conservation. Changes in July 2015 reduce the tiers to two and introduce a super-user surcharge, while introducing a minimum monthly bill of \$10 by 2017 and setting a framework for moving to time-of-use rates. Critics of the change in tiers are concerned that it burdens lower-income users, advantages higher users, and reduces incentives to conservation and efficiency.

1.3 INTRODUCE A PERCENTAGE OF INCOME PAYMENT PROGRAM (PIPP)

State percentage of income payment programs (PIPPs) are valuable additions to existing LIHEAP assistance. These require utilities to accept payment based on percentage of household income for those customers at or below 150 percent of the official poverty line. New York should consider a 6 percent PIPP.³⁹

POLICY MODEL

OHIO'S PERCENTAGE OF INCOME PAYMENT PROGRAM

PIPP Plus (Percentage of Income Payment Plan) in Ohio is an extended payment arrangement that requires regulated gas and electric companies to accept utility payments based on a percentage of household income for those customers at or below 150 percent of federal poverty income guidelines. Gas customers or non-heating users of electricity pay 6 percent or a minimum of ten dollars per month, whichever is greater, year-round. All-electric households pay 10 percent or a minimum of ten dollars per month year-round. PIPP customers are required to apply for, and accept, LIHEAP payment assistance and weatherization.

1.4 EXPAND AND IMPROVE IMPLEMENTATION OF LIHEAP

In New York and across the states LIHEAP, the federal program making mainly direct grants to low-income households to meet heating and cooling costs, should be fully funded to serve all eligible households through its basic benefit provisions, and the basic benefit amount should be increased to a level which lowers the energy burden for low-income households to 6 percent of household income.

1.5 DEVELOP A ROBUST STATE-MANDATED DISCOUNT PROGRAM

State-mandated discount programs are rate-payer funded and required of utilities. These programs, such as CARE in California, provide automatic substantial discounts for households generally up to 200 percent of the poverty line.⁴⁰

POLICY MODEL

CALIFORNIA'S DISCOUNTED RATES



California's main investor-owned utilities participate in CARE (California Alternative Rates for Energy). It is funded by a public purpose surcharge on all customer classes, except CARE customers. Households with incomes up to 200 percent of the federal poverty guidelines enrolled in the CARE program receive a 30 to 35 percent discount on electric and natural gas bills. Legislation directs the investor-owned utilities to achieve a 90 percent participation rate, a rate that had been exceeded by most utilities in 2011. An additional program, Family Electricity Rate Assistance (FERA), reaches households between 200 and 250 percent of the poverty line. Program participants have some of their usage billed at a lower rate. The program applies only to the three largest electric utilities: Pacific Gas and Electric (PGE), Southern California Edison (SCE), and San Diego Gas and Electric (SDGE).

1.6 STRENGTHEN AND STANDARDIZE UTILITY-BASED ASSISTANCE PROGRAMS

Low-income programs in New York currently account for only less than 1 percent of utility revenue. These programs should be funded much more robustly, so that they at least approximate the funding level of programs in other states, with revenues at about three times the existing New York State level. The surcharge used to fund these programs should be levied in a progressive manner.⁴¹

These programs should be standardized to include automatic enrollment of households receiving federal and state means-tested benefits. The Lifeline criteria used to ensure access to telephone service should be used also for household energy assistance; all households eligible for Medicaid, the Low Income Home Heating Assistance Program (LIHEAP), Supplemental Security Income (SSI), cash assistance (through Temporary Assistance for Needy Families or TANF), rental housing assistance (through Section 8 of the Housing Act), food assistance (Supplemental Nutrition Assistance Program), Veteran's Disability, or Veteran's Surviving Spouse Pension should qualify. Like some of the stronger state-mandated programs in other states, these should aim for 90 to 100 percent coverage of households below 60 percent of the state median income or 250 percent of the federal poverty line.

Such programs should reduce utility bills to less than 6% of household income and cover households with zero income. Low-income assistance should include substantial household income-related discounts on electricity heat and/or gas or bill credits per month or other billing period; substantial arrears forgiveness; and effective weatherization and efficiency services referrals. Beyond these measures might be steeper discounts or credits especially during peak usage periods and more generous residential hardship funds (job loss, illness, military deployment, disability). Customers should be able to apply low-income discounts or assistance to shared renewable and solar projects.

Increased eligibility must not occur at the expense of less adequate discounts, and increased discounts should not narrow eligibility. Determinations of eligibility should not involve misleading estimates of income and energy burdens, nor should it require of customers intrusive questioning and burdensome documentation.

1.7 PREVENT ESCOS FROM CHARGING HIGHER HOUSEHOLD ENERGY PRICES

ESCOs in general compromise the existence of transparent, well-regulated household energy distribution in the public interest, but it is unlikely that they will be eliminated. In order to address the way in which they increase costs for low-income energy consumers, the Public Service Commission should investigate patterns of overcharging, deceptive practices, and other abuses of residential consumers; forgive consumer debt that has resulted from overcharging; and develop comprehensive oversight and enforcement that target unacceptable ESCO marketing and pricing practices. Community groups and other advocates should support consumers in filing complaints and achieving redress and encourage low-income households to rely on publicly regulated utilities for household energy services. In February 2016 the Public Service Commission ruled that non-utility energy marketers must guarantee cost savings or provide electricity from renewable sources if they sell energy to residential customers and said they would strengthen their process for penalizing ESCO violations.⁴³



2. ENSURE ACCESS

Consistent access to utilities is essential for a variety of household health and safety, developmental, economic, and community reasons. While more affordable bills decrease shut-offs, so can knowledge, use and expansion of legal protections guaranteed in the Home Energy Fair Practices Act (HEFPA). Community partners are critical to disseminating knowledge and helping community members use their rights.

