

**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Ohio Power Company for Authority to Establish a Standard Service Offer	)	Case No. 23-0023-EL-SSO
	)	
	)	
In the Matter of the Application of Ohio Power Company for Approval of Certain Accounting Authority	)	Case No. 23-0024-EL-AAM
	)	

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**TESTIMONY OF  
Selah Goodson Bell**

**on behalf of  
The Ohio Environmental Council**

**June 9, 2023**

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**Q.1. Please state your name, current title, and business address.**

**A.1.** My name is Selah Goodson Bell. I am the Energy Justice Campaigner for the Center for Biological Diversity (the Center). The Center's Washington, D.C. office is located at 1411 K Street NW, Suite 1300. Washington, D.C. 20005.

**Q.2. Please summarize your educational background and professional experience.**

**A.2.** I work in the Center's Energy Justice Program. I have a bachelor's degree in environmental studies from Yale University. While at Yale University, I co-founded a student-led group called the Yale Environmental Education Collaborative that conducted place-based environmental lessons in New Haven, Connecticut schools. Before joining the Center, I worked as a research associate with the Environmental Law Institute (ELI). Some of my work at ELI involved curriculum development for the Climate Judiciary Project, as well as logistics and research support for the re-implementation of ELI's

1 BRIGHT program. At the Center, my research focuses on energy and utility justice  
2 policy at the federal, state, and local level. I've analyzed and proposed equitable utility  
3 shutoff policies, evaluated distributed solar valuation methodologies, given oral  
4 testimony on equitable electrification measures, and collaborated on Requests for  
5 Information comments to the Environmental Protection Agency, Department of Energy,  
6 and the Federal Trade Commission. For a more exhaustive list of my professional  
7 experiences, please find a copy of my resume attached as Exhibit A.

8  
9 **Q.3. On whose behalf are you offering testimony?**

10 **A.3.** I am testifying on behalf of the Ohio Environmental Council (OEC).  
11

12 **Q.4. What is the purpose of your testimony?**

13 **A.4.** The purpose of my testimony is to sponsor the Center for Biological Diversity's  
14 report in collaboration with the Energy and Policy Institute, and Bailout Watch, titled  
15 *Powerless in the United States, How Utilities Drive Shutoffs and Energy Justice* (the  
16 Report). Please find a copy of the Report included as Attachment B.  
17

18 **Q.5. Have you previously testified before a public utilities regulatory proceeding?**

19 **A.5.** No.  
20

21 **Q.6. Please describe the *Powerless in the United States, How Utilities Drive Shutoffs and***  
22 ***Energy Justice* report (the Report)?**

1       **A.6.**   In the Report, my co-authors and I tracked, on a national level, the extent to which  
2       investor-owned utilities cut off households' access to electricity and heat millions of  
3       times a year while returning billions of dollars to their shareholders and executives. We  
4       found that utilities cut off power to households over 1.5 million (1,508,997) times from  
5       January through October of 2022 in the 30 states and DC where data were available.  
6       Among the utilities providing data in the first 10 months of 2021 and 2022, we  
7       determined a 29% year-over-year increase in power disconnections (340,257).

8  
9       The report puts forward several hypotheses of what caused this increase, including: (1)  
10      the expiration of pandemic-related shutoff moratoria; (2) last year's surge in electricity  
11      and gas prices in part due to global fossil fuel market volatility and the Russia War on  
12      Ukraine; the increased frequency and intensity of climate-induced disasters (e.g. heat  
13      waves, freezes, floods, etc.) that drive up demand for electricity and heat; (4) and the  
14      increased financial pressure households face due to inflation.

15  
16      The report also discusses the relationship between shutoffs and the profit interests of  
17      utility shareholders and executives. We found that, in general, the companies most  
18      responsible for utility disconnections tend to be less profitable than their peers but spend  
19      more of their cash on executive pay and shareholder dividends. Specifically, twelve  
20      utility parent companies were responsible for more than 80% of the power shutoffs we  
21      recorded from 2020 through October of 2022. Yet, it would have taken just 1% of the  
22      amount of money these companies spent on shareholder dividends to prevent all of those  
23      shutoffs.

1  
2 The report also outlines the social toll of utility disconnections for non-payment.

3 Arrearages and disconnections force people to make difficult choices about where to put  
4 their limited money. Families end up sacrificing essential, life sustaining services or  
5 goods, like medicine, nutritious food, rent, or comfortable shelter, to pay for their energy  
6 bills. Similarly, disconnections trap households in a cycle of poverty that can make it  
7 difficult to hold down a job, keep kids in school, and get loans. This toll is felt most  
8 heavily by households of color. Last year, although more than 20% of families couldn't  
9 afford to pay at least one energy bill, over 30% of households of color experienced this  
10 energy insecurity.

11  
12 Our report discusses how many working-class households and households of color are  
13 still reeling from the health and financial impacts of the pandemic and record inflation.

14 The extreme weather caused by the climate emergency is only exacerbating these  
15 impacts, particularly due to historic and ongoing discriminatory planning practices —tied  
16 to the enduring legacy of racist redlining— that have concentrated these communities in  
17 structurally deficient housing. Such homes are costlier to keep cool and warm, less likely  
18 to protect inhabitants from indoor air pollution, and often located near polluting  
19 infrastructure like chemical plants, trash transfer stations, busy roadways etc. Redlining  
20 has also transformed many neighborhoods of color into “urban heat islands,” which are  
21 on average 5 degrees Fahrenheit hotter in summer than areas once favored for housing  
22 loans. Utility disconnections compound these burdens and risk relegating disadvantaged  
23 communities to perpetual poverty and instability.



1  
2 Finally, our report closes with a robust set of policy recommendations for both state and  
3 federal lawmakers and regulators who seek solutions to the shutoffs crisis. As a threshold  
4 matter, the report discusses how access to affordable electricity is a human right, and  
5 shutting off power is an inappropriate penalization on poor households. The report then  
6 outlines several buckets of policy recommendations for federal, state, and local  
7 governments and regulators: (1) greater public data transparency and availability on  
8 utility disconnections; (2) a ban on utility shutoffs; (3) greater investment into utility  
9 debt relief programs; and (4) a rapid phase out of fossil fuels as power generation and a  
10 just transition to an equitable, distributed, and politically accountable energy system.  
11

12 **Q.7. Please describe the methods you used for the Report?**

13 **A.7.** We reviewed publicly available disconnection data for all 50 states, Washington  
14 D.C., and Puerto Rico from January 2022 through October 2022. This data was retrieved  
15 by reviewing state and territory utility dockets and calling state commissions where data  
16 was not identifiable online or where public information requests were necessary.  
17

18 We also reviewed comparison data, where available, from 2020 and 2021. For earlier  
19 iterations of this report, we had full-year data sets (covering January through December  
20 2020 and 2021). To ensure accurate apples-to-apples comparisons of year-over-year data,  
21 we compared datasets during the same time periods across years.  
22

1 Moreover, as states with disconnection data differed in their latest month of reporting,  
2 year-on-year comparisons were state-specific and compared data made available in 2022  
3 against the same period in 2021. For example, for states that disclosed data from January  
4 through October 2022, data from January through October 2021 was used as a  
5 comparison, as opposed to all of 2021.

6  
7 Reconnection data for all 50 states, Washington, D.C., and Puerto Rico were also  
8 reviewed. Reconnection reporting requirements varied by state. Some states did  
9 not require any reconnection reporting, while others did not indicate the time from  
10 disconnection to reconnection. Where utilities provided that power was reconnected  
11 within 24 hours of disconnection, the report excluded these cases from utilities'  
12 disconnect totals in those months.

13  
14 The report also retrieved financial data by reviewing utility parent corporations from the  
15 Bloomberg data terminal to determine if they were publicly traded or privately held  
16 entities. Corporate financial data for the publicly traded corporations, including profits,  
17 dividends, share buybacks, and executive compensation, were pulled from publicly  
18 available 10-K and DEF 14A filings retrieved from the SEC's EDGAR database.

19  
20 For Ohio-specific data, we utilized the Public Utilities of Ohio dockets requiring annual  
21 reporting of utility shutoffs due to non-payment for about 15 of the state's electric and  
22 gas utilities. This data is found in case records 22-0513-GE-UNC, 21-0548-GE-UNC, 20-  
23 0937-GE-UNC, and 19-0974-GE-UNC.

1 **Q.8. Please describe the Report findings related to AEP Ohio (Ohio Power Company)?**

2 **A.8.** We found that the Ohio Power Company cumulatively cut off households'  
3 electricity almost 290,000 times (287,906) from 2020 to May of 2022. We also found that  
4 Ohio is one of the top 10 states in shutoffs for nonpayment, out of all 30 states where data  
5 was available. Our year-over-year comparisons for Ohio were somewhat complicated due  
6 to the state's annual reporting requirement which covers June of the previous year up  
7 until May of the current year. Thus, for 2022, data from Ohio was made available only  
8 from the limited period between January 2022 through May 2022. So, as explained in the  
9 methodology above, we compared that figure to the disconnection data from the same  
10 time period in 2021 and 2020, rather than doing so cumulatively throughout the whole  
11 year.

12  
13 When undertaking the appropriate year-over-year comparison methodology outlined  
14 above, the utility's shutoffs increased by almost 2%—from 0 in 2020 to 58,589 in 2021  
15 and then, in 2022, to 59,694.

16  
17 The relatively small size of this increase is likely due to the timing of the reporting  
18 period. Ohio's limited winter shutoffs protections run from November through April, so  
19 large increases in shutoffs aren't likely to occur from January through May. Instead,  
20 given the lack of summer or heat-based disconnection protections and the increasing  
21 impact of climate induced extreme temperatures, the majority of actual shutoffs and  
22 period where shutoffs will experience greater increases is likely to occur from June  
23 through October, when electricity demand is higher than usual, and protections are

1 absent. Our shutoff data from 2021 proves part of this reality as, state-wide, shutoffs in  
2 June through October (155,170) were just over 100% higher than shutoffs in January  
3 through April (77,419). However, to get a more accurate sense of how much shutoffs  
4 might be increasing in Ohio, another year of data is required.

