

# RESOLUTIONS

PASSED BY

NARUC BOARD OF DIRECTORS

AT THE

**2022 SUMMER POLICY SUMMIT**

OF THE

**NATIONAL ASSOCIATION OF  
REGULATORY UTILITY COMMISSIONERS**

**(UPDATED: JULY 20, 2022)**

*Important Caveat: The descriptions in the Table of Contents are truncated. If you are interested in the topic, you should read the entire resolution to get a better idea of what is being proposed.*

**(Questions? Contact Brad Ramsay at 202.898.2207 or [jramsay@naruc.org](mailto:jramsay@naruc.org))**

## **I. Committee on Electricity**

**PAGE 1**

### **EL-1 Resolution on Improving Resilience, Sustainability and Security of Clean Energy Supply Chains**

*The resolution finds it imperative for state and national energy independence and security that the US Congress and federal government continue to enact and implement comprehensive policies and programs to expeditiously improve the resilience and sustainability of clean energy supply chains and diverse technologies, through increased, sustained, and responsible investment in research, development, demonstration and commercial activity as well as policies to advance domestic clean energy component manufacturing and capabilities for mining, manufacturing, and processing of critical minerals and rare earth elements. The resolution states that NARUC: [1] Supports federal policies and programs that promote and support supply chain diversity and US production and processing capabilities, such as tax incentives or other policies to encourage domestic manufacturing of clean energy components and technologies, as well as domestic production and processing of critical materials, including enhancing recycling and re-use capabilities, beneficial use of coal ash or other byproducts; [2] Acknowledges the important role of consistent supply chain disclosures to support buyers of clean energy technologies, including the state and federal government and utilities, in supporting increased responsible manufacturing of clean energy technologies in the United States and other economies with strong environmental, governance, and social profiles; and [3] Recognizes the importance of collaboration with the federal government, states, tribes, utilities, academia, industry, non-governmental organizations, communities and consumers on clean energy supply chain policy development and implementation, including research, funding opportunities, and capacity building for states, utilities, and other partners.*

## **II. Committee on Telecommunications**

**PAGE 3**

### **TC -1 Resolution for Federal and State Entities to Promote Consumer Awareness of the Affordable Connectivity Program and Share Database Access to Automatically Verify the Eligibility of Consumers for the Program.**

*The resolution requests that state commissions, the Federal Communications Commission (FCC), and the Universal Service Administrative Company (USAC) work collaboratively with federal and state agencies that implement programs whose target participants are eligible for Lifeline and the Affordable Connectivity Program to promote awareness of the Program among eligible households and urges the FCC and USAC to establish agreements with federal and state departments of agriculture and the health and human services, and other federal and state agencies implementing programs that establish consumers' eligibility for Lifeline and ACP.*

**NOTE – the Critical Infrastructure chose not to take up EL-1 and The Select Committee on Regulatory and Industry Diversity postponed consideration of SCRID-1 - a Resolution for NARUC to Expand and Develop DE&I Programming - to a future meeting**

## I. Committee on Electricity

### EL-1 *Resolution on Improving Resilience, Sustainability and Security of Clean Energy Supply Chains*

*Whereas* numerous electric utilities, corporations, local and state government entities, and the federal government have established clean energy and climate policies and goals that will rely on stable and resilient energy resources, including clean and renewable energy technologies, transmission and distribution modernization, resource diversity, and electrification of the transportation sector;

*Whereas* resilient and diverse clean energy supply chains are necessary to meet these clean energy policies in a cost-effective and timely manner;

*Whereas* increased domestic production and manufacturing of clean energy technologies, including their components and raw materials, would expand access to diverse supply sources that can keep prices stable and competitive over the long term, allow more timely installation of technologies, and bring other benefits in terms of economic development and energy independence, thereby benefitting customers;

*Whereas* clean energy technologies such as solar, wind, and batteries require large amounts of raw and processed materials and components that are currently import dependent. Challenges currently exist in clean energy supply chains due to heavy market concentration of critical raw material mining, processing and component manufacturing operations overseas, international trade disputes, manufacturing disruptions and logistics challenges, labor shortages and workforce development issues, efficient implementation of the Uyghur Forced Labor Prevention Act and environmental concerns (Bipartisan Policy Center, <https://bipartisanpolicy.org/blog/getting-serious-about-critical-materials-the-iiija-and-energy-act-of-2020/>);