2.1 DISSEMINATE KNOWLEDGE AND INCREASE USE OF EXISTING HEFPA RIGHTS

2.2 EXPAND HEFPA RIGHTS

2.1 DISSEMINATE KNOWLEDGE AND INCREASE USE OF EXISTING HEFPA RIGHTS

The Public Service Commission and utilities should expand dissemination of simple, readable materials about HEFPA rights for diverse language-speaking populations. The Department of Human Services and other social service agencies, especially those receiving applications for LIHEAP, should automatically and actively distribute information to clients about HEFPA rights. Other community providers should become familiar with existing household utility rights. Since utility bills and rights can be difficult to understand, public funding should support the training of community service providers, and grassroots community organizations should have access to public funding to mount community utility rights clinics. Communities should have third party intervenors to help low-income customers pursue their rights and approach both the utility and the PSC.

Complaint procedures need to be clarified and operated by both the utility and Public Service Commission in a manner that is fair and clear to the complainant and genuinely holds the utility accountable to HEFPA standards. Utility and PSC staff must actively inform people of their rights and develop workable solutions to problems. When customers are not satisfied, utilities and the PSC must record unresolved problems as escalated complaints. Given the right to negotiate a Deferred Payment Agreement as a way to prevent shut-offs, the PSC and utilities should adopt a face-to-face negotiation practice rather than maintain a one-way written notice procedure.

The Public Service Commission and the utilities, including Central Hudson, should clarify and implement a customer-friendly interpretation of the medical circumstances protections in HEFPA. Utilities should interpret the medical certificate and chronic condition provisions in the best interest of the medically disabled householder. Long-term conditions should not in practice have to be medically recertified every 30 days. In addition, it can be difficult for those with chronic serious illness and low income, including fixed disability payments, to document their inability to pay every three months.

The concept of medical-legal partnerships should be further explored in order to increase the ability of low-income households to limit the negative health impacts of terminations under present provisions of HEFPA.⁴⁴

At the time of writing this report, the Public Service Commission, at the insistence of Nobody Leaves Mid-Hudson, has launched an investigation into Central Hudson's practices and their consistency with the Home Energy Fair Practices Act and other public law. Specifically the PSC is investigating potential racial discrimination in collection and shut-off practices, illegal debt transfers, failure to negotiate affordable payment plans in good faith, and shut-offs when families have medical documentation that should protect their access, all of which Nobody Leaves has documented. Nobody Leaves hopes that the Commission identifies the policies and practices that violate consumer protections, corrects these practices, and offers substantial restitution for the personal, health and community costs associated with illegal shut-offs and debt. This sort of PSC investigation can play a critical role in re-establishing robust regulation and genuine enforcement of HEFPA rights.

POLICY MODEL
**ST. CHRISTOPHER'S
MEDICAL-LEGAL
PARTNERSHIP**

St. Christopher's Children's Hospital in Philadelphia instituted a medical-legal partnership, involving screening of families of young children for energy insecurity. They trained physicians and nurse practitioners on the impact of energy insecurity on families, on standardized medical criteria for energy insecurity risk, and on utility certifications (certificates of medical need). They developed a Certificate of Medical Need that was legally binding on the utility. To families of children they distributed materials on community resources, including utility service assistance and emergency funds.

2.2 EXPAND HEFPA RIGHTS

All households with children younger than 12 should be protected from shut-offs. Infants and toddlers are at sensitive physical and social developmental stages, cannot easily self-regulate their body temperatures, cannot communicate feeling cold, cannot retrieve items to warm themselves, and are not in heated school buildings or receiving school nutritional and other supports during weekdays. The health of those younger than 36 months is particularly threatened by household energy insecurity.⁴⁵ Older children between ages 3 and 12 remain vitally engaged in acquiring basic learning skills and positive self-concepts. A stable home environment, warm enough and with electricity to power lights, is essential. Shut-offs create housing instability that harms children; they contribute to evictions and homelessness. They may result in children being separated from parents. Studies show that utility interruptions are associated with increased aggressive behavior among children and that energy insecurity (among other

hardships) is associated with mothers' depression and poor health, both of which are significant risk factors for poor child health and development.⁴⁶ Several states already prohibit shut-offs especially during cold weather when a minor is in the household.⁴⁷

New York State must also develop categorical protections for the elderly. Currently, the only protection for the elderly is related to their living in a household without any younger able-bodied person or through other categories, especially those of disability or medical emergency.

There should be no shut-offs if a household is unable to pay during winter (cold-weather) months or in the case of extreme heat. Other states, including Arizona, Arkansas, Delaware, Georgia, Illinois, Maryland, Minnesota, Missouri, Nevada, New Jersey, Oklahoma, and Rhode Island, have temperature-based shut-off protection that includes high heat days. Existing high heat protection takes several forms. It may apply when there are excessive heat warnings or when the temperature reaches beyond a specified degree reading, often 95 degrees, and protections may be in place for particular age or disability categories only.⁴⁸

New York State should also protect very low-income households as a category from precipitous shut-offs. These protections may intersect with obligations on both the utility and customer to negotiate specific types of affordable repayment plans.

New York State and the utilities should monitor and release shut-off data by zip code and, where requested by communities, by census tract. This procedure would identify communities and neighborhoods with severe household energy insecurity and provide information about whether policies have disparate impacts on neighborhoods of color. The Public Service Commission should develop targets for shut-off reductions. This would reaffirm the critical goal of access to household energy and help measure the success of other hardship-reduction measures.