5  
6 Given the large number of shutoffs from the Ohio Power Company and its affiliates with  
7 the American Electric Power Company (AEP), we named AEP in the report's Hall of  
8 Shame of utilities that conducted disproportionately more shutoffs than their peers and  
9 heavily rewarded their shareholders. The more than \$4 billion dollars AEP spent on  
10 shareholder dividend from 2020 through October of 2022 could have prevented all of  
11 their power shutoffs for non-payment 105 times over.

12  
13 **Q.9. Does this conclude your testimony?**

14 **A.9.** Yes. However, I reserve the right to update my testimony to respond to any  
15 further testimony, reports, and/or evidence submitted in this case.

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing *Testimony of Selah Goodson Bell* was served this 9th day of June 2023 via electronic mail upon the following parties of record.

/s/Karin Nordstrom  
Karin Nordstrom

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# Attachment A

# Selah Goodson Bell

## Energy Justice Advocate

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### Professional Experience

#### Energy Justice Campaigner – 2022 Spring to Present

Center for Biological Diversity (the Center) – Washington, DC

- Collected primary data on shutoffs, conducted light data analysis, researched related policies, and drafted written material for the Center's [Powerless in the United States](#) (shutoffs) report
- Performed phone interviews with reporters during the press coverage of the shutoffs report
- Researched local utility policy in D.C., crafted a draft legislative memo calling for a shutoff ban and other related utility justice policies, and collaborated with stakeholders on the specifics of the proposed policy package in the memo
- Collaborated with colleagues to plan and execute a webinar and roundtable discussion on the shutoffs report and key utility justice case studies from around the country, and presented primary findings from the report
- Provided oral testimony for two hearings on DC clean energy bills that touched on distributed solar, building energy efficiency, and equitable electrification
- Conducted research on utility greenwashing tactics and compiled persuasive, written arguments for comment on the FTC's updated Green Guides
- Researched and mapped out Duke Energy's network of financial and political ties to climate disinformation entities
- Developed a primer on national case studies and best practices for distributed solar valuation
- Researched and wrote sections of the Center's responses to Requests for Information and/or requests for comments on the following: (1) the DOE's Grid Resilience and Innovative Partnerships (GRIP) program; (2) the DOE's implementation of its Defense Production Act (DPA) authority; (3) the EPA's implementation framework for the Greenhouse Gas Reduction Fund; (4) the EPA's implementation of its Environmental and Climate Justice Block Grant Program; and (5) the Public Utilities Commission of the State of California's Societal Cost Test and air quality research results.

### Education

(May 2020)

#### Bachelor Of Arts in Environmental Studies,

Yale University  
– New Haven, CT

(May 2016)

#### International Baccalaureate,

American International School of  
Johannesburg  
– Johannesburg, South Africa

### Key Skills

**Hard-skills:** Microsoft Office Suite,  
Basic Website Management (Drupal &  
Process Wire)

**Soft-skills:** Synthesis of complex  
information, research, persuasive  
writing, policy advocacy, local  
campaigning (developing), team  
leadership, team management and  
delegation, high-level administrative  
responsibilities (scheduling and  
facilitating meetings, crafting agenda,  
note-taking, managing partnerships)

**Languages:** Fluent English, Beginner-  
level Japanese

#### Research Associate – 2020 Summer to 2022 Summer

Environmental Law Institute (ELI) – Washington, DC

- Conducted background research, proofreading, meeting scheduling and coordination, and, at times, meeting facilitation for projects on the following topics: brownfield revitalization and sustainable development, environmental compliance and enforcement, citizen science, environmental justice, climate science and law, innovations in bio-technology, and climate adaptation in Kazakhstan
- Produced written deliverables for some of the above projects, including: a research memo on climate risk disclosure and green finance, a research memo on the Biden Administration's EJ Executive orders, a 20+ page chapter on stakeholder management for sustainable development, a blog post on climate accountability and shareholder activism, and quarterly reports to the EPA for the International Network for Environmental Compliance and Enforcement (INECE)



## Awards, Publications, and Interests

### Awards:

Awarded the Light Fellowship, Yale University - intensive language study in Osaka, Japan, Summer 2017

Awarded American Meteorological Society Minority Scholarship, 2016/17

Awarded A-MAN, STEM Scholarship, 2016/17

Awarded John Walker Best All Around Student, 2015/16

### Publications:

[\*Powerless in the United States\*](#), Center for Biological Diversity (primary research, drafted written material for several sections)

[\*How policymakers can tackle power shutoffs, utility greed and the climate emergency\*](#), The Hill (co-wrote)

[\*Rising Tide of Climate Accountability\*](#), ELI

[\*Indiana's Just Transition Away From Coal\*](#), NUVO News Nirvana

- Brainstormed thematic content, identified panelists, and wrote the descriptions for the following EJ educational webinars: [Employing Critical Race Theory and Intersectionality in the Pursuit of Environmental Justice](#), and [Keeping To Our Word: Accountability to Racial Justice in the Environmental Sector](#)
- Scheduled, coordinated panelists, and wrote and/or edited the descriptions for the following webinars: [Perspectives on Environmental Justice in Compliance and Enforcement](#), [Environmental Justice and Corridor Projects: Case Study of a Former Mining Town in Rust Belt Kentucky](#), and [Community Engagement for the Protection of Wetlands](#) (National Wetlands Awards)

## Leadership, Volunteering, and Other Experiences

### Community Engagement Team Member – 2021 Summer to Present

We Power DC – Washington, DC

- Engaging in tabling sessions, through a deep canvassing model, to build support for a public power utility in DC
- Shaping community engagement strategy
- Meeting with Councilmember to staff to pursue legislative solutions to local sources of environmental injustice
- Liaised between We Power DC and Sunrise DC to merge and amplify community engagement efforts

### Hub Member/Researcher – 2020 Fall to 2022 Spring

Sunrise DC – Washington, DC

- Conducted research and writing for a brief report on how to make a previously introduced bill, the Distributed Energy Resources Authority Act, more equitable and just
- Serving as a Sunrise DC representative on the Justice for Brentwood Steering Committee. This role includes support with fundraising efforts, publicity/spreading awareness, and engaging in outreach to identify pro bono lawyers and environmental scientists

### Co-Founder, Community Outreach Chair, & Teacher – March 2019 to May 2020

Environmental Education Collaborative (EECO) – New Haven, CT

- Co-founded Yale's first student-run place-based environmental education group, managed the organization's relationship with teachers and faculty at partner school, and aided in the creation of curriculum and lesson plans
- Taught middle school students in New Haven about a variety of environmental topics

### Co-President – 2018 Summer to 2019 Spring

Yale Student Environmental Coalition (YSEC) – New Haven, CT

- Led, established, and implemented organizational goals that empowered students to engage in environmental projects and activism

### Cultural Center Liaison – 2016 Spring to 2017 Spring

Yale Student Environmental Coalition (YSEC) – New Haven, CT

- Managed the organization's relationship with Yale's Cultural Centers while facilitating various collaborative projects such as speaker panels, environmental justice workshops and discussions, and fundraising.

# Attachment B



# POWERLESS IN THE UNITED STATES

## How Utilities Drive Shutoffs and Energy Injustice

An ongoing project tracking utility service disconnections and corporate profiteering



# POWERLESS IN THE UNITED STATES

## How Utilities Drive Shutoffs and Energy Injustice

An ongoing project tracking utility service disconnections  
and corporate profiteering

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**Center for Biological Diversity** | Selah Goodson Bell and Jean Su  
**Energy and Policy Institute** | Matt Kasper and Shelby Green  
**BailoutWatch** | Christopher Kuveke



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### Design

1338 Creative

*Photo credit: Reverend Michael Malcom*

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# INTRODUCTION

The epidemic of utilities shutting off people's electric and gas service for nonpayment has continued unabated in the months since our earlier *Powerless in the Pandemic* publications, which tracked utility disconnections and corporate profits since COVID-19 began.<sup>1</sup> Utilities shut off power to households an estimated 4.2 million times in the first 10 months of 2022.\* The harm is real and self-evident, as are the solutions. Yet utility companies are still depriving U.S. households of power and heat millions of times a year while returning billions to their shareholders and executives.

The seriousness of the problem was made plain by the late December superstorm that battered the United States. Frozen gas lines and downed power infrastructure led to at least 60 fatalities and left millions of people unsafe, without power and heat – a situation that distributed renewable power generation and storage, along with a grid that moves clean electricity more efficiently, could have alleviated.

**Access to electricity is a basic human right. Without it, people struggle to maintain employment and stay alive.**

Access to electricity is a basic human right. People rely on electricity for water, physical safety, food security, medical care and telecommunications. When these essentials are taken away, the harm spreads like ripples across a pond. Disconnections foster instability: Without power, people struggle to maintain employment, keep their kids in school, and even stay alive. This is doubly true for the largely poor communities of color that are most vulnerable to inadequate housing and climate-driven weather extremes.

The preventable practice of disconnections keeps millions of Americans in poverty and narrows their avenues of escape. By giving utility companies the power to penalize poverty, we license them to perpetuate it.

Shutoffs allow corporate utilities to punish customers' economic precarity while guaranteeing record profits and massive payouts for themselves and their investors.

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\* The data cover states disconnections up until their latest month of reporting in 2022. See Methodology ([Annex 3](#)).

As this report shows, the companies most responsible for utility disconnections tend to be less profitable than their peers but spend more of their cash on executive pay — about \$5.9 million per executive per year — and Wall Street dividends. It shows how a broken utility industry causes energy insecurity and hurts American people, and it outlines what federal and state lawmakers and regulators can do to fix that.

For the first time, we provide data on fossil fuel-price volatility and gas-utility disconnections, in addition to electricity shutoffs. What emerges is a vicious cycle in which shortsighted overinvestment in fossil infrastructure by utilities helps drive that price volatility and fuels the shutoff crisis. Excessive profit-taking also is a key driver of skyrocketing inflation that adds to people's economic woes.

