

# **Draft Substantive Resolutions**

**Submitted for consideration by the  
National Association of Regulatory Utility Commissioners**

at the

**July 18-22, 2026**

**NARUC Summer Policy Summit**

**in Minneapolis, Minn.**

*If you are interested in this resolution, you should read the entire draft and do not rely on the truncated description in the Table of Contents. Note - the resolutions often change during Committee and Board deliberations.*

***IMPORTANT NOTE: Resolutions do not become NARUC policy unless and until they are approved by the NARUC Board of Directors.***

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***CPI-1 Resolution Regarding Sound Public Utility Ratemaking Principles [Version: Received 07.06.2026 4:54 from Commissioner Maida Coleman.].....Page 4***

*Sponsor: Commissioner Maida Coleman Resolution [i] “reaffirms” that sound public utility ratemaking should remain grounded in the evidentiary record, governing law, and the informed judgment of state commissions; [ii] supports regulatory frameworks that preserve and optimize commission authority to determine return on equity and other ratemaking components based on the facts and circumstances presented; [iii] urges federal policymakers to allow state commissions latitude to determine appropriate returns on equity based on case-specific analysis rather than impose arbitrary limits; and [iv] supports the political independence and technical expertise of federal agencies to resolve safety, economic, and environmental issues clearly falling within their statutory ambit and outside of the major questions doctrine.*

**II. Committee on Electricity Page 6**

***EL-1 Resolution in Support of the Timely Processing of Federal Reviews for Energy Generation Projects to Promote Energy Security, Reliability, and Affordability [Version: Received 06.29.2026 at 10:25 AM from Commissioner Doug Scott].....Page 6***

*Sponsor: Commissioner Doug Scott Resolution urges federal agencies responsible for the review of new energy generation projects to prioritize and expedite those reviews, establish transparent timelines to clear existing backlogs as efficiently as possible, and calls upon the agencies to enhance coordination with affected states to foster a collaborative approach to information sharing that facilitates the timely and responsible deployment of vital energy infrastructure.*

***EL-2 Resolution Supporting the Use of Interregional HVDC Transmission to Address Resource Adequacy, Reliability, and Electricity Affordability [Version: Received 07.02.2026 5:53 PM from Commissioner Aguilera].....Page 8***

*Sponsors: Commissioners Doug Scott and Gabriel Aguilera Resolution recognizes that interregional HVDC transmission can help address growing resource adequacy challenges by enabling access to resources across planning regions and encourages states, Regional Transmission Organizations/Independent System Operators, transmission providers, utilities, and federal policymakers to evaluate opportunities to incorporate interregional HVDC transmission into resource planning and resource adequacy strategies, including reviewing and, where appropriate, updating federal and state regulatory frameworks to ensure interregional HVDC transmission facilities are reflected within electricity markets and are appropriately recognized for the reliability, resilience, and affordability benefits they provide.*

**III. Committee on Telecommunications**

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**TC-1 Resolution Urging the FCC to Protect Critical Infrastructure and Ratepayer Interests in the Lower 900 MHz Band [Version: Received 6.22.2026 at 11:58 AM From Commissioner Nelson].....Page 10**

**Sponsor: Commissioner Chris Nelson; Cosponsors: Commissioners Regan, Nichols-Samms, Charles, Christman, Schram, Tuma, and Watermeier.** Resolution [i] urges the FCC to recognize that the continued protection of critical utility infrastructure is in the broader public interest and reject the NextNav Petition to reallocate the Lower 900 MHz Band, [ii] urges the FCC, if it proceeds, to prioritize ratepayer affordability and essential service reliability by mandating changes affecting the Lower 900 MHz band include robust technical safeguards that maintain established interference and operational protections, retain priority for unlicensed low-power users, and require NextNav to be financially responsible for the significant financial and operational burdens that its proposal will otherwise shift to utilities, ratepayers, or the public.