POLICY MODEL
**STRONGER STATE
PROTECTIONS AGAINST
SHUT-OFFS**



Connecticut does not allow shut-offs for households with a baby 24 months or younger that has discharge papers from a hospital indicating utility service is a necessity for the health of the baby. Idaho does not allow disconnection during winter months when a child under 18 is present in the home. Massachusetts prohibits disconnection of households with babies younger than 12 months. Rhode Island prohibits disconnection during the cold weather season of households with children under two years. Wisconsin's disconnection prohibitions make special provision for small children and infants.

3. INCREASE ENVIRONMENTAL SUSTAINABILITY, AFFORDABILITY, AND COMMUNITY CONTROL: WEATHERIZATION AND RENEWABLES

Weatherization and energy efficiency measures have great potential to reduce household energy consumption, making energy bills more affordable and holding rate increases in check. Energy efficiency programs have potential in part because low-income households often occupy older, poorly insulated and inefficiently equipped housing spaces. Many institutions and agencies have identified multifamily affordable housing as a key site for weatherization that would result both in benefits to households and major energy use savings. Weatherization and efficiency measures in low-income households have the potential to contribute to nearly 20 percent reduction of household energy use, reducing the demand for dirty fossil fuels and environmental destruction.⁴⁹ In addition, weatherization can improve health and safety in the home, removing mold or asbestos, preventing carbon monoxide leaks from heaters, and facilitating more appropriately heated rooms. At the local level, well-designed and well-directed programs can create jobs for low-income community members. Renewable energy also can contribute in the medium and longer term to lower household energy costs, to an environmentally sustainable energy economy, and to community jobs. An infrastructure of distributed or local energy-generation resources is part of developing an adequate and resilient energy infrastructure in low-income communities, in which the most vulnerable are often affected by severe weather that produces large-scale power outages. Community organizations can coordinate needs with services and are central to engaging low-income communities in weatherization and the transition to a cleaner energy economy.

3.1 INCREASE ACCESS TO AND USE OF EXISTING LOW-INCOME WEATHERIZATION AND EFFICIENCY PROGRAMS

3.2 EARMARK FUNDS FOR LOW-INCOME COMMUNITIES IN THE TRANSITION TO RENEWABLES

3.3 FACILITATE COMMUNITY AND LOCAL OWNERSHIP OF RENEWABLES

3.4 EXPAND COMMUNITY-BASED HIGH-QUALITY WEATHERIZATION AND SOLAR INSTALLATION JOBS

3.1 INCREASE ACCESS TO AND USE OF EXISTING LOW-INCOME WEATHERIZATION AND EFFICIENCY PROGRAMS

Low-income households receiving LIHEAP or other energy assistance or other public benefits should automatically receive readable materials and where possible counseling about eligibility for EmPower, the NYSERDA-run program for low-income utility customers. Public funds should assist community service and community organizations in helping residents access this program. The Systems Benefit Charge that supports this program should be levied in a progressive manner. In addition, creating a single access point to the NYSERDA-operated EmPower program and federal WAP funding distributed through New

York's Homes and Community Renewal Department would improve access to weatherization funding for low-income households.⁵⁰

While low-income households may apply directly and without landlord approval for replacement of appliances they own, some NYSERDA and WAP services require landlord approval. Low-income renters living in two-to-four-unit buildings owned by small landlords would benefit from continued program outreach to that category of building owners. While small landlords may have fewer resources to connect to these programs, they would benefit from renter utility savings through weatherization. Lower utility bills make it more possible for tenants to pay rent regularly and on time, and improved housing structures benefit landlords in the longer term. Low-income renters living in larger multifamily units, especially those that are older, may be dependent on building owners making major capital investments for renovation to address outdated boiler

systems and large-scale heating and air conditioning systems, common building area lighting, or major building shell issues. Policymakers should continue to address barriers and obstacles to efficiency and conservation measures in multifamily affordable housing structures, including the very low level of energy funds targeted to multifamily units housing low-income renters; split incentives between the building owner who would have to oversee and pay for retrofitting and the tenant whose energy use and bill would decrease; dispersed or complex building ownership that makes take-up of incentives and financing complex; lack of access to finance; need for complex coordination of many aspects of retrofitting; and other regulatory and legal barriers. The New York State multifamily energy efficiency programs, available both through utilities and NYSERDA, should be strengthened.⁵¹

POLICY MODEL

THE MASSACHUSETTS LOW-INCOME ENERGY AFFORDABILITY NETWORK

Massachusetts LEAN (Low-Income Energy Affordability Network) is the primary program through which investor-owned utilities in Massachusetts deliver their energy efficiency services, but it also draws on WAP and other funding, eliminating the need for households to navigate multiple programs and fragmentation of services. Its development was supported by Massachusetts' Restructuring Act of 1997 and by the 2008 Green Communities Act, which mandated that no less than 10 percent of electric efficiency expenditures and 20 percent of gas expenditures be devoted to the low-income sector. LEAN designates lead vendor agencies that contract with utilities to deliver energy efficiency in their service areas and subcontracts with non-profits to deliver the services. LEAN coordinates energy efficiency programs and funding streams for all primary heating fuels, hosts reg-



ular best practices meetings, monitors training needs and services and works to expand work opportunities, and helps to develop and support other programs that aid low-income households in managing utility bills.

(It developed Massachusetts' Arrearage Management Program, for example.)