Our work is limited by lack of data transparency. Only 60% of states require utilities to report the egregious practice of shutting off power for nonpayment. As long as utilities can hide behind industry-friendly regulators and politicians, refusing to provide clear data on their anti-consumer policies, we will never know the true scope of damage caused when companies sever service.

## EXECUTIVE SUMMARY

-  **UTILITIES CUT OFF POWER TO HOUSEHOLDS MORE THAN 1.5 MILLION TIMES** from January through October 2022 in the 30 states and Washington, D.C., where data was available. Extrapolating the rate of customers disconnected across all 50 states, we estimate **4.2 MILLION HOUSEHOLD DISCONNECTIONS OCCURRED ACROSS THE COUNTRY** in the first 10 months of 2022.
-  **THE SHUTOFFS CRISIS IS GROWING.** We found a **29% INCREASE IN POWER DISCONNECTIONS AND A 76% INCREASE IN GAS DISCONNECTIONS** in the first 10 months of 2022 compared to the same period in 2021, among power utilities and a subset of gas utilities providing data.
-  **A DOZEN COMPANIES PERPETRATED 86% OF THE SHUTOFFS** documented from 2020 through October 2022. **JUST 1% OF THEIR SPENDING ON DIVIDENDS FOR SHAREHOLDERS COULD HAVE PREVENTED ALL THEIR DOCUMENTED POWER SHUTOFFS** over that period. Those same companies spent \$2.8 billion paying about 70 top executives in the three years beginning in 2019 — about \$5.9 million per executive per year.
-  **BY CONTINUING TO INVEST IN FOSSIL GAS AND INFRASTRUCTURE, IGNORING PRICE VOLATILITY, UTILITIES ARE DRIVING ENERGY INSECURITY AND SHUTOFFS, PARTICULARLY FOR HOUSEHOLDS OF COLOR.** Electricity prices are up about 12% since 2021, driven by the Russian war in Ukraine, utilities' reliance on fossil gas for power generation, and their ability to pass rising fuel costs directly on to customers. This economic precarity hit particularly hurts people of color; 1 in 3 families couldn't afford at least one energy bill last year.
-  **THE SCALE OF THE SHUTOFFS PROBLEM IS MASKED BY A WIDESPREAD FAILURE OF TRANSPARENCY, WITH STATE REGULATORS IN NEARLY 40% OF STATES FAILING TO REQUIRE ANY DISCLOSURES.** Most notably, Florida stopped providing data in late 2021, leading to an apparent (but misleading) decrease in the number of shutoffs documented in 2022. Florida Power & Light imposed the most shutoffs — nearly 1 million — from 2020 through 2021.
-  **THERE ARE MANY STEPS FEDERAL AND STATE LAWMAKERS AND REGULATORS CAN TAKE TO TACKLE THE CHRONIC DISCONNECTIONS PROBLEM.** We provide the most comprehensive policy blueprint to date of what they can do — from banning utility shutoffs to transforming the unaccountable, dirty utility system. ([See Annex 1.](#))



# FINDINGS

## Electricity Disconnections Are Increasing

Utility shutoffs are spiraling out of control. Electric companies cut off power to households more than 1.5 million times from January through October of 2022 in the 30 states and Washington, D.C. where data were available. The seven worst offending utilities' disconnections equaled about 3% of their total customers. If this rate prevailed across the United States, it would suggest a total of 4.2 million household disconnections in the first 10 months of 2022.<sup>2</sup>

Ten states accounted for nearly 84% of the shutoffs we documented. (See Table 1.) Utilities in Illinois, Pennsylvania, Georgia, Michigan, Ohio and Missouri committed more than two-thirds of the 2022 shutoffs. Had Florida continued reporting data past October 2021 it likely would have remained at or near the top of the list.

Combining this new dataset with findings from our earlier reports, we can document a staggering 5.7 million electricity shutoffs against U.S. households from January 2020 through October 2022.

**TABLE 1**  
**STATE**  
**DISCONNECT**  
**DATA**

*Top 10 states*

State (latest month of reporting in 2022)*	Disconnects in 2021*	Disconnects in 2022*	Change in Disconnects from 2021 to 2022	% Change in Disconnects from 2021 to 2022
Illinois (October)	225,504	284,720	59,216	26
Pennsylvania (October)	180,219	198,627	18,408	10
Georgia (October)	189,649	198,463	8,814	5
Michigan (June)	142,904	166,284	23,380	16
Ohio (May)	106,378	107,271	893	1
Missouri (September)	68,534	84,754	16,220	24
Maryland (October)	41,416	74,345	32,929	80
Connecticut (October)	153	58,945	58,792	38,426
Kentucky (June)	16,029	52,609	36,580	228
New York (October)	0	41,235	41,235	N/A
<b>Total</b>	<b>970,786</b>	<b>1,267,253</b>	<b>296,467</b>	<b>31</b>

\*The data cover states' disconnections up until their latest month of reporting in 2022. See the Year-Over-Year Comparison section in Methodology ([Annex 3](#)) for a full explanation.

In areas served by utilities that provided data in 2021 and 2022, the country saw a 29% increase in disconnections in the first 10 months of 2022, year-over-year. Among the 10 states with the most disconnections, the percentage increase from 2021 to 2022 was 31%.<sup>3</sup> (See Table 1.)

Many states with notable increases in disconnections also saw average utility bills increase sharply;<sup>4</sup> Missouri (shutoffs up 24%, electric bills up 24%); Kentucky (shutoffs up 228%, electric bills up 17%); and Arizona (shutoffs up 20%, electric bills up 6%).

Many pandemic-induced bans on shutoffs expired in 2021, which helped drive up disconnections. At the start of the pandemic in March 2020, 32 states and Washington, D.C., imposed a patchwork of moratoriums that barred utilities from shutting off power to people struggling with COVID-related economic disruptions. Most of the moratoriums ended in 2021, resulting in tens of thousands more disconnections in 2022 in states including Connecticut, New York and Massachusetts.

New York's COVID-related shutoffs moratorium, among the country's most ambitious, ended in December 2021.<sup>5</sup> In the first 10 months of 2022 New York utilities disconnected households more than 41,000 times.

## Seven Utilities Perpetrated Most Shutoffs

Seven utility parent companies, operating in nine states and D.C., perpetrated nearly 70% of the shutoffs documented in 2022. They increased disconnections collectively by more than 22% over the same period in 2021: Exelon Corp. (31% increase), Southern Company (5% increase), DTE Energy (16% increase), Ameren Corp (10% increase), First Energy Corp. (20% increase), PPL Corp. (139% increase), and American Electric Power Co Inc (7% increase). (See Table 2.)

**TABLE 2**  
**UTILITIES WITH**  
**MORE THAN**  
**70,000**  
**SHUTOFFS**

January-October 2022

Parent Company (states of operation) <sup>6</sup>	Disconnects 2021*	Disconnects 2022*	Change in Disconnects from 2021 to 2022	% Change in Disconnects 2021 to 2022
Exelon Corp <sup>7</sup> (IL, MD, PA, DC)	280,303	368,579	88,276	31
The Southern Co. <sup>8</sup> (GA)	189,649	198,463	8,814	5
DTE Energy (MI)	102,206	118,699	16,493	16
Ameren Corp (IL, MO)	100,539	110,688	10,149	10
FirstEnergy Corp <sup>9</sup> (MD, PA, OH)	81,744	98,467	16,723	20
PPL Corp <sup>10</sup> (PA, KY)	33,904	81,058	47,154	139
American Electric Power Co Inc <sup>11</sup> (OH, KY, MI, IN)	67,900	72,881	4,981	7
<b>Total</b>	<b>856,245</b>	<b>1,048,835</b>	<b>192,590</b>	<b>22</b>

\*The data cover each state's disconnections up until their latest month of reporting in 2022. See the Year-Over-Year Comparison section in the Methodology ([Annex 3](#)) for a full explanation.



## ILLINOIS TOPS SHUTOFFS CHART, EXEMPLIFIES UTILITY CORRUPTION

Illinois leads the nation in electric shutoffs for nonpayment in the first 10 months of 2022 thanks to two major investor-owned utilities: Exelon's Commonwealth Edison (ComEd) and Ameren. The companies reported 225,827 and 57,588 disconnections in Illinois, respectively. Illinois' gas utilities also reported a combined 82,496 shutoffs for nonpayment last year.

Illinois is one of many states where shutoffs resumed in 2021 after the expiration of COVID-related moratoriums. In March 2021 families urged the state utility regulatory body, the Illinois Commerce Commission, to extend the moratorium:

*"I am opposed to allowing Ameren and other utilities to resume shutting off services to customers during the pandemic. This is cruel and is a danger to all citizens of Illinois."*

AMEREN CUSTOMER, MARCH 2021

ComEd's customers are paying more on multiple fronts. In October 2021 ComEd imposed a 26% higher supply price for electricity.<sup>12</sup> In addition, to pay for delivery costs including utility-owned infrastructure, ComEd sought permission from regulators to hike rates by \$199 million, which it received in November 2022.<sup>13</sup> It pursued the case while disconnecting households' power tens of thousands of times last year.

*"The moratorium on utility shutoffs is set to expire, and it is simply easier to allow that to happen. But it needs to be understood that this would cause a great deal of instability in this community. Not just for all the reasons that every other person has mentioned and will mention, but because all of those things compound and multiply one another."*

AMEREN CUSTOMER, MARCH 2021<sup>14</sup>

The latest rate hike request was approved three months after the Illinois Commerce Commission ordered ComEd to refund \$38 million to customers for using ratepayer funds as part of a bribery scheme detailed in ComEd's July 2020 deferred criminal prosecution agreement with the U.S. Department of Justice. The utility also agreed to pay \$200 million to resolve the investigation.<sup>15</sup> The bribery scheme involved ComEd securing the passage of 2011 legislation implementing a "formula rate" system. This formula rate system exposed ComEd customers to "hundreds of millions of dollars in rate hikes over the last decade."<sup>16</sup> An Illinois PIRG report explained ComEd earned more than \$4.7 billion than it would have without the alleged criminal scheme.<sup>17</sup>



## GEORGIA POWER SHUTOFFS, PROFITS RISING

Widespread power shutoffs by Georgia Power, a subsidiary of Southern Company, lifted Georgia to third place among states with the most shutoffs. The utility perpetrated 198,463 shutoffs by October 2022, on pace to exceed its 2021 total. The increase tracks rising rates charged to Georgia Power customers, a trend set to continue.