**TC-2 Resolution on Preservation of State Authority Under Section 224(c).. of the Communications Act [Version: Received 06.29.2026 from Brad Ramsay],Page 13**

**Sponsor: Commissioner Regan.** Resolution [i] urges FCC to respect the statutory framework and refrain from converting Section 224(c) state certification into a system of ongoing federal review, supervision, or oversight, [ii] opposes any misconstruction of the statute purporting to expand FCC jurisdiction to conduct ongoing review of state rules, evaluate their effectiveness, impose federal standards, or revisit or condition state certifications based on policy disagreements; [iii]urges the FCC, to address any alleged barriers to broadband deployment through the statutory framework/Section 253; and [iv] supports voluntary collaborative efforts to improve transparency, coordination, and best-practice sharing among states, the FCC, utilities, and other stakeholders, provided those efforts are non-binding and do not undermine state authority.

**IV. Committee on Water**

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**WC-1 Resolution Urging Establishment of a Permanent Federal Water Affordability Program [Version: Received 7.6. at 10:30 AM From Krystle Sacavage].....Page 19**

**Sponsor: Commissioners Erik Helland and Commissioner Obi Linton.** Resolution urges Congress and the Administration to establish a permanent water affordability program and appropriate sufficient funds to, at a minimum, replicate the reach and impact of the original program and states that NARUC stands ready to assist Congress and the Administration in the development, establishment, and implementation of a permanent federal water affordability program.

## ***CPI-1 Resolution Regarding Sound Public Utility Ratemaking Principles***

*Whereas* setting public utility rates is a core state commission responsibility that requires balancing customers' interest in safe, reliable service at reasonable rates with utilities' need to maintain financial integrity and access to capital to support reliable, affordable service over the long term;

*Whereas* the principles reflected in *Munn v. Illinois*, *Bluefield Water Works & Improvement Co. v. Public Service Commission*, and *Federal Power Commission v. Hope Natural Gas Co.* recognize that utilities — subject to public regulation — must have a reasonable opportunity to recover prudently incurred costs and an opportunity, but not a guarantee, to earn a return sufficient to maintain financial soundness, support credit quality, and attract capital on reasonable terms to support reliable, affordable service over the long term;

*Whereas* public utility ratemaking must balance the need to allow utilities to earn sufficient regulated returns while customers pay an overall just and reasonable rate, and requires case-specific judgment based on record evidence, expert testimony, financial analysis, market conditions, utility-specific circumstances, and applicable law;

*Whereas* a utility's revenue requirement is the amount needed to provide safe, reliable service and recover reasonable operating expenses, taxes, depreciation, and the cost of capital through rates that are fair, just, and reasonable to customers;

*Whereas* return on equity is one component of the overall cost of capital and cannot appropriately be determined by a single rigid formula applied across utilities, industries, jurisdictions, and economic conditions without regard to differing risks, capital structures, operating obligations, and the evidentiary record in each case;

*Whereas* proposals to impose arbitrary limits on return on equity or predetermine return on equity through a prescribed formula constrain commissions' ability to weigh the full evidentiary record, utility-specific risks, and applicable legal standards in individual proceedings;

*Whereas* preserving state commission discretion to evaluate all relevant facts in a transparent evidentiary record supports effective and robust state regulation and helps ensure safe, reliable, and affordable utility service over the long term;

*Whereas* federal regulatory agencies such as the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, Federal Communications Commission, Pipeline and Hazardous Materials Safety Administration, and others similarly have robust administrative mechanisms in place to arrive at informed decisions on questions of safety, economics, and the environment, taking into account expert testimony, public participation, record evidence, and case-specific circumstances;

*Whereas* pursuant to *West Virginia v. EPA*, the “major questions doctrine” requires clear congressional authorization from federal regulatory agencies should they seek to decide an issue

of vast significance, and considering that the vast majority of federal regulatory agency actions do not meet that standard; *now, therefore be it*

*Resolved*, that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, reaffirms that sound public utility ratemaking should remain grounded in the evidentiary record, governing law, and the informed judgment of state commissions, consistent with the principles reflected in *Munn*, *Bluefield*, and *Hope*; supports regulatory frameworks that preserve and optimize commission authority to determine return on equity and other ratemaking components based on the facts and circumstances presented in each proceeding; urges federal policymakers to allow state commissions the latitude to determine appropriate returns on equity based on case-specific analysis, expert evaluation, and record evidence rather than imposing arbitrary limits; and supports the political independence and technical expertise of federal regulatory agencies to resolve safety, economic, and environmental issues that clearly fall within their statutory ambit and do not implicate the major questions doctrine.