3.2 EARMARK FUNDS FOR LOW-INCOME COMMUNITIES IN THE TRANSITION TO RENEWABLES

New York's Reforming the Energy Vision (REV) project and the Clean Energy Fund must explicitly target carefully identified low-income communities for renewable investment. Additional policy tools at both the state and national level should also be used to direct funding towards such communities.⁵²

POLICY MODEL

CALIFORNIA LOW-INCOME EARMARKS



The State of California requires 25 percent of funds and projects funded through greenhouse gas legislation to be spent in low-income and high unemployment areas and in communities plagued by health problems from heavy pollution, with 10 percent of that going to local businesses. A minimum of 10 percent of California Solar Initiative funds are set aside for programs assisting low-income households in accessing solar technology. SASH (Single-family Affordable Solar Homes) provides single-family households significant rebates on solar electric systems with eligibility based on income less than 80 percent of the Area Median Income and eligibility for the California Alternative Rates for Energy (CARE) Program, and the lowest-income households receive free installation. Through the multifamily affordable solar housing initiative (MASH),

building owners can install solar PV systems to offset energy used in their building's common areas. Incentives are now available for solar water-heating systems for low-income single and multifamily residences. The California Energy Commission's New Solar Homes Partnership (NSHP) offers affordable housing projects higher incentives than standard market rate housing projects.

POLICY MODEL

THE ENERGY DEMOCRACY ALLIANCE'S RACE AND ECONOMIC EQUITY METRIC

Building on the Environmental Justice Screening Methodology in use in California, the Energy Democracy Alliance suggests a Race and Economic Equity Metric (REEM) that measures socio-economic, health and environmental factors, energy insecurity and energy affordability to map needs in low-income communities. In addition, it recommends Energy Asset mapping to identify homes and buildings with high potential for energy savings; community spaces that could be sites for renewable energy; areas with high potential for solar, wind or geothermal energy generation or collection; zoning that could house living wage jobs for renewable energy industry; job training or workforce development programs that could develop the renewable energy workforce; and community organizations that can drive community engagement. They propose using key measures developed in consultation with grassroots and community-based organizations working in health, food, housing and energy sectors, as well as environmental justice community groups. This data would then be used by the PSC and NYSERDA to direct investments and program development.

3.3 FACILITATE COMMUNITY AND LOCAL OWNERSHIP OF RENEWABLES

In this period of critical transition to more renewables and new grid technologies, it is critical that decisions and operations be driven in the best interests of the public rather than the revenue and profit interests of utility companies. The envisioned role of the network manager or Distribution System Platform Provider (DSPP) would be to integrate different energy resources in order to meet social and customer needs, reconciling traditional distribution with new, distributed energy generation, energy efficiency practices, and environmental protection. Many environmental and energy groups with which Nobody Leaves Mid-Hudson works have pointed out that as New York State transitions to a more complex system it is essential that either a fully independent electricity network manager or highly regulated incumbent utilities are in charge of the system.⁵³

New York State should require a percentage of clean energy projects that are publicly funded to be locally controlled—by community organizations, local businesses, or residents within climate vulnerable, environmentally stressed or economically vulnerable neighborhoods, as recommended by New York’s Energy Democracy Alliance. Renewable energy, unlike traditional fossil fuels, is conducive to distributed energy generation, which can be locally owned and controlled and does not require large-scale corporate or otherwise centralized ownership. While individual households and groups of households can own power generating resources, so can local public entities. Public jurisdictions and public sector organizations including large cities have the resources to develop clean energy projects. For example, cities can approach collaborative solar as an important aspect of urban community development, using many policy tools and public and non-profit institutions to own and operate such systems.⁵⁴

Public policy should support net metering and community (virtual) net metering. Net metering, available in New York on a first-come, first-served basis through applications to utilities, essentially allows home electric meters to run backward when households generate more power than they use and compels utilities to credit homeowners at retail rates for the electricity they produce. Forty-three states have net metering laws that allow the customer to pay only for the net amount of electricity consumed above the amount of electricity generated by the owned solar system, plus basic transmission, distribution and meter charges. Virtual net metering (similar to aggregate net metering or community shared solar), only recently legislated in New York State for residential solar installations, permits a single generating system to be used to offset electricity use for multiple meters without requiring a physical connection between the

solar energy system and the meters. Virtual net metering is particularly helpful to low-income households and communities, since it doesn’t require individual household installation of solar panels, a process that may require significant expenditure. In the shared solar arrangement, participants purchase a certain amount of solar energy from an installation, and those credits are then applied to utility bills, while utilities may continue to levy charges for additional usage, fixed fees, and taxes. The New York Shared Renewables Coalition has made particular recommendations to allow low-income households to benefit from renewable energy projects: a stakeholder advisory committee, low-income targeting of residential programs, financial incentives and supports, grants and technical assistance for non-profit developers and partners, and funding for pilot projects.⁵⁵

POLICY MODEL THE SACRAMENTO MUNICIPAL UTILITY DISTRICT’S RENEWABLES

The Sacramento Municipal District Utility (SMUD) serves 600,000 customers in and around Sacramento and has been making significant investments in solar, wind and energy efficiency since the 1980s. It built its first utility-scale solar farm in the 1980s; developed a distributed solar installation program, buying in bulk so that equipment and installation costs were lower than average; and developed its first wind farm in the 1990s. Its average retail electricity rate has been 25 percent lower than the state average. Other municipal utilities, including Austin Energy, Chattanooga’s Electric Power Board (EPB), Aspen Utilities, Winter Park Florida Electric Utility and Dover (Delaware) Public Utilities, have all developed important programs for solar generation.