*Whereas* uncertainty and disruption of these supply chains can and do delay clean energy projects, impede clean energy goals of states, companies, and electric utilities; increase costs for customers; and left unaddressed, create national and energy security risks;

*Whereas* the federal government recently took steps to strengthen domestic supply chains for clean energy, including provisions in the Energy Act of 2020 and the Infrastructure Investment and Jobs Act (“IIJA”) of 2021. These provisions promote research, development, demonstration, and commercial activity (“RDD&CA”) to create substitutes for critical minerals and rare earth elements, enhance recycling and re-use capabilities, and improve capabilities for domestic mining and manufacturing, including use of new technologies and beneficial use of coal ash. In March 2022, the Biden Administration invoked the Defense Production Act to support the production and processing of minerals and materials used for large capacity batteries used in the power and transportation sectors (White House, Mar. 31, 2022, [Memorandum on Presidential Determination Pursuant to Section 303 of the Defense Production Act of 1950, as amended | The White House](#)).

*Whereas* the U.S. Department of Energy has promoted battery materials processing and manufacturing programs, development of critical minerals refining, and RDD&CA (US DOE, February 14, 2022 press release, [DOE Launches \\$140 Million Program to Develop America’s](#)

[First-of-a-Kind Critical Minerals Refinery | Department of Energy](#); see also US DOE, Office Energy Efficiency and Renewable Energy, Critical Minerals Hub, [Critical Materials Hub | Department of Energy](#); and [Funding Opportunities | Department of Energy](#).) In addition, the US Department of Energy has recently deployed new funding for domestic clean energy manufacturing, established the Office of Manufacturing and Energy Supply Chains (US DOE, February 9, 2022 press release, [DOE Optimizes Structure to Implement \\$62 Billion in Clean Energy Investments From Bipartisan Infrastructure Law | Department of Energy](#)), and issued a February 2022 report, “America’s Strategy to Secure the Supply Chain for a Robust Clean Energy Transition,” identifying 60 actions intended to “ensure security and increase our energy independence”; (US DOE, February 24, 2022 press release [DOE Releases First-Ever Comprehensive Strategy to Secure America’s Clean Energy Supply Chain | Department of Energy](#));

*Whereas* effective implementation of these initial federal actions, including active outreach to engage the National Association of Regulatory Utility Commissioners (“NARUC”) and other stakeholders, will be critical to their long-term success. Moreover, additional steps, including industrial manufacturing, tax policies, and clean energy purchasing practices by utilities, governmental entities, and corporate buyers, can strengthen domestic supply chains for clean energy; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2022 Summer Policy Summit in San Diego, California, finds it imperative for state and national energy independence and security that the U.S. Congress and federal government continue to enact and implement comprehensive policies and programs to expeditiously improve the resilience and sustainability of clean energy supply chains and diverse technologies, through increased, sustained, and responsible investment in RDD&CA and policies to advance domestic clean energy component manufacturing and capabilities for mining, manufacturing, and processing of critical minerals and rare earth elements; such that NARUC:

- Supports federal policies and programs that promote and support supply chain diversity and US production and processing capabilities, such as tax incentives or other policies to encourage domestic manufacturing of clean energy components and technologies, *as well as* domestic production and processing of critical materials, including enhancing recycling and re-use capabilities, beneficial use of coal ash or other byproducts;
- Acknowledges the important role of consistent supply chain disclosures to support buyers of clean energy technologies, including the state and federal government and utilities, in supporting increased responsible manufacturing of clean energy technologies in the United States and other economies with strong environmental, governance, and social profiles; and
- Recognizes the importance of collaboration with the federal government, states, tribes, utilities, academia, industry, non-governmental organizations, communities and consumers on clean energy supply chain policy development and implementation, including research, funding opportunities, and capacity building for states, utilities, and other partners.

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*Passed by the Committee on Electricity on July 19, 2022*

*Adopted by the NARUC Board of Directors on July 20, 2022*

## II. Committee on Telecommunications

### ***TC -1 Resolution for Federal and State Entities to Promote Consumer Awareness of the Affordable Connectivity Program and Share Database Access to Automatically Verify the Eligibility of Consumers for the Program.***

*Whereas* the federal government has made a historic investment in the Affordable Connectivity Program (“ACP” or “Program”) implemented by the Federal Communications Commission (“FCC”) to increase the access to affordable high-speed broadband for eligible low-income families;

*Whereas* the Infrastructure Investment and Jobs Act (“Infrastructure Act”) funded the \$14.2 billion budget for the ACP, including specifically designated funds to administer and promote the Program;