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*Sponsored by the Committee on Consumers and the Public Interest*  
*Adopted by the NARUC Board of Directors on July \_\_, 2026*

***EL-1 Resolution in Support of the Timely Processing of Federal Reviews for Energy Generation Projects to Promote Energy Security, Reliability, and Affordability***

*Whereas* the United States is experiencing electricity load growth greater than at any time in the last several decades - driven by the reshoring of manufacturing, broad electrification, and the rapid expansion of data centers; and

*Whereas* to address this load growth, states, public utility commissions, utilities, and energy developers are working urgently to bring new generation resources online to maintain resource adequacy; and

*Whereas* state public utility commissions are tasked with ensuring reliable electric service at just and reasonable rates, and rely heavily on the timely execution of planned generation projects to meet these statutory mandates; and

*Whereas* across the country, hundreds of new energy generation projects are in development, many of which require the review and approval of federal departments and agencies, including the Federal Aviation Administration (FAA), the Department of Defense/War (DOD/DOW), and the Department of the Interior (DOI); and

*Whereas* it is fully recognized that new generation projects, particularly wind energy installations, must be carefully studied to ensure they do not present hazards to air traffic, military readiness, or other national security interests; and

*Whereas* federal processes to review new wind projects have recently experienced severe delays and backlogs, effectively stalling the deployment of new generation resources that states are counting on; and

*Whereas* industry estimates indicate these delays are affecting at least 100 projects across more than 20 states, potentially stranding approximately 30 GW of needed power, risking roughly \$50 billion in capital investment, and threatening tens of thousands of jobs; and

*Whereas* ongoing administrative bottlenecks threaten the energy security, reliability, and affordability of the United States' electric grid, and undermine efforts to supply power to critical infrastructure, including the data centers recognized as necessary for national security; and

*Whereas* this ongoing backlog has prompted calls for administrative action, legislative solutions, and litigation from Congressional leaders, state officials, and industry stakeholders; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, strongly urges the federal agencies responsible for the review of new energy generation projects to prioritize and expedite these reviews, establishing transparent timelines to clear existing backlogs as efficiently as possible; *and be it further*

*Resolved* that NARUC calls upon these federal agencies to enhance coordination with affected states, fostering a collaborative approach to information sharing that facilitates the timely and responsible deployment of vital energy infrastructure.

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*Sponsored by the Committee on Electricity*

*Adopted by the NARUC Board of Directors on July \_\_, 2026*

***EL-2 Resolution Supporting the Use of Interregional HVDC Transmission to Address Resource Adequacy, Reliability, and Electricity Affordability***

*Whereas* U.S. electricity prices are increasing, creating growing affordability concerns for residential, commercial, and industrial customers across the country;

*Whereas* the Energy Information Administration reports that consumers paid, on average, \$110 more on their electric bills in 2025 than they paid in 2024;

*Whereas* increasing electrification, manufacturing reshoring, industrial expansion, and data center growth are accelerating electricity demand growth and placing additional stress on existing generation and transmission infrastructure;

*Whereas* utility load forecasts now project approximately 166 GW of additional U.S. peak electricity demand over the next five years — more than six times higher than utilities forecast only three years ago — reflecting the fastest period of demand growth in decades;

*Whereas* increased access to generation capacity is needed to support accelerating demand and maintain resource adequacy yet construction of new generation capacity faces permitting and siting challenges, interconnection delays, and supply chain constraints;

*Whereas* the increasing incidence, duration, and severity of extreme weather events impose additional stress on the grid and increase resource adequacy risks across planning regions;

*Whereas* interregional High Voltage Direct Current (HVDC) transmission enables bi-directional transfer capability and flexible energy flows between planning regions;

*Whereas* interregional HVDC transmission can provide planning regions access to diverse external generation resources and load profiles;

*Whereas* interregional HVDC can provide load-serving entities and their customers with access to additional capacity and energy resources without requiring equivalent construction of new generation supply within each individual footprint;

*Whereas* sharing existing energy resources between planning regions through HVDC technology can help reduce resource adequacy shortfalls, improve grid resilience, and deliver cost relief to consumers while preparing the electric system to meet future energy needs; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, recognizes that interregional HVDC transmission can help address growing resource adequacy challenges by enabling access to resources across planning regions, and encourages states, Regional Transmission Organizations/Independent System Operators, transmission providers, utilities, and federal policymakers to evaluate opportunities to incorporate interregional HVDC transmission into resource planning and resource adequacy strategies, including reviewing and, where appropriate, updating federal and state regulatory frameworks to ensure interregional

HVDC transmission facilities are reflected within electricity markets and be appropriately recognized for the reliability, resilience, and affordability benefits they provide.