The Georgia Public Service Commission recently approved Georgia Power's request to charge customers \$1.8 billion for coal-ash cleanup, rising fuel costs, and the expansion of a nuclear power plant.<sup>18</sup> While customers contend with bills rising nearly 12% over three years, Georgia Power insiders are giving executives and shareholders a raise. Utility regulators increased Georgia Power's allowed profit margin to the maximum 11.9%, 2% above the national average for similar utilities, according to Gina Webber, interim director of the Sierra Club Georgia chapter.<sup>19</sup>

Southern Company returned \$2.8 billion to shareholders as dividends in 2021, exceeding the company's \$2.4 billion in profits for the year. The company also awarded seven top executives compensation totaling \$52.5 million in 2021, an average of \$7.5 million each — the second-highest figure among our Hall of Shame after NextEra.

The latest rate increase is just one of four Georgia Power will rely on to cover accumulated costs from rising fuel prices — what utilities call an “under recovered fuel balance.”<sup>20</sup> If regulators approve all four, the average residential customer's bill could soar by \$55 to \$60 a month over the next three years.<sup>21</sup> Georgia Power is exacerbating the problem by deepening its dependence on gas, securing power purchase agreements for 2 gigawatts of natural gas in the coming years.<sup>22</sup>

“Don't raise my rates. Enough. ... I can't survive like that, my businesses won't survive. I won't survive. My kids won't see generational wealth.”

GEORGIA POWER CUSTOMER<sup>23</sup>

With rising fossil gas prices from Russia's war in Ukraine driving rate increases, regulators have an opening to broaden generation options and support customers as they adjust to higher fuel costs. Instead, in Georgia Power's latest rate case, the Georgia PSC decided against expanding Georgia Power's popular rooftop solar net metering program.<sup>24</sup>

### **NextEra, Duke Energy Among Worst Actors Amid Skewed, Hidden Data**

Both NextEra and Duke Energy topped the list in 2020 and 2021 as the worst disconnection offenders among utilities that reported data. In 2022 these two utilities remained among the worst actors, even though their data was missing or skewed.

Florida utility customers were disconnected a staggering 1.48 million times between January 2020 and September 2021, making Florida the worst state for shutoffs during that period. In October 2021, however, Florida stopped requiring utilities to disclose disconnection data.<sup>25</sup>

Power shutoffs we were able to document (in states where transparency prevailed) declined a cumulative 42% in the first 10 months of 2022 compared to 2021. Florida's transparency failure contributed heavily to the shrinking number of confirmable shutoffs.

NextEra — owner of Florida Power & Light (FPL), the state's biggest utility — disconnected power more than 738,000 times in 2021, more than a quarter of the national total and a 67% increase over 2020. If that increase continued, NextEra would have shut off power 1.2 million times in 2022 — more than the combined total shutoffs of 2022's seven worst-offending utility companies.

**NextEra's disconnections increased 67% from 2020 to 2021. If that continued, the company would have shut off power 1.2 million times in 2022.**

Electricity rates have continued to climb because of a series of FPL rate hikes.<sup>26</sup> These higher bills can be traced directly to the rising cost of fossil gas. FPL, along with the other utilities in the state, have spent billions of dollars on fossil gas infrastructure, and fossil gas accounted for a hefty 73% of FPL's fuel mix at the end of 2020.<sup>27</sup> The price of gas that it pays for to run those plants has increased by 67%.<sup>28</sup>

Despite relatively poor financial performance (given its large market capitalization), NextEra is an outlier in spending lavishly on executives and shareholders. It paid \$78.6 million to five top executives in 2021, or \$15.7 million per executive, on average — by far the highest among its peers. It also spent \$3 billion on dividends for shareholders that year and another \$22.2 million on share buybacks that directly benefit shareholders.

In early December 2022, Florida regulators approved fuel rider increases for FPL along with multiple other Florida utilities to help them keep buying more gas amid spiking fossil gas prices. FPL customers will likely see a \$5 bump in their bill. That's on top of 2021 rate increases amounting to an extra \$6.82 per 1,000 kilowatt hours<sup>29</sup> and a four-year rate settlement allowing FPL to hike bills by at least \$12 a month for many customers.<sup>30</sup> This enables FPL to increase its gas capacity at several power plants, along with many other operations and management expenses.<sup>31</sup>

Duke Energy decreased disconnections in 2022, largely because shutoffs were suspended in North Carolina after it implemented a new billing system.<sup>32</sup> Households continued to accrue arrearages during this temporary suspension.<sup>33</sup>

At mid-year, as Duke Energy resumed shutoffs in North Carolina, the utility reported roughly 9,600 disconnections in June 2022 alone — more than double the number in June 2021. South Carolina saw an even bigger increase, with 5,257 shutoffs reported in June 2022, almost three times the June 2021 figure.

### Gas Prices, Disconnections Climb

A separate data set of gas utility shutoffs, including data from 42 gas utilities across 27 states and D.C., shows households were disconnected from gas nearly 384,000 times from January to October 2022, a staggering 76% increase from 2021. The top states of concern were Illinois, Pennsylvania, Missouri, Michigan and Connecticut.

These findings highlight the role rising gas prices play in compounding the struggles of energy-poor households.

**TABLE 3**  
**STATES WITH**  
**MOST FOSSIL**  
**GAS SHUTOFFS**  
*January-October 2022*

State (latest month of reporting in 2022)*	Disconnects in 2021*	Disconnects in 2022*	Change in Disconnects from 2021 to 2022	% Change in Disconnects from 2021 to 2022
Illinois (October)	31,190	82,496	51,306	164
Pennsylvania (October)	74,709	71,224	-3,485	-5
Missouri (September)	37,336	41,166	3,830	10
Michigan (June)	21,423	30,385	8,962	42
Connecticut (October)	97	28,347	28,250	29,124
<b>Total</b>	<b>164,755</b>	<b>253,618</b>	<b>88,863</b>	<b>54</b>

\*The data cover states disconnections up until their latest month of reporting in 2022. See the Year-Over-Year Comparison section in the Methodology ([Annex 3](#)) for a full explanation.

**TABLE 4**  
**UTILITIES WITH**  
**MORE THAN**  
**30,000 FOSSIL**  
**GAS SHUTOFFS**

2022

Parent Company (state)	Disconnects in 2021*	Disconnects in 2022*	Change in Disconnects from 2021 to 2022	% Change in Disconnects from 2021 to 2022
Ameren Corp (MO, IL)	1,003	42,736	41,733	4,161
Spire Inc (MO)	30,655	33,735	3,080	10
Southern Company <sup>34</sup> (IL, GA)	25,488	31,370	5,882	23
<b>Total</b>	<b>57,146</b>	<b>107,841</b>	<b>50,695</b>	<b>89</b>

\*The data cover each state's disconnections up until their latest month of reporting in 2022. See the Year-Over-Year Comparison section in the Methodology ([Annex 3](#)) for a full explanation.

### Disconnections Data Blackout Worsens

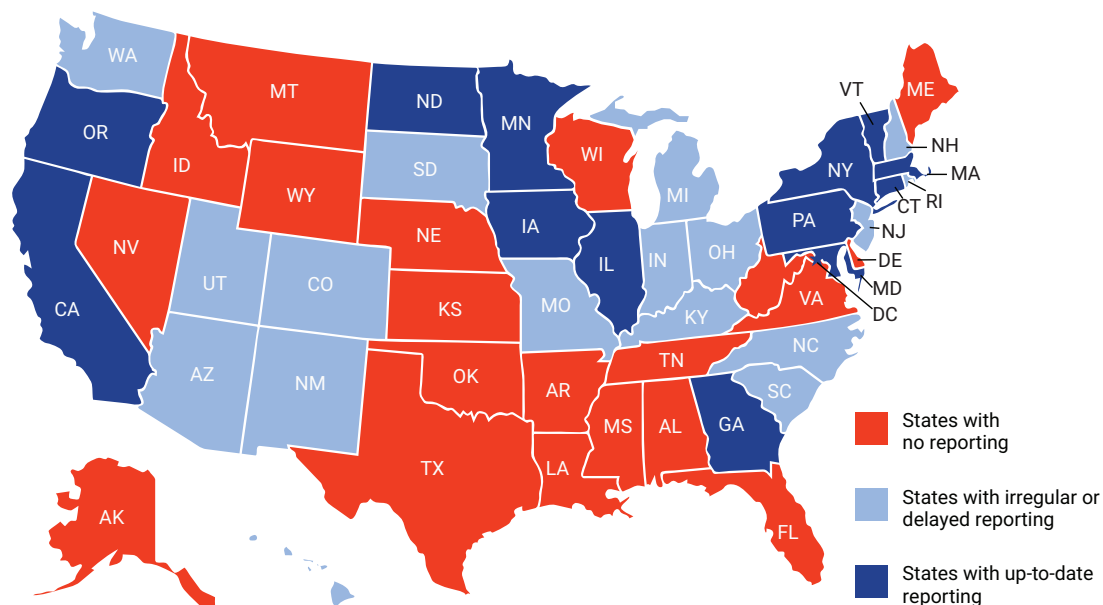
This report's data set is incomplete because there's no national requirement for utilities to publicly release information about how they disconnect households from power. In 2022 only 30 states and Washington, D.C., required utilities to publicly disclose disconnection data, leaving 40% of states unaccounted for.