POLICY MODEL COMMUNITY NET METERING IN MULTIFAMILY HOUSING

California’s Multifamily Affordable Solar Housing (MASH) initiative enables renewable energy use with community (virtual) net metering. In the Las Serenas Apartments affordable housing project in San Diego, virtual net metering offsets about 20 percent of residents’ annual electricity bills. In Chicago the Hispanic Housing Development Corporation is making renewal retrofits and generating renewable energy for common building areas. In Massachusetts Boston Community Capital has incorporated energy efficiency and renewable energy generation in affordable housing and low-income community facilities.

3.4 EXPAND COMMUNITY-BASED HIGH-QUALITY WEATHERIZATION AND SOLAR INSTALLATION JOBS

Efficiency and weatherization programs such as EmPower and WAP and solar installation projects should be used to create high-quality jobs in low-income communities. The state should strengthen its Green Jobs-Green New York program, authorized by state legislation in 2009. The program serves as an independent contractor for the New York State Energy Research Development Authority (NYSERDA), to create living wage jobs for community residents as residents attempt to use energy more efficiently. It targets communities with high energy burdens and environmental hazards. Jobs resulting from weatherization and renewable installation

are direct (those actively working on projects), indirect (jobs involved in supplying the projects), and induced (jobs created by increased household spending). Low-income communities and households have particular interests in jobs that are accessible, tied to local training, and paying living wages. Especially in view of historic practices of race and gender exclusion from construction work and of the prevalence of small sub-contractors, federal, state and local standards attached to funding, as well as adequate funding, are important. The Green for All campaign identifies green jobs in construction and manufacturing as good potential employment for the formerly incarcerated transitioning back to society, since they require lower formal educational credentials but offer upward occupational pathways. Community benefits agreements—arrangements between public funders or community coalitions on the one hand and contractors on the other—can stipulate living wag-

es, targeted hiring requirements, and other labor-supportive conditions. Attempts to “aggregate” household demand to support larger contractor organizations with more stable and better paying jobs are also helpful.⁵⁶ The goal of unionized clean energy green jobs can link efforts of organized labor and community organizations in the shifting economies of post-industrial regions like the Mid-Hudson Valley.

POLICY MODEL WEATHERIZATION IN APPALACHIA



The Corporation for Ohio Appalachian Development’s weatherization program, especially after its funding boost from the American Recovery and Reinvestment Act in 2009, offers another example of a virtuous local circle of weatherization and job creation. In the two years following ARRA funding, it weatherized 9,000 homes and expanded its workforce by 400, relying on local contractors, running a local training facility, and sourcing materials wherever possible from local suppliers.

POLICY MODEL GRID ALTERNATIVES

The Oakland nonprofit Grid Alternatives works mainly in California but also in New York, New Jersey, and Connecticut. Since 2004 GRID Alternatives has trained 19,000 people, including Los Angeles Homeboy Industries participants who were former gang participants, traditionally excluded women, and members of Native American tribes. Recent solar workforce initiatives from the Obama administration include training AmeriCorps participants with GRID Alternatives Solar and others expansions of solar training for public housing residents. GRID Alternatives organizes teams of volunteers and job trainees to install solar electric systems for low-income households using a barn-raising model.

POLICY MODEL PUSH GREEN

PUSH Green is a community-based, energy efficiency program that is part of the statewide Green Jobs-Green New York effort, funded by People United for Sustainable Housing (PUSH Buffalo) and the New York State Energy Research and Development Authority (NYSERDA). Its Community Jobs Pipeline combines conventional workforce development activities—recruitment, referral, job development, and job placement—with opportunities for community building and leadership development. It supports local contractors and emerging people-of-color-owned and women-owned businesses to exchange bundled job leads for contractor commitments to hire local workers at family-sustaining wages.

4. INCREASE LOW-INCOME REPRESENTATION AND DEVELOP PUBLIC OWNERSHIP

All efforts towards meeting the needs of low-income households and communities require stronger representation and participation of low-income users and communities in development of household energy policies. One strategy is to increase the voice and power of low-income communities and advocates in the policy and regulatory processes that govern investor-owned utilities and state-level energy policy. Another is to de-privatize utilities and construct instead municipal utilities with commitments to energy as a public good governed through transparent and democratic processes.

4.1 INCREASE COMMUNITY AND LOW-INCOME REPRESENTATION ON PUBLIC BODIES THAT REGULATE INVESTOR-OWNED UTILITIES

4.2 INCREASE VENUES OPEN TO PUBLIC PARTICIPATION AND FUND PUBLIC INTERVENORS

4.3 SHIFT TOWARDS PUBLICLY OWNED UTILITIES

4.1 INCREASE COMMUNITY AND LOW-INCOME REPRESENTATION ON PUBLIC BODIES THAT REGULATE INVESTOR-OWNED UTILITIES

The composition and structure of all energy and utility policy boards, especially the Public Service Commission, should be reviewed. Low-income boards, with defined missions to advocate for low-income communities and substantial decision-making influence, should be established. These boards must include significant numbers of low-income community representatives with strong links to those communities. In other cases, community advisory boards with designated representatives close to low-income communities might be appropriate.⁷

POLICY MODEL

CALIFORNIA'S LOW INCOME OVERSIGHT BOARD

California's legislature established the Low Income Oversight Board to advise the Public Utilities Commission and serve as liaison for the Commission on low-income electric and gas customers including hard-to-reach communities and their representatives. The LIOB also assists the CPUC in conducting studies and coordinating outreach with other low-income programs.