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*Sponsored by the Committee on Electricity*

*Adopted by the NARUC Board of Directors on July \_\_, 2026*

**USEFUL REFERENCE LINKS (which will be deleted before this resolution – if it passes – is posted)** [MN Commission on Minnesota Power’s siting approval for HVDC](#)  
[Allete Press Release on DOE \\$\\$ for HVDC](#)

***TC-1 Resolution Urging the FCC to Protect Critical Infrastructure and Ratepayer Interests in the Lower 900 MHz Band***

*Whereas* the National Association of Regulatory Utility Commissioners (NARUC) is a non-profit organization, founded in 1889, dedicated to representing America's state public service commissions (PSCs) that regulate investor-owned utilities, ensuring that safe, reliable, and affordable utility services are provided at just, reasonable, and non-discriminatory rates;

*Whereas* affordability is a fundamental mission of state PSCs and, in the current period of rising energy prices, it is more important than ever to the American public that state regulators safeguard from federal actions that jeopardize rate-payer funded utility infrastructure investments and the functionality of efficiency-promoting technologies, including automated meter reading (AMR), advanced meter reading (AMI), supervisory control and data acquisition (SCADA) and electric protection systems;

*Whereas* the FCC has maintained for more than 30 years that approved unlicensed devices operating in the 902-928 MHz band ("Lower 900 MHz band") receive safe harbor protections from interference claims by licensees operating with higher power limits in that band;

*Whereas* the safe harbor for unlicensed devices has fostered a ubiquitous and dependable ecosystem enabling a vast assortment of technologies to freely coexist and use the Lower 900 MHz band without incurring transmission charges;

*Whereas* electric, gas, and water utilities rely widely on unlicensed low-power communications in the Lower 900 MHz band to support the devices and technologies, including AMI, AMR, and SCADA, that make up, collectively, the backbone and fabric of America's critical utility infrastructure;

*Whereas* more than 160 million automated and advanced electric, gas, and water meters that use the Lower 900 MHz band to transmit real-time data are currently in-service and supporting nearly 200 million Americans;

*Whereas* NextNav, Inc. has filed a petition (WT Docket No. 24-240) requesting that the FCC reconfigure the Lower 900 MHz band to create and award to NextNav a new, nationwide license with 15 MHz of capacity ("NextNav Petition");

*Whereas* the NextNav Petition proposes to use a fraction of the 15 MHz capacity to support a terrestrial-based Positioning, Navigation, and Timing (PNT) network and 5G service;

*Whereas* the NextNav Petition proposes that it be permitted to use the balance of the 15 MHz capacity to transmit 5G traffic for its own economic benefit;

*Whereas* the NextNav Petition requests that the transmission power limits applicable to its new Lower 900 MHz license be increased substantially above currently permitted levels;

*Whereas* the NextNav Petition requests that the FCC remove the established safe harbor protections for the Lower 900 MHz Band, thereby permitting NextNav to interfere with unlicensed devices;

*Whereas* the combined effect of increased interference and de-prioritization would force all users relying on the Lower 900 MHz Band into the narrow remaining portion of the band that is insufficient to support the current and future needs of unlicensed devices;

*Whereas* such severe interference would jeopardize grid reliability, increase latency, and weaken the ability of operators to orchestrate power supply effectively;

*Whereas* utility metering and critical infrastructure devices no longer protected under the safe harbor would be deemed a cause of interference to NextNav and therefore shut down and retuned or replaced;

*Whereas* retuning or replacing these critical, ratepayer-funded utility metering and infrastructure devices would potentially cost consumers an estimated \$100 billion to deploy replacement solutions;