*Whereas* the Infrastructure Act reflects that the federal government and states have been long-term partners in jointly implementing and promoting programs that increase access to broadband;

*Whereas* in past resolutions, the National Association of Regulatory Utility Commissioners (“NARUC”) has consistently supported federal-state partnerships in broadband deployment and adoption program implementation, data sharing, and reporting, including during the implementation of the National Verifier for the FCC Lifeline Program;

*Whereas* the Infrastructure Act provides eligibility for ACP to all households that are currently enrolled in Lifeline; the federal Department of Agriculture’s Supplemental Nutrition Assistance Program (“SNAP”) and the Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”); and the Medicaid Program implemented by the Department of Health and Human Services;

*Whereas* the 2022 FCC ACP Report and Order required Universal Service Administrative Company (“USAC”) to establish connections with program databases for WIC for the purpose of establishing ACP eligibility;

*Whereas* approximately 12.5 million eligible households are enrolled in ACP, which represents less than 27% of the estimated 46.3 million households eligible for ACP;

*Whereas* approximately 79.9% of the eligible U.S. population participated in SNAP in 2016, and 84% of the U.S. population eligible for Medicaid participated in the program in 2016;

*Whereas* 11.64 million (~65%) of the 17.8 million households that submitted applications for ACP to the National Verifier claimed eligibility based upon participation in SNAP or Medicaid, according to USAC data;

*Whereas* providers of ACP and Lifeline service have collected customer survey data among Lifeline subscribers that suggests the most common reason that those ACP-eligible households do not enroll is a lack of awareness of the Program;

*Whereas* FCC Chairwoman Jessica Rosenworcel has urged state and federal agency partners to promote consumer awareness of ACP in order to increase the level of participation in ACP by eligible households;

*Whereas* there are administrative efficiencies in promoting awareness of ACP through federal and state departments of agriculture and health that implement other social service and healthcare programs for communities and households that are also eligible for ACP;

*Whereas* in 2016, the FCC issued a *Third Report and Order, Further Report and Order, and Order on Reconsideration*, (31 FCC Rcd 3962) that created a national Lifeline Eligibility Verifier (“National Verifier”) to improve the Lifeline enrollment process; and as of December 2020, the National Verifier had launched in all 56 states and jurisdictions;

*Whereas* experiences in launching the National Verifier demonstrated that access by the National Verifier to state databases for SNAP and federal/state Medicaid databases greatly improved the National Verifier’s efficiency and accuracy in verifying eligibility and the ease of enrollment for low-income consumers;

*Whereas* in February 2019, NARUC passed a resolution urging USAC to ensure critical state/federal databases for eligibility programs such as SNAP and Medicaid are utilized in states where the National Verifier had been or was being launched;

*Whereas* 18 months after the completed launch of the National Verifier, the SNAP databases in 28 states have not been connected with the National Verifier due to a number of barriers, including lack of funding, and the gaps in database connections substantially hinder consumer participation in Lifeline;

*Whereas* following the launch of the National Verifier, the Government Accountability Office (“GAO”) reported that 68% of Lifeline applicants dropped out of the manual eligibility review process, which was necessitated by a lack of National Verifier APIs with certain state SNAP databases;

*Whereas* the FCC has directed providers to enroll households in ACP through the National Lifeline Accountability Database (“NLAD”) and the National Verifier, however the National Verifier does not have access to the enrollment databases of SNAP, Medicaid, WIC, among other programs (“ACP-eligibility programs”) in all states;

*Whereas* the lack of access by the National Verifier to databases of ACP-eligibility programs requires USAC to request from applicants and manually review documentation to establish eligibility;

*Whereas* providers have documented instances of eligible households waiting multiple hours or even days for USAC to manually verify the eligibility of those households for ACP; and automatic cross-referencing of the subscriber databases of programs that can establish eligibility for ACP would greatly improve the timeliness of eligibility verification by USAC; *now therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2022 Summer Policy Summit in San Diego, California, requests that state commissions, the FCC, and USAC work collaboratively with federal and state agencies that implement programs whose target participants are eligible for Lifeline and ACP to promote awareness of the Program among eligible households; *and be it further*

*Resolved* that the FCC and USAC will establish agreements with federal and state departments of agriculture and the health and human services, and other federal and state agencies implementing programs that establish consumers' eligibility for Lifeline and ACP.

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*Passed by the Committee on Telecommunications on July 19, 2022*

*Adopted by the NARUC Board of Directors on July 20, 2022*