

# **Draft Resolutions Submitted for Consideration by the NARUC Standing Committees**

at the

**November 13-16, 2022**

**Annual Meeting and Education Conference**

**In New Orleans Louisiana**

*These are DRAFTS and may well change substantially before, or during consideration by, the NARUC standing Committee meetings, or, if they passed that committee, during the subsequent consideration by the NARUC Board of Directors. Until passed by the Board, they are not NARUC Policy.*

*If you are interested in a particular resolution, you should read the entire draft and not rely on the truncated description in the Table Contents.*

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## **Committee on Energy Resources and the Environment**

*ERE- 1 Resolution on the Urgency of Preparing for Widespread Transportation Electrification*

Sponsor: Cmr. Michael Richard: (1031 11.58 a.m. vz received from Joey Chen)

## **Committee on Telecommunications**

*TC-1 Resolution on Protecting Significant Infrastructure Policy Interests and Public Investments Impacting State Residents and Businesses*

Sponsor: Cmr. Tremaine Phillips (11.11 PM vz received from Cmr. Ridder)

## **Water Committee**

*WTR – 1 Resolution Calling for Permanent Annual Federal Funding for a Low-Income Water and Wastewater Assistance Program*

Sponsor: Cmr. Mary Anne Holden ((1109 1:58 p.m. vz received from Cmr. Holden)

*WTR – 2 Resolution Supporting Fair and Equal Customer Access to Federal and State Drinking Water and Wastewater Funding Programs*

Sponsor: Cmr. Jeff Hughes (1031 4:37 p.m. vz received from Cmr. Hughes)

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**I. Committee on Energy Resources and the Environment Page 3**

*ERE- 1 Resolution on the Urgency of Preparing for Widespread Transportation Electrification*

Resolution recommends that DOE, DOT, JOET, NASEO, & State DOTs [1] work with NARUC to develop resources/training programs to address issues presented by widespread EV adoption, e.g., timely & efficient federal funding, accommodating growth of EV charging, costs and benefits of EV adoption, deployment of charging infrastructure, and rate design issues; and [2] work with utilities to ensure that new investments are coordinated with existing programs and minimize costs.

**II. Committee on Telecommunications Page 5**

*TC-1 Resolution on Protecting Significant Infrastructure Policy Interests and Public Investments Impacting State Residents and Businesses*

Resolution calls on Congress and the FCC, going forward, to ensure that significant federal and state broadband policy objectives and investments are capable of delivering the results promised, and to this end that either Congress or the FCC confirm or specify specific State authority to, among other things, enforce FCC or Congressionally established minimum service quality standards for federally subsidized services or provided over federally subsidized infrastructure, so that federally subsidized carriers operating in multiple jurisdictions would operate with minimum uniform requirements.

**III. Water Committee Page 7**

*WTR – 1 Resolution Calling for Permanent Annual Federal Funding for a Low-Income Water and Wastewater Assistance Program*

Resolution urges Congress to provide permanent annual funding for a federal low-income water and wastewater assistance program.

*WTR – 2 Resolution Supporting Fair and Equal Customer Access to Federal and State Drinking Water and Wastewater Funding Programs*

Resolution urges Congress and state general assemblies to take steps and make any necessary program modifications in federal and state law to assure that customers served by private utilities have fair and equal access to federal and state water and wastewater programs.

***ERE-1 Resolution on the Urgency of Preparing for Widespread Transportation Electrification***

*Whereas* the transition to electric-drive vehicles can provide substantial economic, environmental, and public health benefits for consumers and is a key strategy to decarbonizing the transportation sector for a growing number of States;

*Whereas* automobile, truck and bus manufacturers have announced plans to offer more than 130 models of electric-drive vehicles by 2026, including more light-duty vehicles as well as fleet vehicles and medium- and heavy-duty trucks, and invest over \$330 billion dollars in electrification and associated research and development by 2025, making those vehicles more affordable and increasing their performance;

*Whereas* numerous States and cities have already taken significant actions and made binding commitments to speed the deployment of charging infrastructure and promote adoption of electric-drive light-, medium-, and heavy-duty vehicles, providing a foundation upon which national actions and collaborations can build;