*Whereas* existing utility metering and other infrastructure systems are currently projected to generate at least \$16 billion in benefits over the next five years based on approved utility rate cases;

*Whereas* such a mandate would divert billions of dollars in capital currently earmarked for grid modernization, resilience, and meeting the growing energy demands of data centers and artificial intelligence toward simply maintaining the status quo;

*Whereas* the FCC has issued a Notice of Inquiry (NOI) in its proceeding entitled *Promoting the Development of Positioning, Navigation, and Timing Technologies and Solutions* requesting comment on options and priorities to promote resilience and alternatives to GPS (WT Docket No. 25 110) (“GPS/PNT NOI”);

*Whereas* NextNav contends the 15 MHz license and rule changes it seeks are warranted because they would enable it to offer a terrestrial-based PNT solution responding to needs described by the GPS/PNT NOI;

*Whereas* the record responding to the GPS/PNT NOI identifies more than 50 terrestrial and space-based solutions that address GPS resilience needs - none of which involve restructuring the Lower 900 MHz band nor the imposition of massive and unnecessary costs on utilities and ratepayers;

*Whereas* the Lower 900 MHz band is also vital for non-utility essential services, including railroad safety networks, municipal flood warning systems, and tolling systems such as EZ-Pass;

*Whereas* utilities increasingly rely on the Lower 900 MHz band for Uncrewed Aerial Systems (UAS or drones) that safely inspect infrastructure, protect worker safety, and conduct rapid damage assessments after natural disasters;

*Whereas* the FCC recently issued a Request for Comment (DA 26-314) seeking comment on steps it could take in support of two Executive Orders (EOs): *Unleashing American Drone Dominance* and *Restoring American Airspace Sovereignty*. The FCC recognized that interference in the Lower 900 MHz band is a threat to the ongoing viability of using that spectrum for UAS;

*Whereas* at its winter meeting in 2013, NARUC responded to a similar threat to utility infrastructure investment and reliability by passing the Resolution to Promote Co-Existence in the 902-928 MHz Spectrum Band, which opposed the request of Progeny (now a subsidiary of NextNav) for a license and rule changes relating to location services, that, if put into effect, would materially interfere with utility AMI and Supervisory Control and Data Acquisition (SCADA) infrastructure, and recommended that the FCC require mitigation of any interference with lower power devices in the 900 MHz band before issuing a final decision; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, urges the FCC to recognize that the continued protection of critical utility infrastructure is in the broader public interest and reject the NextNav Petition to reorganize the Lower 900 MHz Band; *and be it further*

*Resolved* that if the FCC proceeds with this rulemaking, it must prioritize ratepayer affordability and essential service reliability by mandating that any proposed changes affecting the Lower 900 MHz band include robust technical safeguards that maintain established interference and operational protections, retain priority for unlicensed low-power users, and require NextNav to be financially responsible for the significant financial and operational burdens that its proposal will otherwise shift to utilities, ratepayers, or the public.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors on July \_\_\_\_, 2026*

***TC – 2 Resolution on Preservation of State Authority Under Section 224(c) of the  
Communications Act***

*Whereas* Section 224 of the Communications Act, 47 U.S.C. § 224, establishes a framework governing the rates, terms, conditions, and access to poles, ducts, conduits, and rights-of-way for pole attachments;

*Whereas* Section 224(c)(1) creates a clear jurisdictional boundary between federal and state authority, specifying that “nothing in this section shall be construed to apply to, or to give the Commission jurisdiction with respect to rates, terms, and conditions, or access...in any case where such matters are regulated by a State;”

*Whereas* more than 20 states and the District of Columbia have certified under Section 224(c) that they regulate pole attachment rates, terms, and conditions, and have issued and made effective rules and regulations implementing such authority;

*Whereas* state commissions are uniquely positioned to balance broadband deployment objectives with electric system safety, reliability, engineering practices, workforce constraints, and cost allocation considerations affecting electric utility customers as contemplated under Section 224 (c);

*Whereas* these certifications reflect deliberate policy judgments by state commissions to regulate pole attachments at the state level to account for local conditions, including system safety, engineering practices, workforce availability, reliability obligations, and cost allocation considerations;