The Low Income Oversight Board is comprised of eleven members. Five must have experience and expertise in the low-income community and not work for a state agency or

utility company. The Board meets several times a year in different parts of the state. It continues to play a critical role in monitoring and advocating for energy policies that serve low-income households and communities. The position inside the regulatory structure allows LIOB members to bring community concerns into the commission, publicize proceedings, disseminate decisions outwards to the community, and work more effectively and legitimately with the legislature.

4.2 INCREASE VENUES OPEN TO PUBLIC PARTICIPATION AND FUND PUBLIC INTERVENORS

The regulatory process must add venues open to robust public participation, including participation by low-income communities and their advocates. The Public Service Commission should educate the public and create opportunities for genuine exchange and dialogue throughout its decision-making processes regarding the re-envisioned utility structure, efficiency and weatherization programs, rates, and other policies. Low-income communities are not simply consumers of utility-provided and expert-decided utility structures but are a critical part of the democratic public that must be involved in energy policy design.

The State of New York should support effective independent public advocates for low-income and other residential utility consumers. New York State should develop a strong, independent residential consumer utility advocate, with adequate resources and legal powers to monitor and challenge the Public Service Commission and intervene in proceedings. The existing Utility Intervention Unit of the Division of Consumer Protection in the New York State Department of State has limited powers, resources, and independence compared with previous New York State intervention offices and existing offices in many other states. New York State should also fully fund an independent professional advocate that represents low-income residential customers. Historically, this role has been served by the Public Utility Law Project, which has received declining and inconsistent funding in the last decade. In addition, the State should develop a robust intervenor compensation program that includes non-profits with close ties to low-income communities. Such non-profits should be supported in interventions not only for utility-specific rate cases but also for more general proceedings.⁵⁸

POLICY MODEL

CALIFORNIA'S INTERVENOR COMPENSATION PROGRAM

California's Intervenor Compensation Program, initiated in the 1980s, is designed to ensure that individuals and groups representing residential or small commercial electric utility customers have the financial resources to bring concerns and interests to the California Public Utilities Commission during proceedings. The program was intended to broaden public participation. As a result of its implementation, low-income communities, communities of color, non-English-speaking communities, groups of the disabled, and others have access to proceedings. The largest non-profit independent utility advocate in California, The Utility Reform Network (TURN), is funded in part by this program.

4.3 SHIFT TOWARDS PUBLICLY OWNED UTILITIES

Public jurisdictions should consider "re-municipalization" of energy distribution. In the U.S. today there are about 2,000 public power systems serving about 15 percent of power users. Most public utilities are small, municipally owned, and serve communities with fewer than 10,000 residents. Most public utilities purchase rather than generate their own power and are distribution-only. The State of Nebraska is served entirely by consumer-owned municipal systems, public power districts, and rural cooperatives, which deliver electricity as a non-profit service. Municipal utilities operate in many ways like traditional businesses and have high credit ratings, but they do not make a profit and have a public mission. Rates are set locally, usually by citizen-controlled boards in open meetings, and local needs are considered in decisions about rates and services, power generation, and green alternatives. On a national average, public power rates are lower than those of other utility companies, about 13 percent lower in 2010. These lower rates are generally attributed to the absence of a need to distribute profits to private investors, the setting of rates by citizen-controlled (appointed or elected) boards using open meetings, and the ability to finance improvements with municipal revenue bonds that are exempt from federal income tax.⁵⁹

POLICY MODEL

MUNICIPAL UTILITIES

In view of the problems with investor-owned utilities identified by both green energy advocates and moderate- and low-income communities, there has been a movement in the U.S. towards "municipalization," that is, the creation of new municipal public power utilities. There have been 17 such transitions in the U.S. since 2002, 29 in the last 20 years, and 65 over the last 30 years, often despite opposition campaigns by investor-owned utilities. In 2003 residents of Winter Park, Florida voted in a referendum to authorize the city to issue bonds to buy the local distribution facilities of the private utility. In 2008 Jefferson County, Washington voted to authorize the county's public utility district to provide electric service. In 2011 Boulder, Colorado voted to authorize the creation of a municipal utility.

COMMUNITY

ORGANIZING



COMMUNITY ORGANIZING FOR UTILITIES JUSTICE

The right to the city and a right to housing security necessarily include energy utilities justice. Energy utilities must be affordable, accessible, healthy and environmentally sustainable, and community-controlled. Nobody Leaves Mid-Hudson is continuing to develop and expand a successful model for base-building around energy utilities justice. Energy utilities are a strategic issue, not simply for winning energy utilities justice. They are also strategic for building the power of low-income people and people of color to win a range of specific immediate material gains and broader racial, gender, economic, and environmental justice. They can strengthen the housing justice movement, link the housing and environmental justice movements, and bring low-income communities of color into leadership in the environmental justice movement. Campaigns around energy utilities have strategic advantages that flow from the scope and severity of the issues, the geographic organization of energy utilities, and the role of state institutions.