*Whereas* many of America’s investor-owned electric utilities have partnered with customers from the public and private sector to deploy electric vehicle charging infrastructure, educated their customers about the benefits of electric vehicles and fleet electrification, and received approval to implement rates and programs to encourage electric vehicle charging in a manner that improves grid utilization and helps integrate intermittent renewable generators, yielding benefits to all electric utility customers;

*Whereas* the Infrastructure Investment and Jobs Act (“II&JA”) allocates \$7.5 billion to support deployment of EV charging within communities and along transportation corridors, including the \$5 billion National Electric Vehicle Formula (“NEVI”) Program—which provides formula grant funds to all 50 States to acquire, install, operate, and maintain EV chargers, with the goal of building a national EV network—and \$2.5 billion in grant funding for community-based charging and alternative fuel corridors to be disbursed by DOT via a competitive grant process that prioritizes rural areas, low- and moderate-income neighborhoods, and other communities with limited access to convenient charging, in addition to \$4.5 billion for port upgrades and electrification, \$5 billion to fund zero emission and clean school buses, more than \$5 billion to fund low- and no-emission transit buses, and \$3 billion in DOE matching funding for Smart Grid technologies, including EV charging, and vehicle-to-grid technologies;

*Whereas* the II&JA creates a new Joint Office of Energy and Transportation (“Joint Office”) to oversee disbursement of these monies;

*Whereas* the II&JA requires the DOT and DOE to issue guidance to the States that will address “fostering enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure, and it directs the States to develop grant programs to disburse awarded funds by \_\_\_\_\_, subject to DOT-issued guidelines;

*Whereas* the Inflation Reduction Act (“IRA”) further commits nearly \$370 billion in direct federal investments in programs to address climate change and energy production, including new and extended tax credits for electric vehicles and electric vehicle charging equipment;

*Whereas* State Energy Offices in every region of the nation are integrating electric distribution system and EV charging infrastructure planning and policy, coordinating with environmental agencies in the investment of \$2.9 billion in VW settlement funds, collaborating with utilities and local governments on EV infrastructure planning, and spearheading State and regional governor-designated EV infrastructure deployment actions and policies;

*Whereas* State Departments of Transportation are responsible for implementing certain II&JA programs, including the \$5 billion NEVI Program, that provide funding for EV infrastructure deployment, in partnership with utilities and other stakeholders;

*Whereas* timely and efficient administration of the funding allocated by the II&JA and other federal funding sources will require an unprecedented scope and a degree of collaboration and coordination between local, State and national government entities, regulators and electric utilities, utilities and the automotive industry, as well as a host of other relevant stakeholders;

*Whereas* EV charging can place significant new demands on local distribution systems, rapid innovation in charger and vehicle technology is steadily increasing the connected load of fleet depots and DC fast charging plazas, which together with the clustering of personal electric vehicle charging in residential areas could result in concentrated loads of several megawatts;

*Whereas* utility regulators in more than 30 States have already authorized electric companies to deploy more than \$3 billion for transportation electrification investments, of which more than \$800 million will be directed toward historically marginalized communities;

*Whereas* utility regulators have specific expertise in understanding the impacts of electric vehicle adoption on the power system and electric utility rates, regulators can apply their expertise in establishing policy and reviewing plans to serve EV charging load in a way that ensures it is done in a cost-effective manner that keeps pace with the speed of transportation electrification while maintaining reliability, resilience and safety, and without unduly burdening customers who do not drive or own electric vehicles; *and*

*Whereas* the II&JA also commits substantial federal dollars to grid investments and improvements, utility regulators can apply their expertise and decision-making processes to determine which utility investments present reliable value propositions that support the spirit of the II&JA; *now, therefore be it*