The number of states requiring public disclosure decreased from 33 jurisdictions to 31 between 2021 and 2022.<sup>35</sup> As discussed above, the absence of information from Florida, in particular, skews the data because Florida reported the most disconnections (1.5 million) from 2020 through 2021,<sup>36</sup> then halted data collection in November 2021 after a pandemic-related mandate expired.

The difference in the quality of reporting requirements also muddies transparency. Only 13 states and D.C. require private utilities promptly to disclose monthly information on power shutoffs. Another 17 states have occasional or delayed disclosure, such as annual, quarterly, or time-lagged monthly reporting. This limits the ability of lawmakers, regulators and the public to understand the scale of the shutoffs problem.



**FIGURE 1  
STATE DISCLOSURE  
REQUIREMENTS  
ON UTILITY  
DISCONNECTIONS<sup>37</sup>**



### Investor-Owned Utilities Serve Wealthy Insiders at Customers' Expense

At the 12 companies most responsible for the deadly spike in shutoffs around the country, excessive dividend payouts are used to distract shareholders from executives' self-enrichment and poor financial performance. These companies perpetrated 86% of the shutoffs documented from 2020 through late 2022, a number that would have been higher had NextEra's Florida Power & Light disclosed its 2022 data. Just three companies — NextEra, Duke and Exelon — were responsible for more than half the shutoffs documented.

To understand the financial incentives driving companies to harm customers on such a vast scale, we looked at how they spend customer funds for purposes unrelated to service delivery, according to their public disclosures. We then compared their spending to a peer group of 45 companies that own utilities reporting shutoffs.<sup>38</sup> The 12 companies are, on average, roughly the same size as their peers, accounting for about 26% of the cohort's total market capitalization.

We discovered these Hall of Shame corporations — in addition to being the most aggressively anti-consumer — were less profitable than their peers, on average, yet prone to rewarding executives with lavish pay. Despite accounting for one-fourth of the industry by size, the Hall of Shame companies were responsible for 37% of dividends paid out and 32% of disclosed executive pay from 2019-2021.<sup>39</sup> They brought in only 13% of the peer group's profits.

Our analysis reveals a system that functions as a one-way financial stream, drawing

dollars away from customers and toward executives and Wall Street investors. Given the companies' focus on paying insiders and investors, it is not surprising that those most focused on self-enrichment tend to be harshest toward customers who fall behind. With profits at the core of their mission, these companies have no incentive to mitigate the harm caused by service shutoffs.

The companies in this group are: NextEra Energy Inc., Duke Energy Corp., Exelon Corp., The Southern Co., American Electric Power, DTE Energy Co., AES Corp., Ameren Corp., CMS Energy Corp., Emera Inc., FirstEnergy Corp., and PPL Corp. Among the states where they operate: Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Missouri, Michigan, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina and Washington, D.C.

#### SOME KEY FINDINGS

-  **DISCONNECTIONS ARE INCREASING.** The companies increased their disconnections by 1.3 million from 2020 to 2021. By October 2022 most were on track to finish the year with more disconnections than 2021.
-  **LESS PROFITABLE.** From 2019 through 2021, these 12 companies generated only about half the net income of their peers, on average — \$4.9 billion, versus \$9.9 billion across all 45 utility parent corporations.
-  **HIGHER DIVIDENDS.** Hall of Shame companies each spent \$4 billion paying dividends to shareholders from 2019-2021, on average — about 140% of the average dividend spending by the broader utility industry in the same period.
-  **PLENTY OF CASH TO PREVENT SHUTOFFS.** These 12 companies could have forgiven all 4.9 million documented shutoffs 90 times over using their dividends from 2020 through the third quarter of 2022 — **TOTALING TO JUST 1% OF THE AMOUNT OF THEIR DIVIDENDS.**<sup>40</sup>
-  **MASSIVE EXECUTIVE PAYOUTS.** The 12 companies collectively paid roughly 70 top executives<sup>41</sup> \$1.2 billion in the three-year period examined, or about \$5.9 million per year to each named executive. That's 15% more than the average across peer companies.<sup>42</sup>
-  **NEXTERA A STANDOUT.** Among utility-only parent corporations,<sup>43</sup> NextEra reported the highest average pay per executive (\$11.2 million) and second-highest spending on dividends (\$8.1 billion, after Duke Energy's \$8.6 billion).

TABLE 5  
HALL OF SHAME  
UTILITIES

Parent Company (state)	Total Cumulative Disconnects (2020 through October 2022)	Cost to Prevent Disconnects	Dividends (2020 through Q3 2022)	Dividends/ Cost to Prevent Disconnections
Exelon Corp <sup>44</sup> (IL, MD, PA, DC)	743,040	\$78,762,240	\$3,988,000,000	51x
The Southern Co. <sup>45</sup> (GA)	538,841	\$57,117,146	\$7,628,000,000	134x
DTE Energy (MI)	377,492	\$40,014,152	\$2,065,000,000	52x
Ameren Corp (IL, MO)	293,719	\$31,134,214	\$3,401,400,000	109x
FirstEnergy Corp <sup>46</sup> (MD, PA, OH)	239,527	\$25,389,862	\$2,361,000,000	93x
PPL Corp <sup>47</sup> (PA, KY)	195,555	\$20,728,830	\$3,174,000,000	153x
American Electric Power Co Inc <sup>48</sup> (OH, KY, MI, IN)	373,065	\$39,544,890	\$4,156,900,000	105x
Duke Energy Corp (FL, IN, KY, NC, SC, OH)	602,068	\$63,819,208	\$8,315,000,000	130x
NextEra Energy Inc <sup>49</sup> (FL)	1,180,212	\$125,102,472	\$8,274,000,000	66x
AES Corp <sup>50</sup> (IN, OH)	152,756	\$16,192,136	\$1,098,000,000	68x
CMS Energy Corp <sup>51</sup> (MI)	148,708	\$15,763,048	\$1,386,000,000	88x
Emera Inc <sup>52</sup> (FL)	85,163	\$9,027,278	\$1,346,000,000	149x
<b>TOTAL</b>	<b>4,930,146</b>	<b>\$522,595,476</b>	<b>\$47,193,300,000</b>	<b>Average 90x</b>

## Utility Industry Profits During COVID Pandemic

The pandemic years were massively lucrative for corporate owners of private utilities. The 45 companies examined raked in \$184.8 billion in profits in 2021, a 71% increase from 2020. Even in 2020, the toughest of the three years analyzed, all but four were profitable.

From 2019 through 2021, the companies posted total profits of \$447.8 billion. They spent \$3.8 billion paying top executives and \$239.5 billion on buybacks and dividends — returning 54% of their profits to insiders and shareholders. By contrast, the Hall of Shame companies spent 83% of their profits on executive pay, dividends and buybacks during the same period.

The \$76.5 billion (71%) year-over-year profit increase in 2021 amounts to more than \$28,000 for each of the 1.25 million shutoffs committed in 2021. These increasing profits are a root cause of inflation, accounting for a rising portion of price growth, according to a recent study by the Economic Policy Institute.<sup>53</sup>

When executives offer shareholders aggressive profit-sharing, shareholders are less prone to rebel against weak financial performance and excessive executive pay. After overinvestment in gas infrastructure led to ballooning fuel costs, the solution was to charge customers more, not to distribute funds away from the executives who made those calamitous decisions.

## MASSIVE PAY AT NEXTERA

**Florida Power & Light parent corporation NextEra is an outlier in its harsh anti-consumer shutoff policies** as well as its rapacious spending to enrich insiders and investors.

In 2021 the company spent a staggering \$78.6 million paying five executives, up 59% from 2020. Then-CEO James L. Robo made \$25.3 million, and two others received pay packages each totaling more than \$15 million. NextEra spent an additional \$291,398 in 2021 on perks for the five executives, including home security, company cars, and a \$25,000 “perquisite allowance” to CFO Rebecca J. Kujawa. About \$30,000 went to current CEO John W. Ketchum’s personal use of company aircraft.

NextEra’s spending on executive compensation alone in 2021 amounted to \$67 for each time they cut off people’s power.



# FACTORS DRIVING SHUTOFFS EPIDEMIC

## Energy Burdens and a Racist Energy System

When utility bills go unpaid, it is because people are making difficult choices about where to put their limited money. The less income a family has, the higher the percentage that goes to fixed bills like energy, housing and internet. As energy prices rise, energy bills consume an even greater share of families' earnings — known as energy burden.<sup>54</sup>

Crippling energy burdens are not a new phenomenon, but they are worsening, particularly for families of color. Last year more than 20% of families couldn't afford to pay at least one energy bill. The rate was 50% higher (31%) for households of color.<sup>55</sup> COVID-19 turned this crisis into a fatal catastrophe. A national moratorium on utility shutoffs would have reduced COVID-19 deaths by 15%, Duke University researchers found.<sup>56</sup>

**Communities of color bear the brunt of energy insecurity. Decades of discrimination have left communities of color in structurally deficient housing that costs more to heat and cool.**

Communities of color bear the brunt of energy insecurity.<sup>57</sup> The median energy burden of Black households is 43% higher than that of white households. For Native American households it's 45% higher, and for Latino households it's 20% higher.<sup>58</sup>

The legacy of racist redlining — official and unofficial collusion to concentrate racial groups in certain neighborhoods — compounds the risks. Decades of discrimination have left communities of color in structurally deficient housing that costs more to heat and cool.<sup>59</sup> Formerly redlined neighborhoods are today on average 5 degrees Fahrenheit hotter in summer than areas once favored for housing loans. The climate emergency is worsening these conditions.

Though shutoffs are the most severe form of punishing the poor, struggling individuals and families also suffer the impacts of utility debt accumulation — the step before disconnection. Arrearages limit purchasing power and hurt credit scores, preventing people from obtaining home loans and good jobs. Utility companies burden people with unsustainable obligations that relegate them to perpetual poverty. Total U.S. arrearages for electricity and heating bills were estimated at \$16 billion in August 2022.<sup>60</sup>



## MICHIGAN'S DTE ENERGY: PREDATORY COLLECTION PRACTICES

DTE Energy provides electricity and gas to customers in Michigan through its subsidiaries DTE Electric and DTE Gas. It reported 128,806 electric and gas disconnections in 2022. In a comment urging Michigan's utility regulators to deny DTE Energy's latest rate hike request, one customer decried the company's "shameful conduct."<sup>61</sup>

Whether it's the "middle of winter, heat of summer, DTE doesn't care. No thought or respect to consumers; shameful conduct generally."