**NOBODY LEAVES MID-HUDSON IS
CONTINUING TO DEVELOP AND
EXPAND A SUCCESSFUL MODEL
FOR BASE-BUILDING AROUND
ENERGY UTILITIES JUSTICE**

STRATEGIC ADVANTAGE 1: HOUSEHOLD ENERGY AFFORD- ABILITY IS A WIDESPREAD AND SEVERE NATIONAL CRISIS

Household energy insecurity and the central challenge of affordability are a severe and widespread national crisis. In 2014 there was nearly a \$45 billion gap between low-income families' actual energy utility bills and bills that would have been affordable (set by experts at 6% of gross household income). Since 2000, the cost of household utilities and fuels has risen by more than 50 percent, and in a single year about one in five low-income renting families nationwide received a shut-off notice.⁶⁰

According to the Energy Information Administration, 89 percent of households pay energy bills separate from rent, while about 9 percent have all or part of their energy bills included in their rent.⁶¹ While in some areas there has been substantial growth in the number of municipal, co-op, and self-owned renewable energy sources, these have disproportionately relieved middle- and upper-class households of energy burdens. On the whole this growth may have actually increased energy costs to low-income families, who pay the rising costs private utility companies charge to make up the revenue they have lost from wealthier households. While the scope of this crisis creates challenges for communities and policymakers, it creates a large group of people with a collective interest in demanding alternatives that meet their needs. Widespread household energy insecurity creates possibilities for large-scale local and trans-local organizing and movement-building.

STRATEGIC ADVANTAGE 2: UTILITIES JUSTICE WORK HAS A GEOGRAPHICALLY CONCEN- TRATED BASE AND LOCAL CORPORATE TARGET

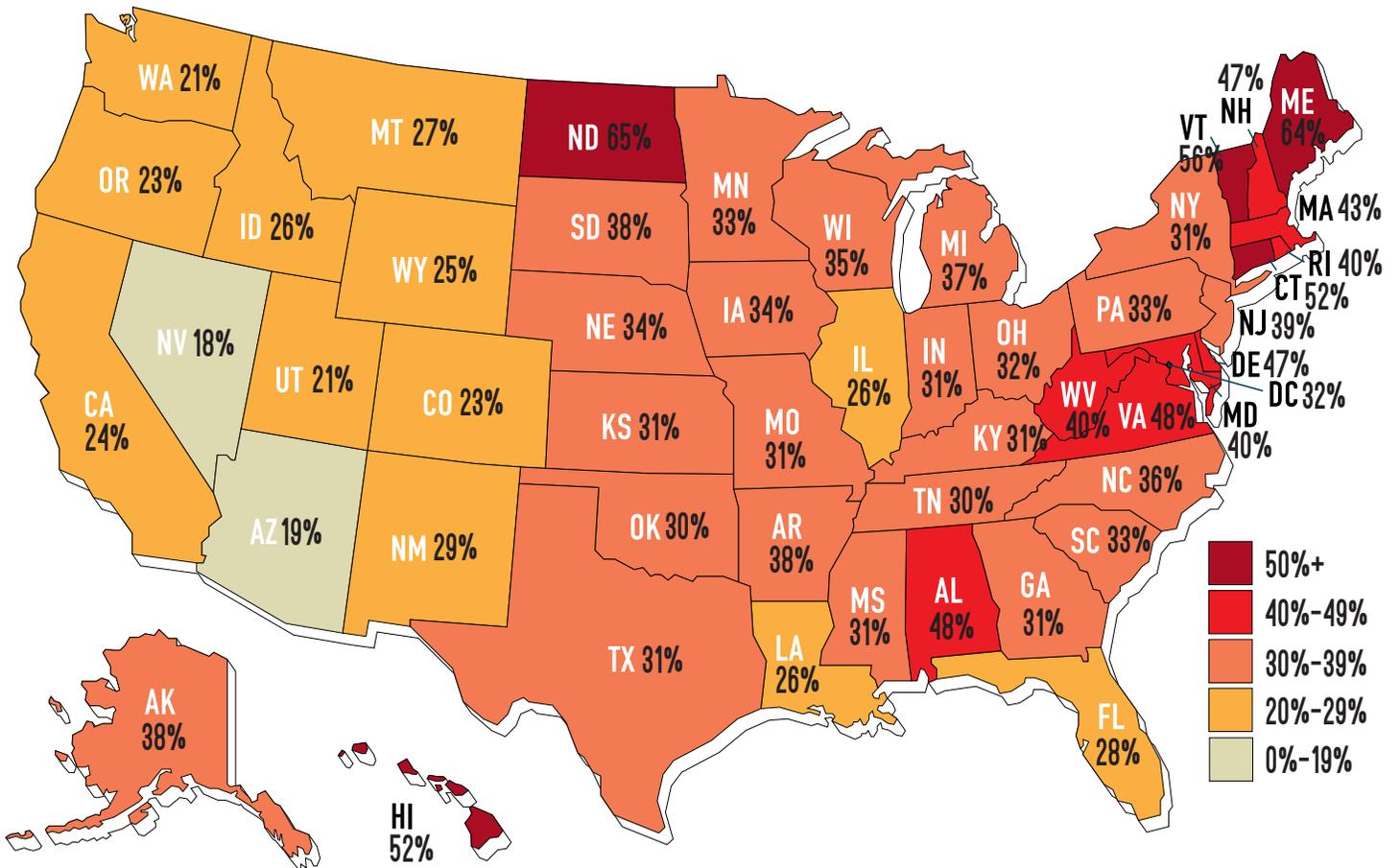
Energy utility companies are distribution monopolies backed by the state, which capture as customers 100 percent of those on the grid within their service territory. Service territories often span adjacent counties. This means that every low-income person within not only individual cities, but multiple cities across multiple counties, may have the same private utility company. That base compares favorably with those available for workplace and community environmental organizing. Therefore, a large, concentrated base of people can be organized to take action against the same private corporate utility target. Because utility company headquarters are usually located within their service territory, this target is accessible and susceptible to direct action.