*Resolved* that the National Association of Regulatory Utility Commissioners (“NARUC”), convened at its 2022 Annual Meeting and Education Conference in New Orleans, Louisiana, recommends that the U.S. Department of Energy, U.S. Department of Transportation, Joint Office of Energy and Transportation, National Association of State Energy Officials, and State departments of transportation move swiftly to work with and support NARUC to develop resources and training programs to address the policy and planning issues presented by widespread adoption of electric-drive vehicles, including the timely and efficient deployment of federal funding, planning to accommodate the growth of EV charging on the grid, the costs and benefits of electric vehicle adoption, the equitable and cost-effective deployment of electric vehicle charging infrastructure, and rate design considerations for electric vehicle charging; *and be it further*

*Resolved* that NARUC also recommends that the aforementioned federal and State officials work with local utilities to ensure that new investments are coordinated with existing programs and efforts with the goal of managing EV usage to minimize cost to customers and deploying EV charging infrastructure and making related, necessary electric grid upgrades in the most effective, efficient, and equitable manner possible in light of specific community needs.

*Passed by the Committee on Energy Resources and the Environment on \_\_\_\_\_.*  
*Adopted by the NARUC Board of Directors on \_\_\_\_\_.*

***TC-1 Resolution on Protecting Significant Infrastructure Policy Interests and Public Investments  
Impacting State Residents and Businesses***

*Whereas* the Federal Universal Service Fund (“FUSF”) has provided billions of dollars to carriers throughout the United States supporting the buildout of broadband;

*Whereas* many States have Universal Service Funds which augment and expand the reach of the FUSF to build broadband networks and to provide ongoing maintenance to carriers for service;

*Whereas* still more public dollars are flowing into the development of broadband networks with the 2020 Coronavirus Aid, Relief, and Economic Security Act, State General Funds, the American Recovery Plan Act, among others;

*Whereas* Congress has recognized, with the passage of the 2021 Infrastructure Investment and Jobs Act, that investment in broadband networks is an investment into infrastructure;

*Whereas* poor service quality and a lack of dependable service are a much too common broadband complaints received by State Commission Telecommunications Departments;

*Whereas* States, including those whose own Funds are complementing FUSF subsidies for buildout of broadband networks, continue to be targets for wasteful litigation over whether they can be preempted by the Federal Communications Commission (“FCC”) or federal law from addressing service quality issues;

*Whereas* once a State funds a broadband project and it is built, the fiber is lit and customers are signed up or the quadrant is activated, from that point forward the State often has little ability to remedy customer complaints. Subscribers, including residential consumers, businesses, and many state lawmakers, do not understand this and are surprised that States regulate land line telephone service, but not contemporary communications mediums;

*Whereas* the States are uniquely positioned to ensure that the public investments already made, and soon to be made, in broadband service are carried out and maintained as public investment should be. The States are closer to the ground, closer to the subscriber and to the carrier, and thus have a real personal stake in the public’s trust and the investment of public dollars when infrastructure shows stress and begins to crumble;

*Whereas* clarity on each State’s ability to protect federally subsidized infrastructure and services will ensure that the dollars invested today are still fulfilling their intended purpose into the future; will ensure that the taxpayers funding this expansion has received the full value of their investment; and will ensure there is an entity who can and will respond should a carrier fail to appropriately maintain its investment; *and*

*Whereas* Congress and the FCC have the ability to clarify the scope of the current 47 U.S.C. § 214 provisions regarding Eligible Telecommunications Carrier designations, much like was done in the creation of the Federal Motor Carrier Safety Assistance Program in the late 1970’s and early 1980’s, to clarify the States’ authority to ensure that the public money invested to provide broadband service is appropriately utilized; to clarify States’ authority to ensure that after construction is completed, the subsidized facilities deployed continue to provide the level of service paid for; and clarify that States may also enforce federal service quality minimum requirements on services subsidized by the Affordable Connectivity Program that are provided by non-ETCs and ETCs not designated by a State Commission, *now, therefore be it*

*Resolved* that the National Association of Regulatory Utility Commissioners (“NARUC”), convened at its 2022 Annual Meeting and Education Conference in New Orleans, Louisiana, calls on Congress and the

FCC to ensure that significant federal and state broadband policy objectives and investments are capable of delivering the results promised, and to this end, that either Congress or the FCC confirm or specify specific State authority to, among other things, enforce FCC or Congressionally established minimum service quality standards for federally subsidized services or provided over federally subsidized infrastructure, so that federally subsidized carriers operating in multiple jurisdictions would operate with minimum uniform requirements to perform their businesses.