**DTE CUSTOMER WHO WAS DISCONNECTED THREE TIMES FOR OWING LESS THAN \$200** <sup>62</sup>

As rising fossil gas prices drive rate increases for DTE customers,<sup>63</sup> the company has distinguished itself with a particularly predatory, anti-consumer practice: selling customers' debt to litigious collections agencies.

DTE Energy quietly sold the debt of 290,000 residential customers and nearly 14,000 commercial accounts in 2017, according to an investigation by Outlier Media and ProPublica.<sup>64</sup> DTE is the only utility in the Great Lakes states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin to sell customers' debt, the report found. And DTE sold the debt for cheap, receiving just \$4.8 million from debt collectors now entitled to collect more than \$282 million.

DTE customers have had their wages garnished and tax refunds seized by debt collectors. In response to the investigation, a spokesperson for the Michigan Public Service Commission said state law prohibits regulators from making utility management decisions more pro-consumer.<sup>65</sup>

## Fossil Fuel Price Volatility and the Broken Utility Business Model

Household disconnections are trending higher because of rising methane gas energy prices and inflation. Electricity prices jumped 12% in the past year.<sup>66</sup>

Fossil gas has been a hotspot of price volatility. As of September 2022, the Henry Hub spot price of methane gas had risen 310% over two years.<sup>67</sup> The wholesale price of U.S. fossil gas tripled from the summer of 2020 to the summer of 2021 alone.<sup>68</sup> The Energy Information Administration expects the price to increase even more this winter, resulting in high electricity and heating gas prices driven by rising methane gas prices.<sup>69</sup>

**As utilities continue investing in fossil fuel infrastructure, they guarantee price volatility will burden consumers while shareholders keep profiting.**

This price spike is driven by a familiar boom-and-bust cycle in fossil fuel commodity markets. As the pandemic eased and businesses reopened, demand for fuel rebounded sharply. Oil and gas producers, meanwhile, were slow to respond with increased supply that would have lowered prices and profits.<sup>70</sup> Instead they focused on pleasing investors and avoiding risky capital investment, with price-gouging and hefty dividends ensuring massive profits and satisfied shareholders.<sup>71</sup>

Fossil gas markets lurched in early 2022 as Russia's war on Ukraine led to reduced Russian gas exports to Europe, resulting in a bidding war for limited global supplies of liquified natural gas (LNG). Overseas buyers snapped up a growing share of the LNG produced by newly commissioned U.S. export facilities. The result: The United States is exporting more than one-fifth of all the gas it produces, the most ever.<sup>72</sup>

America's surge in lucrative fossil gas exports is incentivizing a dramatic, years-long expansion of dangerous fossil fuel infrastructure beyond what is required to thwart Europe's immediate energy crisis.<sup>73</sup> The expansion locks in methane emissions and air pollution for decades to come, endangering communities and ecosystems at the sites of fossil gas extraction, pipelines and exports.

Unfortunately, it's consumers who are paying for the volatility of dirty energy prices. Utilities purchasing fossil gas for electricity and gas heating pass higher fuel costs onto consumers in the form of fuel riders. This practice of shifting rising costs onto customers results in higher bills for households.<sup>74</sup> Fuel riders were a popular tool among the utilities with the highest disconnections in 2022.<sup>75</sup> They allow utilities to rely more heavily on gas plants, because customers pay for the fuel regardless of the cost.

In a self-reinforcing downward spiral, rising fossil fuel prices were a major driver in record inflation,<sup>76</sup> which skyrocketed from 1% in January 2021 to 8% in August 2022.<sup>77</sup> Rising inflation without equally rising pay has meant that a household's dollar is stretched even thinner. The resulting higher heating and electric bills are a major contributor to the epidemic of service disconnections discussed here.

This winter, consumers — especially low-income families reliant on fossil gas — are bearing the brunt of this volatility. Heating a house with fossil gas this winter is expected to cost 66% more than it did two years ago. Electricity prices have also risen approximately 12% compared to 2020.<sup>78</sup> The average family could pay more than \$1,200 to heat their home this winter — \$175 more than last winter and \$300 more than the 2020 winter.<sup>79</sup>

As utilities continue to invest in methane gas infrastructure, they are guaranteeing that gas price volatility will continue to burden consumers while shareholders continue to profit.

**TABLE 6**  
**ESTIMATED**  
**WINTER**  
**HEATING**  
**COSTS**  
*2020-21 to 2022-23*

Winter Heating Season	Natural Gas	Electricity	Heating Oil	Propane	All Fuels
2020-21	\$573	\$1,191	\$1,212	\$1,158	\$888
2021-22	\$709	\$1,242	\$1,876	\$1,587	\$1,025
2022-23	\$952	\$1,328	\$2,115	\$1,828	\$1,202
% Difference, 22-23 vs. 21-22	34%	7%	13%	15%	17%
% Difference, 22-23 vs. 20-21	66%	12%	75%	58%	35%

Assumes same consumption in 2022-23 as 2021-22

Data Source: National Energy Assistance Directors' Association, September 2022, available at <https://neada.org/wp-content/uploads/2022/09/winter2022-23PR.pdf>



## Climate Emergency Increases Energy Fragility

Heat waves, freezes and floods in 2022 spotlighted how climate-driven extreme weather boosts demand for electricity and heat, exacerbating the threat of utility disconnections. It also showed the brittleness of a centralized fossil fuel system.

More than half the U.S. was under an extreme heat watch or warning during the summer months.<sup>80</sup> Energy demand for cooling increased as a result.<sup>81</sup> Although 41 states limit utility shutoffs during extreme cold weather events, only 18 do so during heat waves.<sup>82</sup> January 2022's deadly climate-driven superstorm — which put half the country on deep freeze alerts and led to freezing of gas supplies and rolling power outages — also drove up demand and prices for fossil gas.<sup>83</sup>

The climate emergency also reinforces energy insecurity among poor households and communities of color, which are “less able to prepare for, respond to, and recover from disaster events.”<sup>84</sup> Rebuilding can lead to insurmountable costs, making it even more difficult to keep up when utility bills return.

## **The climate emergency reinforces energy insecurity among poor households and communities of color, which are less able to prepare for, respond to, and recover from disaster events.**

Kentucky and Missouri exemplify this pattern. Both states experienced severe flash floods in 2022 and have above-average-to-high poverty rates of 16% and 12%, respectively.<sup>85</sup> Disconnections in both states increased significantly in 2022 over 2021.

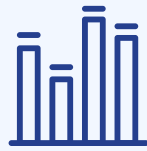
The recent 2022 winter superstorm, like all climate disasters, spotlights the racial inequity of climate impacts and recovery efforts. Blacks suffered disproportionate fatalities, accounting for half of the deaths reported in Buffalo in late December, and appeared to receive slower restoration of power and roads than their white counterparts.<sup>86</sup>

When power shutoffs have been at the utility's discretion in response to climate-fueled disasters, communities of color have been disproportionately targeted. For example, during the 2021 winter storm in Texas, “areas with a high share of minority population were more than four times as likely to suffer a blackout than predominantly white areas.”<sup>87</sup>

This pattern of recovery inequity is consistent with federal relief efforts, where the Federal Emergency Management Agency has disproportionately denied assistance to poor communities of color.<sup>88</sup> Inequitable recovery means that households denied assistance take longer to return to economic security and pay bills on time.

# ANNEX 1: POLICY RECOMMENDATIONS

Lawmakers and regulators must finally address the multiple and complex roots of the utility disconnections crisis. Here are some key policy avenues to begin improving the electric utility sector and ending the racist fossil energy system driving this chronic problem.



## Require Utilities to Disclose Disconnections, Other Key Data.

To understand the full scale of the shutoffs pandemic, all public and private utilities<sup>89</sup> should be required to publicly report data on disconnections at least monthly. Disclosure should be paired with data showing which communities are impacted and how, including but not limited to: dollar amount of arrearages and late fees collected; number of customers participating in deferred payment programs, and the success and failure of these programs; reconnections and reconnection fees; duration of disconnections; ZIP code and demographic data of disconnected households; and energy burdens of disconnected households.



**Federal pathways:** The U.S. Energy Information Administration has the authority to establish a federal reporting database on household disconnections and other relevant data.<sup>90</sup> Congress can also mandate the creation of a federal database and charge an agency to act.



**State pathways:** State utility commissions,<sup>91</sup> legislators<sup>92</sup> and governors have broad authority to collect data on disconnections and other key data.




## Ban Utility Shutoffs, Other Punitive Measures Against the Poor.

The utility industry's custom of shutting off power punishes people for being poor. This barbaric practice — and related punitive measures, like resale of debt to predatory private companies — must end.



**Federal pathways: Congress** should enact a nationwide ban on utility shutoffs and other punitive collection practices for unpaid household utility bills for households meeting poverty criteria,<sup>93</sup> expanding upon a nationwide moratorium on shutoffs passed under the House's HEROES Act and proposed Senate legislation during COVID-19.<sup>94</sup> In September 2022 Reps. Cori Bush, Rashida Tlaib and Jamaal Bowman introduced a resolution recognizing the human right to electric, water and broadband utilities.<sup>95</sup> There is international precedent for broad shutoff bans and for treating electricity as a human right.<sup>96</sup>

 **State pathways:** If Congress does not act, **governors, state legislators and/or state utility commissions** should impose permanent state moratoriums on utility shutoffs for nonpayment for consumers who meet established poverty criteria and who cannot pay their bills. At a minimum they should enact temporary moratoriums for climate-driven extreme weather conditions like heat waves, which drive up energy demand, as well as reconnection criteria that prioritize low-income communities when climate disasters drive power outages. States should also establish shutoffs protections for vulnerable populations, including households with elders, infants, and seriously ill persons.