*Whereas* state pole attachment regulation necessarily involves balancing the needs of communications providers with the interests of electric utility customers, including determinations regarding the appropriate allocation of broadband deployment costs between attachers and electric ratepayers;

*Whereas* on June 11, 2026, the Federal Communications Commission’s Wireline Competition Bureau issued a Public Notice seeking comment on potential changes to the Commission’s certification rules, including whether to review state certifications and assess whether state regulatory regimes are sufficiently “transparent” and “effective”;

*Whereas* the Public Notice raises the prospect of ongoing federal evaluation of state regulatory regimes based on qualitative criteria not specified in Section 224(c), including assessments of the adequacy or effectiveness of state rules;

*Whereas* Section 224(c)(3)(A) requires only that states issue and make effective rules implementing their regulatory authority, and does not establish a federal standard for evaluating the substantive adequacy, efficiency, or policy outcomes of those rules;

*Whereas* Section 224(c)(3)(B) provides a narrow, matter-specific mechanism under which Commission jurisdiction may reattach where a state fails to take final action on an individual

complaint within a defined timeframe, demonstrating that Congress identified limited and specific circumstances for federal re-entry;

*Whereas* Congress did not provide the Commission with authority to conduct ongoing review of certified state regulatory regimes, to impose federal performance standards, or to revoke or condition state certifications based on policy disagreement;

*Whereas* adoption of an “effectiveness,” “clarity,” or “adequacy” standard would allow the Commission to second-guess state policy judgments and effectively reassert jurisdiction whenever it disagrees with how a state regulates pole attachments;

*Whereas* such an approach would render reverse preemption meaningless by converting state authority into a conditional delegation subject to continuing federal approval, contrary to the jurisdictional structure specified by Congress;

*Whereas* to the extent the Commission seeks to address legal requirements that allegedly impede communications deployment, Congress has provided a separate statutory mechanism in Section 253 of the Communications Act, 47 U.S.C. § 253, for evaluating and addressing such concerns;

*Whereas* reverse-preemption states have adopted regulatory frameworks reflecting differing local conditions, infrastructure characteristics, public policy priorities, and cost-allocation decisions, and Congress did not require uniformity among such regimes.

*Whereas* reinterpreting Section 224(c) to authorize ongoing federal oversight would represent a significant expansion of federal authority into areas traditionally regulated by states, raising substantial federalism concerns; *now, therefore be it*

*Resolved*, that because the plain text of Section 224(c) establishes a jurisdictional framework under which states that have certified and implemented regulation of pole attachment rates, terms, conditions, and access retain primary and exclusive authority over those matters, the Board of Directors of the National Association of Regulatory Utility Commissioners, convened in NARUC 2026 Summer Policy Summit in Minneapolis, Minnesota, respectfully

[i] urges the Commission to respect the statutory framework enacted by Congress and to refrain from converting state certification under Section 224(c) into a system of ongoing federal review, supervision, or oversight;

[ii] opposes any misconstruction of that plain text that would purport to expand the Federal Communications Commission’s jurisdiction to conduct ongoing review of state regulatory regimes, evaluate their adequacy or effectiveness, impose federal benchmarking standards, or revisit or condition state certifications based on policy disagreements;

[iii] urges the Commission to recognize the distinction between the absence of state regulation and disagreement with state regulation, and to limit any assertion of federal jurisdiction to circumstances where a true regulatory gap exists consistent with the statutory framework; and

[iv] urges the Commission, to the extent it seeks to address alleged barriers to communications deployment, to do so through the statutory framework established by Congress in Section 253, rather than by attempting to expand its authority under Section 224(c); *and be it further*

*Resolved* that NARUC supports voluntary and collaborative efforts to improve transparency, coordination, and best-practice sharing among states, the Commission, utilities, and communications providers, provided that such efforts remain non-binding and do not undermine state authority.