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*Passed by the Committee on Telecommunications on November \_\_\_\_, 2022.  
Adopted by the NARUC Board of Directors on November \_\_\_\_, 2022*

***WTR- 2 Resolution Supporting Fair and Equal Customer Access to Federal and State Drinking Water and Wastewater Funding Programs***

*Whereas* high quality, safe and environmentally sound drinking water and wastewater treatment services are essential to life, community health, and the economy;

*Whereas* the fair and equal treatment of water and wastewater utility customers is a priority of the National Association of Regulatory Commissioners (NARUC) as recognized in its recent resolution on Water Equity passed February 16<sup>th</sup>, 2022;

*Whereas* federal and state governments have long recognized that that there is an important role for taxpayer-funded water and wastewater grant and loan programs and as a result have created and funded a number of different programs designed to address environmental quality, public health, aging infrastructure and economic development.

*Whereas* the Infrastructure Investment and Jobs Act (IIJA) was passed with bi-partisan support in 2021 and commits more than \$50 billion towards water and wastewater funding programs;

*Whereas* the White House describes the IIJA as “a once-in-a-generation investment in our nation’s infrastructure” and as “historic legislation” that will “deliver clean water to all American Families;”

*Whereas* the congressional member that first sponsored the bill states that the bill “will ensure that clean, safe drinking water is a right in all communities;”

*Whereas* approximately/over 25 million??? people (\*\*THIS IS ROUGH ESTIMATE that needs to be verified/corrected )within thousands of communities in urban, suburban, and rural areas of the United States are served by privately owned water and wastewater utilities;

*Whereas* a disproportionate number of the nation’s small water systems are owned by private utilities, and the Environmental Protection Agency (EPA) and other regulatory agencies have long acknowledged that small water systems in general need the most external support;

*Whereas* the number of customers served by privately owned wastewater systems has increased substantially since 1987, the year when the nation’s largest federal wastewater funding program, the Clean

Water State Revolving Fund, was authorized without allowing privately owned wastewater customers to benefit from the Fund;

*Whereas* privately owned water and wastewater utilities provide service in many areas where no other government or non-profit utilities exist or are willing to provide service;

*Whereas* customers served by privately owned water and wastewater utilities are subject to the same rate pressures and financial hardships caused by the need to invest to address environmental and public health threats, and properly maintain and upgrade aging infrastructure;

*Whereas* under federal and some state laws, customers and communities served by privately owned utilities are excluded from directly benefiting from many of the water and wastewater funding opportunities included in the IIJA;

*Whereas* even though privately owned water utilities are eligible for the Drinking Water State Revolving Fund under federal law, some states prohibit customers of privately owned utilities from benefitting;

*Whereas* customers served by privately owned utilities pay the same federal and state taxes that are used to fund water and wastewater assistance programs that customers served by government-owned and other non-profit water utilities pay;

*Whereas* the vast majority of states have state utility regulatory commissions that regulate and monitor private utilities, and enforce regulatory, accounting and rate-setting practices that result in the financial benefits of federal and state funding being directly passed through to customers; *and*

*Whereas* the federal and state programs that do provide access to customers of private utilities, including the Drinking Water State Revolving Fund and the Low-Income Household Water Assistance Program, have demonstrated the extremely positive impact federal and state programs can have on customers and communities; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2022 Annual Meeting and Education Conference in New Orleans, Louisiana, urges Congress and state general assemblies to take steps and make any necessary program modifications in federal and state law to assure that customers served by private utilities have fair and equal access to federal and state water and wastewater programs; *and be it further*

*Resolved*, that NARUC, through its Committee on Water, stands ready to assist state and federal agencies and governing bodies identify and address the barriers which limit customer access to water and wastewater funding programs.

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*Passed by the Committee on Water on November , 2022.*

*Recommended by the NARUC Board of Directors on November , 2022.*