STRATEGIC ADVANTAGE 3: UTILITIES JUSTICE WORK HAS A STATE REGULATORY TARGET

Because distribution of energy is a "natural monopoly" and the state guarantees to private corporations access to all households in their service territory, the state actively sets and implements detailed policy around utilities. Though the federal government sets broad frameworks for energy generation and transmission, distribution is controlled at the state level. While state legislators have some role in utility policy, ongoing regulation of utilities, particularly with respect to rates and services, is concentrated in statewide Public Service Commissions (also called Public Utilities Commissions or another similar name). It is possible to achieve policy gains through these Commissions, usually appointed by governors or legislators but in some cases elected. The Commissions are strongly influenced by a regulatory tradition and mission. Policy fields that solely require legislative action often require difficult, lengthier struggles because legislatures contain a much greater number of individual decision-makers tied to local constituencies, deal with a wider range of issues and pressures across their local constituencies, and are more tied to partisan politics and the dynamics of frequent elections. Public pressure on Commissions can lead to changes in statewide and corporate policy, and a state's Public Service Commission is a unified target for statewide coalitions of base-building energy utilities justice organizations and their allies in different service territories. The regulatory structure also allows for filing case-based complaints critical to individual shut-off prevention and debt relief that allow people to gain time, commitment, and confidence that keep them working for broader and longer-term utilities justice goals. This statewide structuring of the energy utilities system is essentially the same in every state. Thus, Nobody Leaves Mid-Hudson's model of organizing and winning positive outcomes across the levels of individual cases, corporate policy, and state regulation is reproducible across states.

HOUSEHOLD ENERGY UNAFFORDABILITY

COST OF ENERGY AS A PERCENTAGE OF INCOME, HOUSEHOLDS BELOW 50% OF THE POVERTY LINE



Source: Fisher, Sheehan, and Colton. Homeenergyaffordabilitygap.com, 2015

JUST UTILITIES POLICIES THAT EMPOWER RATHER THAN IMMISERATE POOR COMMUNITIES AND COMMUNITIES OF COLOR ARE A CRITICAL PART OF ENVIRONMENTAL JUSTICE AND ENERGY DEMOCRACY

BUILDING STRONG GRASSROOTS MOVEMENTS: INTEGRATING UTILITIES AND HOUSING JUSTICE WITH ENVIRONMENTAL JUSTICE ORGANIZING

Nobody Leaves Mid-Hudson treats energy utilities first as an affordable housing issue that particularly impacts low-income people of color. Utilities justice work shares the policy principles of Right to the City and recognizes secure utilities as part of dignified and affordable housing. Thus, the housing sector of community-based organizing, anchored by the Right to the City Alliance and its member organizations, is best suited to lead the initial reproduction of the Nobody Leaves model and the integration of energy utilities justice work into housing justice organizing. Only a few community organizations are already focused on utilities justice by itself or as part of housing security and affordability. These include both PUSH Buffalo and the George Wiley Center in Rhode Island.

Right to the City and other housing and urban justice movements are also best placed to link this work with that of building a more inclusive, more powerful, and more transformative environmental justice movement. Currently, the environmental movement recognizes that corporate-controlled fossil fuel production creates climate change events and polluted frontline communities. There has been significant growth in the organizing of low-income people and people of color around the health issues unsustainable energy production creates in their communities. Local base-building organizations doing this work include the Southwest Workers Union, Asian Pacific Environmental Network, and Kentuckians for the Commonwealth. These organizations, and their members, have also emerged as national leaders in the environmental justice movement through the launch of the Climate Justice Alliance in 2012. They organize based on the connections between climate justice and housing security that became apparent after Hurricane Katrina in 2005 and Superstorm Sandy in 2012. Both

storms devastated coastal areas and displaced mainly low-income renters of color who were already struggling to find affordable and dignified housing. The Katrina natural disaster in particular laid bare and worsened an existing social disaster of racialized inequality, poverty and marginalization. However, organizing that links the housing and environmental movements has not been sustained or widespread, though collaboration would significantly increase the power of both. Household energy utilities, both a housing security and an environmental sustainability issue, can link the housing and environmental justice movements in expansive and durable ways.

Just utilities policies that empower rather than immiserate poor communities and communities of color are a critical part of environmental justice and energy democracy. Incorporating affordability and other policies can greatly strengthen the environmental movement. For low-income communities not facing severe local environmental threats, the household energy crisis is more immediately felt than the problem of unhealthy and environmentally destructive fossil fuels. However, even in severely environmentally threatened communities, energy unaffordability and inaccessibility are experienced as critical hardships. Therefore the environmental movement must embrace household energy security as a primary mobilizing issue. The private organization of energy distribution raises the issue of corporate rather than public and community control of energy, though in a different realm from production. Corporate-controlled distribution works against democratic discussion of energy alternatives and community control of clean distributed energy. Without adequate consumption of energy it is impossible for households to maintain healthy everyday lives and community participation, including participation in environmental movements. The severity and scope of the energy affordability crisis demand that the environmental justice movement incorporate energy utility affordability for the movement to be widely relevant to low-income people and people of color and to open significantly greater space for low-income communities' leadership in the movement. By addressing this urgent issue of consumption, longer-term participation in struggles for cleaner and community-controlled energy becomes possible for low-income people of color in frontline communities.



ENDNOTES

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Please go high, it belongs
out of our heads and you
like, nobody you send us
dreaming letters in the mail
You shut us off in the mid
of winter cause our children
to be homeless and then you
From us and turn them
over to DHS. You don't
come up with you
What kind of...
Does this to another
You do not...
You do not...
It belongs to the Great
You don't own...
You belong to the Great

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