### **Debt Relief, Federal Assistance, Equity Reforms.**

While stopping the immediate harms of debt and shutoffs, policymakers should advance ideas that lower energy burdens.



**Federal pathways:** **Congress** should vastly increase funding for the Low-Income Home Energy Assistance Program (LIHEAP), which provides energy bill assistance, and the Weatherization Assistance Program (WAP), which helps people afford energy efficiency upgrades, a more durable solution.<sup>97</sup> Administering agencies such as the **Health and Human Services Department**, **Department of Energy**, and **Department of Housing and Urban Development** should also improve methods of funding deployment to efficiently and effectively reach eligible households.<sup>98</sup>

**Congress** should also address mounting arrearages — which, according to NEADA, have doubled from 2019 to an estimated \$20 billion<sup>99</sup> — and design debt-elimination programs for all affected customers, or for a qualifying class of low-income households, using student loan cancellation as a model. Congress should tax utility profits to pay off the debt.



**State pathways:** **State legislators** should work with Congress to design debt relief programs, either retiring balances on a one-time basis or gradually reducing payments.<sup>100</sup> New York recently enacted major debt forgiveness for utility debt accumulated during the COVID pandemic.<sup>101</sup> States should also tax utility profits to pay off the debt.

**State utility commissions** should make bills more affordable by, among other things,<sup>102</sup> establishing payment plans based on percentage of income and providing ways to decrease past-due balances, effectively capping families' monthly liabilities. These steps would protect them against fuel riders and unexpected energy price hikes due to climate-driven weather extremes and fossil fuel price volatility.<sup>103</sup> Regulators should also consider factoring in energy

burdens, energy insecurity, energy poverty and other environmental justice factors when deciding whether utility rates are “just and reasonable.”<sup>104</sup>

**State utility commissions** should halt ineffective and unjust prepayment plans. These plans, where a customer pays for electricity or gas in advance, generally allow the utility to disconnect customers who do not refresh their prepayments, sometimes without reporting the disconnection.<sup>105</sup>

**State utility commissions** should routinely examine safeguards on alternative energy suppliers.<sup>106</sup> Several states with high disconnections allow alternative retail suppliers, which consumer advocates have found leads to higher prices.<sup>107</sup>



### Ditch Fossil Fuels for a Clean, Just, Accountable Energy System

The country must address the underlying conditions that brought us to this point: profit-seeking companies whose business models favor fossil fuel buildout; poor regulation and regulatory capture; and high dollar influence-peddling. Fighting the climate emergency presents a tremendous opportunity to build new energy systems that are nonpolluting, distributed, climate-resilient, affordable and politically accountable. Distributed energy resources (DERs) – including rooftop and community solar paired with energy storage, demand-side management, and energy efficiency technologies – can deliver on multiple fronts to redress chronic energy injustice if deployed equitably.

As a foundation for state-level reform, public utility commissions need fundamental transformation to be held accountable to the public, as detailed by the Chisholm Legacy Project.<sup>108</sup>

In passing the 2022 Inflation Reduction Act, Congress provided necessary clean energy tax incentives, but lawmakers at both state and federal levels must hold utilities accountable and stop their obstruction of clean energy, energy efficiency, and other alternatives that will power a just energy future.




**Federal Pathways:** The **Biden administration** should phase out the country’s reliance on fossil fuels, including halting new fossil fuel production and infrastructure using existing executive powers.<sup>109</sup>

The **Federal Trade Commission** should heed public calls for an industry-wide investigation of the electric industry’s abusive practices that stifle renewable energy competition and undermine consumer protection.<sup>110</sup> The **Federal Energy Regulatory Commission** should block utilities from spending ratepayers’ funds on anti-environmental political lobbying.<sup>111</sup>

**Congress** should enact measures prioritizing the development of distributed and community-owned solar and storage in environmental justice communities; it should support alternative models of accountable public power.<sup>112</sup> **The Biden administration** should implement distributed energy measures to meet its Justice40 initiative goals, which commit to deliver 40% of federal investments “in climate and clean energy to disadvantaged communities.”<sup>113</sup>

**Congress** should pass laws to curtail disastrous ongoing subsidies that keep the fossil fuel industry afloat and tax the industry’s windfall profits, including the Big Oil Windfall Profits Tax Act.<sup>114</sup>

 **State Pathways: State utility commissions** should adopt strong utility accountability mechanisms, including performance-based ratemaking that rewards utilities for their performance rather than for building new infrastructure.<sup>115</sup> This should include making utilities bear the cost of fossil fuel price volatility instead of passing it on to ratepayers.<sup>116</sup>

**State utility commissions** should oppose utility efforts to impose fixed charges and related measures, such as gutting net energy metering, and making it harder for rooftop solar, community solar and other decentralized energy solutions to thrive.<sup>117</sup> **State legislators** should establish distributed rooftop and community solar programs and energy efficiency programs that prioritize environmental justice communities with direct grants and financial assistance.<sup>118</sup> Those who suffer the brunt of the racist fossil energy system should be the first to receive access to clean, affordable, resilient energy.

**State and local governments** can explore alternative systems of accountable public and community-owned power, as in New York<sup>119</sup> and Maine.<sup>120</sup>

# ANNEX 2

The full utilities data table can be found [here](#).

**TABLE 7**  
**HALL OF SHAME**

*Cumulative Disconnects,  
January 2020-October 2022*

Parent Company (electric)	Utility	Total Disconnects 2020	Total Disconnects 2021	Total Disconnects 2022 (through Oct)	Cumulative Total Disconnects 2020 to Oct 2022
Exelon Corp (IL, MD, PA, DC)	Commonwealth Edison	50,380	177,887	225,827	454,094
	PECO Energy Co	59	76,487	67,359	143,905
	Baltimore Gas and Electric Company	7,902	27,846	60,659	96,407
	Pepco Holdings Inc	6,700	18,058	8,849	33,607
	Potomac Electric Power Company	3,238	0	3,810	7,048
	Delmarva Power	1,344	4,560	2,075	7,979
<b>Exelon Corp Total</b>		<b>69,623</b>	<b>304,838</b>	<b>368,579</b>	<b>743,040</b>
The Southern Co. (GA)	Georgia Power	103,330	237,048	198,463	538,841
<b>The Southern Company Total</b>		<b>103,330</b>	<b>237,048</b>	<b>198,463</b>	<b>538,841</b>
DTE Energy (MI)	DTE Energy	80,606	178,187	118,699	377,492
<b>DTE Energy Total</b>		<b>80,606</b>	<b>178,187</b>	<b>118,699</b>	<b>377,492</b>
Ameren Corp (IL, MO)	Ameren Illinois	22,830	55,960	57,588	136,378
	Ameren Missouri	36,515	67,726	53,100	157,341
<b>Ameren Corp Total</b>		<b>59,345</b>	<b>123,686</b>	<b>110,688</b>	<b>293,719</b>
FirstEnergy Corp (MD, PA, OH)	Metropolitan Edison Company	71	26,941	27,289	54,301
	West Penn Power Company	22	16,147	20,164	36,333
	Pennsylvania Electric Company	4	20,354	19,573	39,931
	Ohio Edison Company	5,799	34,505	13,054	53,358

Parent Company (electric)	Utility	Total Disconnects 2020	Total Disconnects 2021	Total Disconnects 2022 (through Oct)	Cumulative Total Disconnects 2020 to Oct 2022
	The Cleveland Electric Illuminating Company	1,403	12,831	8,240	22,474
	The Toledo Edison Company	2,205	18,069	6,886	27,160
	Pennsylvania Power Company	0	2,416	3,083	5,499
	Potomac Edison	67	226	178	471
<b>FirstEnergy Corp Total</b>		<b>9,571</b>	<b>131,489</b>	<b>98,467</b>	<b>239,527</b>
PPL Corp (PA, KY)	PPL Electric Utilities Corporation	0	30,843	32,720	63,563
	Kentucky Utilities Company	15,025	30,043	27,572	72,640
	Louisville Gas and Electric	15,031	23,555	20,766	59,352
<b>PPL Corp Total</b>		<b>30,056</b>	<b>84,441</b>	<b>81,058</b>	<b>195,555</b>
American Electric Power Co Inc (OH, KY, MI, IN)	Ohio Power Company	65,568	162,644	59,694	287,906
	Indiana Michigan Power Company	27,519	34,347	10,057	71,923
	Kentucky Power Company	1,970	8,136		13,236
<b>American Electric Power Co Inc Total</b>		<b>95,057</b>	<b>205,127</b>	<b>72,881</b>	<b>373,065</b>
Duke Energy Corp (FL, IN, KY, NC, SC, OH)	Duke Energy Carolinas, LLC	50,107	34,764	30,029	114,900
	Duke Energy Progress, LLC	49,757	61,377	14,086	125,220
	Duke Energy Ohio	12,566	40,526	6,436	59,528
	Duke Energy Indiana, LLC	25,233	45,426	6,346	77,005
	Duke Energy Kentucky Inc	2,307	7,657	1,141	11,105
	Duke Energy	78,396	135,914	0	214,310

Parent Company (electric)	Utility	Total Disconnects 2020	Total Disconnects 2021	Total Disconnects 2022 (through Oct)	Cumulative Total Disconnects 2020 to Oct 2022
<b>Duke Energy Corp Total</b>		<b>218,366</b>	<b>325,664</b>	<b>58,038</b>	<b>602,068</b>
NextEra Energy (FL)	Gulf Power	4,308	44,170	0	48,478
	Florida Power & Light Company	437,385	694,349	0	1,131,734
<b>NextEra Energy Total</b>		<b>441,693</b>	<b>738,519</b>	<b>0</b>	<b>1,180,212</b>
AES Corp (IN, OH)	Dayton Power and Light Company	7,249	20,943	6,912	35,104
	Indianapolis Power & Light Company	37,103	75,769	4,780	117,652
<b>AES Corp Total</b>		<b>44,352</b>	<b>96,712</b>	<b>11,692</b>	<b>152,756</b>
CMS Energy Co (MI)	Consumers Energy	24,511	80,849	43,348	148,708
<b>CMS Energy Co Total</b>		<b>24,511</b>	<b>80,849</b>	<b>43,348</b>	<b>148,708</b>
Emera Inc (FL)	Tampa Electric Company	44,464	40,699	0	85,163
<b>Emera Inc Total</b>		<b>44,464</b>	<b>40,699</b>	<b>0</b>	<b>85,163</b>



## ANNEX 3: METHODOLOGY

To compile the data for this report, the authors reviewed available disconnection data for all 50 states, Washington, D.C., and Puerto Rico from January 2022 through October 2022. Disconnection data was retrieved by reviewing state and territory utility dockets and calling state commissions where the data was not identifiable online or where public information requests were necessary.

