

RESOLUTIONS

SUBMITTED FOR CONSIDERATION

AT THE

2022 SUMMER POLICY SUMMIT

OF THE

**NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS**

(UPDATED: JULY 12, 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. Also note, these are only drafts and could change during the Committee deliberations.

(Questions? Contact Brad Ramsay at 202.898.2207 or jramsav@naruc.org)

I. Committee on Critical Infrastructure

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

Sponsor: Commissioner Rendahl, Washington UTC (7/5 3:27 PM vz. from sponsor.)

See description under the Committee on Electricity.

I. Committee on Electricity

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

Sponsor: Commissioner Rendahl, Washington UTC (7/5 3:27 PM vz. from sponsor.)

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. Specifically 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 voluntary 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

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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.

Sponsor: Commissioner Rhoades, Nebraska PSC (7/3/22 9:28 AM vz. from sponsor)

The resolution 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 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.

II Select Committee on Regulatory and Industry Diversity

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SCRID-1 Resolution for NARUC to Expand and Develop DE&I Programming

Sponsor: Judge Hudson, Virginia CCr (7/11/22 6:57 AM vz. from Judge Hudson)

The resolution states that NARUC will [1] build on its legacy and history to develop more targeted programming aimed at facilitating discussions and broadening networks with groups such as the National Utilities Diversity Council, American Association of Blacks in Energy, Hispanics in Energy, Asians in Energy, and others; [2] build a more extensive library of best practices and/or a DE&I toolbox for regulators and utilities; [3] leverage its national position and credibility to encourage collaboration among its various committees/taskforces, stakeholders, and grantors to develop unique programming across these fronts: connecting and informing diverse suppliers to opportunities; supporting pipelines to the utility profession (e.g., regulatory commissions, industry, law, etc.); and ensuring that regulators have the tools for [customer] outreach to diverse populations to help build energy/utility literacy; and [4] will actively seek all avenues of funding and collaboration to build out its DE&I programming.

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 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 US 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 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 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 voluntary 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.

Passed by the Committee on Electricity July XX, 2022

Adopted by the NARUC Board of Directors July XX, 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”) implemented by the Federal Communications Commission (“FCC”) to increase the access to affordable of 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, 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 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 eligible households 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 Universal Service Administrative Company (“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.

Passed by the Committee on Telecommunications July XX, 2022.

Adopted by the NARUC Board of Directors on July XX, 2022.

III. Select Committee on Regulatory and Industry Diversity

SCRID-1 *Resolution for NARUC to Expand and Develop DE&I Programming*

Whereas the National Association of Regulatory Utility Commissioners (NARUC) has recognized the need for greater awareness of diversity issues in the utility sector through its ever-evolving Select Committee on Regulatory and Industry Diversity (SCRID), formerly known as the Subcommittee on Supplier and Workforce Diversity;

Whereas SCRID welcomes every opportunity to fulfill its mission to open the gate of opportunity for women, minority and service-disabled veteran-owned businesses (DBE) in utility supply markets and to strengthen relationships that provide mutual economic benefits for ratepayers, investors, and DBEs;

Whereas SCRID is in a position to help develop tools, lead meaningful discussions, and provide diversity-focused information, all of NARUC's diversity eggs should not be placed in this one basket;

Whereas every committee and every NARUC meeting should reflect and/or relate to an awareness of diversity, equity, and inclusion (DE&I);

Whereas NARUC is the leading association and voice of state utility regulators, staffed by professionals who understand the broad landscape of the utility industry, state and federal government, and communications;

Whereas we know that there are diversity gaps (e.g., gender, race, ethnicity, sexual orientation) in energy/utility professions, gaps in access to renewable energy for many marginalized communities, and barriers for diverse suppliers;

Whereas the roots of SCRID began as the Minority Business Roundtable founded in 1994 by former Secretary of Energy Hazel O'Leary and this relationship with the federal government should continue today;

Whereas NARUC issued a statement on June 4, 2020 ([NARUC Stands Committed to Social Change](#)), that said "...we will use our national platform, working with state members and through our committees; namely, the Subcommittee on Supplier and Workforce Diversity and the Committee on Consumers and the Public Interest, to address areas of bias, find opportunities to reduce barriers, and engage in constructive national dialogues on race, as it relates to issues within our purview."; *and*

Whereas NARUC and its members have the wherewithal to more fully bring that statement into fruition; *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, affirms that NARUC will build on its legacy and history to develop more targeted programming aimed at facilitating discussions and broadening networks with groups such as the *National Utilities*

Diversity Council, American Association of Blacks in Energy, Hispanics in Energy, Asians in Energy, and others; and be it further

Resolved that NARUC will build a more DE&I resources for regulators and utilities; and be it further

Resolved that NARUC leverage its national position and credibility to encourage collaboration among its various committees/taskforces, stakeholders, and grantors to develop unique programming across these fronts: connecting and informing diverse suppliers to opportunities; supporting pipelines to the utility profession (e.g., regulatory commissions, industry, law, etc.); and ensuring that regulators have the tools for [customer] outreach to diverse populations to help build energy/utility literacy; and be it further

Resolved that NARUC will actively collaborate with its members and interested stakeholders to appropriately build out its DE&I programming and will, per the NARUC Constitution, request regular reports on these endeavors.

Passed by the Select Committee on Regulatory and Industry Diversity July XX, 2022.

Adopted by the NARUC Board of Directors on July XX, 2022.