### **Dataset**

The resulting data set includes shutoff data from 30 states and the District of Columbia, where they were made available. Of these, only 13 states and D.C. require utilities to disclose monthly information on power shutoffs. Another 17 states require occasional or delayed disclosure (e.g. annual, quarterly, or time-lagged monthly reporting).

States began reporting data at various times. In many cases the reporting started in early 2020 because of state requirements to disclose disconnection data in response to COVID-19. In a handful of states, these measures have expired — most notably Florida, which reported the most shutoffs in 2021.

Regulators in 20 states and Puerto Rico do not require their utilities to track and publicize the number of times they shutoff households' power every year.

Cumulative data were compiled by combining 2022 findings with data from our earlier reports in this series.

### **Adjustment to Exclude Rapid Reconnections**

Reconnection data for all 50 states, Washington, D.C., and Puerto Rico were reviewed. Reconnection reporting requirements varied by state. Some states did not require any reconnection reporting, while others did not indicate the time from disconnection to reconnection. Where we could prove power was reconnected within 24 hours of disconnection, we excluded these cases from utilities' disconnect totals in those months.

We deemed reconnections within 24 hours to mitigate the impact of a disconnect but considered longer periods without service too harmful to be excluded. Being without electricity for more than 24 hours can render homes uninhabitable and prove life-threatening due to inoperability of lifesaving medical equipment, temperature extremes, and similar outcomes. Reconnections with no specified time frame were recorded and not subtracted from disconnection totals.

## Utility Service Type

The disconnection data set delineates gas and electric utilities under the column titled *Service Type*. However, while several utilities separate electric and gas disconnections in their docket compliance filings, others do not. Those that do not are listed as “gas/electric” in our dataset and their shutoffs are treated as electric disconnections.

## Customer Class

Although our data is focused on tracking residential utility disconnections, several states and utilities do not distinguish between residential and commercial customer classes in their filings. Since most of these utilities’ customers are residential, we erred on the side of over-inclusion and used values that may include some nonresidential disconnections.

## Year-Over-Year Comparisons

For this report we collected data from January through October 2022. For earlier iterations of this report, we had full-year data sets (covering January through December 2020 and 2021). To ensure accurate apples-to-apples comparisons of year-over-year data, we compared datasets during the same time periods across years.

Moreover, as states with disconnection data differed in their latest month of reporting, year-on-year comparisons were state-specific and compared data made available in 2022 against the same period in 2021. For example, for states that disclosed data from January through October 2022, data from January through October 2021 was used as a comparison, as opposed to all of 2021. For states that only had data through March, like Arizona and South Dakota, January through March 2021 was used as a comparison for January through March 2022. The aggregated totals for 2022 thus represent all the available data, but for Tables 1-4 the data for 2021 only includes disconnections from each respective state’s reporting period.

## Extrapolation

In our findings section, we extrapolated disconnection and residential customer data from our top seven utilities to estimate how many times utilities disconnected customers across the country, including in states where there is no reporting. Specifically, we took an average of the top utilities’ disconnection rates and applied it to the total number of utility customers in the country (139,780,608).<sup>121</sup> This approximation comes with a few caveats, including that households can be disconnected multiple times. That limits the precision of a result based on multiplying disconnection rates by the total number of U.S. households. Specifically, total disconnects may account for a smaller percentage of a utility’s base of

customers if some households are experiencing chronic energy insecurity and experience frequent shutoffs throughout the reporting period.

## **Financial Data**

As a proxy for the average cost to cover a customer's unpaid bill, we used the average U.S. monthly residential electric utility payment of \$106, as determined by Vote Solar.<sup>122</sup> The utility industry standard is to initiate shutoff procedures after one month of nonpayment.<sup>123</sup> Utility parent corporations were reviewed in Bloomberg to determine if they were publicly traded or privately held entities. Corporate financial data for the publicly traded corporations, including profits, dividends, share buybacks, and executive compensation, were pulled from publicly available 10-K and DEF 14A filings retrieved from the SEC's EDGAR database.

Corporate share buyback data for publicly traded companies listed in the United States is reported as a dollar value of shares repurchased per quarter. Foreign companies are not subject to the same reporting requirements, do not report repurchased shares, or only report the number of shares, not the value of those shares. Buybacks reported as a number of shares were excluded from the report due to the inaccuracies that would arise from assuming an average trade price.

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  - 38 The group consists mainly of companies that solely operate utilities, but also includes the conglomerates JP Morgan Chase & Co. and Berkshire Hathaway. Both companies own utilities where we documented shutoffs.
  - 39 Securities and Exchange Commission disclosure rules require companies to name



and detail compensation to certain executive officers. The number of officers can vary due to personnel changes and differing corporate structure. Average compensation to individual executives within the Hall of Shame is calculated based on the number of officers disclosed in a given year. For this broad comparison of all disclosed pay to Named Executives Officers, however, the number of officers is considered only in the aggregate.

- 40 This calculation assumes an average amount needed to cure an arrearage of \$106. For more details please see Methodology ([Annex 3](#)).
- 41 Payments were to 72 executives in 2019, 66 in 2020, and 68 in 2021.
- 42 A broader recent review by Energy and Policy Institute found utility CEOs at 58 companies received compensation totaling \$2.7 billion from 2017-2021, and CEO pay rose 40% in that period. This complimentary study excludes pay to other top executives. <https://www.energyandpolicy.org/utility-ceos-received-2-7-billion-in-executive-compensation-from-2017-2021/>
- 43 E.g. excluding financial conglomerates like JPMorgan Chase & Co and Berkshire Hathaway Co. that are included in the list because they own utilities reporting shutoffs.
- 44 Exelon Corp.'s subsidiaries: Commonwealth Edison (IL), Baltimore Gas and Electric Company (MD), Delmarva Power (MD), and Pepco Holdings Inc. (MD), Pennsylvania [PECO Energy Co. (PA), Potomac Electric Power Company (DC)
- 45 The Southern Co.'s subsidiary: Georgia Power (GA)
- 46 FirstEnergy Corp's subsidiaries: Potomac Edison (MD), Pennsylvania Metropolitan Edison Company (PA), Pennsylvania Electric Company (PA), Pennsylvania Power Company (PA), and West Penn Power Company (PA), The Cleveland Electric Illuminating Company (OH), Ohio Edison Company (OH), and The Toledo Edison Company (OH)
- 47 PPL Corp's subsidiaries: LG&E (KY) and KU Energy LLC (KY)
- 48 American Electric Power's subsidiaries: Ohio Power Company (OH), Kentucky Power Company (KY), Indiana Michigan Power Company (MI) (IN)
- 49 NextEra Energy's subsidiaries: Gulf Power (FL) and Florida Power & Light Company (FL)
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- 115 Utilities should be held accountable for adequate service and their compensation should be tied to their efforts to mitigate the climate crisis. Adequate consideration of non-energy benefits, including public health improvements and reduction in local and global pollution, will create suitable metrics for performance based ratemaking. <https://www.utilitydive.com/news/performance-based-regulation-seeking-the-new-utility-business-model/557934/>
- 116 Several commentators have urged that by compelling utilities to absorb even as little as 2 or 3 percent of fuel risk, they would have tremendous incentives to lower fuel contract costs, increase efficiency, and invest in lower-cost energy sources like wind and solar. Albert Lin and Joe Daniel, “Electricity Customers Are Getting Burnt by Soaring Fossil Fuel Prices,” Rocky Mountain Institute, June 23, 2022, [https://bailout.cdn.prismic.io/bailout/6d3d3f34-8a75-4ed5-9d42-225446bd32a8\\_Powerless\\_Report\\_v6.pdf](https://bailout.cdn.prismic.io/bailout/6d3d3f34-8a75-4ed5-9d42-225446bd32a8_Powerless_Report_v6.pdf). Regulators should also work with legislators to ensure that gas infrastructure and replacement bill riders are not automatic. These mechanisms allow utilities to shortcut the regulatory process and have proven to be a way for the companies to recover investments without sufficient oversight. In Illinois, for instance, this type of surcharge has led to an affordability crisis with gas customers. Scarr, Abe, *Testimony before the House Public Utilities Committee in support of House Bill 3941*, Illinois PIRG (Feb. 9, 2022), <https://pirg.org/illinois/articles/testimony-before-the-house-public-utilities-committee-in-support-of-house-bill-3941/>.
- 117 See, e.g., Center for Biological Diversity, Petition for Rulemaking to Amend the Uniform System of Accounts’ Treatment of Industry Association Dues (Mar. 17, 2021), [https://www.biologicaldiversity.org/programs/energy-justice/pdfs/FERC\\_Petition\\_Trade\\_Group\\_Dues\\_031721.pdf](https://www.biologicaldiversity.org/programs/energy-justice/pdfs/FERC_Petition_Trade_Group_Dues_031721.pdf).
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Summary: Testimony Testimony of Selah Goodson Bell filed by Karin Nordstrom on behalf of the Ohio Environmental Council electronically filed by Ms. Karin Nordstrom on behalf of Ohio Environmental Council.