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*Sponsored by the Committee on Telecommunications*

*Adopted by the NARUC Board of Directors on July \_\_\_\_, 2026*

## ***WC – 1 Resolution Urging Establishment of a Permanent Federal Water Affordability Program***

*Whereas* the affordability of water and wastewater services is a critical issue facing low-income consumers across the country;

*Whereas* the U.S. Environmental Protection Agency, in its *2024 Water Affordability Needs Assessment*, estimated that “between 12.1 million and 19.2 million households throughout the United States lack affordable access to water services”<sup>1</sup>;

*Whereas* in a Resolution on Water Equity adopted in February 2022, the National Association of Regulatory Utility Commissioners (NARUC) observed that “helping struggling customers pay their water and wastewater bills takes the combined effort of utilities, regulators, policy leaders, and communities” and listed several ways in which states could address water affordability, including via the establishment of rate-funded assistance programs<sup>2</sup>;

*Whereas* the American Water Works Association (AWWA) has observed a significant gap between what water and wastewater utilities are on pace to invest in their systems and what is needed to meet projected service requirements, estimating that the annual funding gap is \$56.6 billion and that, “Over the next 25 years (2026–2050), total drinking water infrastructure needs are projected at \$2.1–\$2.4 trillion (2025 dollars)”<sup>3</sup>;

*Whereas* AWWA noted that, “If communities rely exclusively on revenue from water bills to close the funding gap, average annual household drinking water bills would rise from \$429 in 2025 to \$969 by 2050 (2025 dollars) — more than doubling in real terms”<sup>4</sup>;

*Whereas* rising water and wastewater operating costs may disproportionately impact low-income customers in the form of higher rates;

*Whereas* water and wastewater utilities provide service to a significant amount of consumers in the U.S. In total, 148,000 water systems, both public and private, serve 90% of U.S. consumers<sup>5</sup>;

*Whereas* state regulatory commissions have successfully leveraged their oversight of private regulated water and wastewater utilities to provide meaningful support to low-income water and wastewater customers struggling to afford service, but there is a lack of consistency in the availability of support for low-income customers who cannot afford to pay their water and/or wastewater bills each month<sup>5</sup>;

*Whereas* public utility commissions in states such as California, New Jersey, and Pennsylvania, among many others, have worked with private regulated water and wastewater utilities, which collectively serve more than 10 percent of the U.S. population, to establish a variety of customer

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<sup>1</sup> <https://www.epa.gov/system/files/documents/2024-12/water-affordability-needs-assessment.pdf>

<sup>2</sup> <https://pubs.naruc.org/pub/281465E0-1866-DAAC-99FB-F211A3BA4AAF>

<sup>3</sup> [www.awwa.org/wp-content/uploads/Beyond-the-Replacement-Era.pdf](http://www.awwa.org/wp-content/uploads/Beyond-the-Replacement-Era.pdf)

<sup>4</sup> [www.awwa.org/wp-content/uploads/Beyond-the-Replacement-Era.pdf](http://www.awwa.org/wp-content/uploads/Beyond-the-Replacement-Era.pdf)

<sup>5</sup> <https://www.brookings.edu/articles/rethinking-regionalization-water-utilities-as-economic-development-partners/>

assistance programs and other initiatives aimed at providing low-income customers with financial support to offset monthly water and wastewater bills,

*Whereas* NARUC has long supported both state and federal initiatives aimed at addressing the affordability of water and wastewater services for low-income customers and has called for the use of federal resources to supplement state-level efforts to address water and wastewater affordability issues in a more comprehensive manner;

*Whereas* in a Resolution Supporting a LIHEAP-Equivalent to Assist Low-Income Drinking Water Utility Ratepayers adopted by NARUC in March 2004, NARUC first voiced its support for “the timely development of effective assistance programs for low-income ratepayers of drinking water systems”<sup>6</sup>;

*Whereas* during the COVID-19 pandemic, NARUC adopted two Resolutions, one in November 2021<sup>7</sup> and the other in November 2022,<sup>8</sup> calling for a permanent federal low-income household water assistance program;

*Whereas* in June 2021, the U.S. Department of Health and Human Services, through the Administration for Children and Families’ Office of Community Services (OCS), launched the Low-Income Household Water Assistance Program (LIHWAP), leveraging \$1.1 billion in total federal appropriations;

*Whereas* in its November 2021 Resolution Encouraging Permanent Federal Low-Income Household Water Assistance Program, NARUC “urge[d] Congress and the Administration to support legislation, budget measures, and regulations that provide assistance to the development and deployment of permanent low-income household drinking water and wastewater assistance programs that are available to all customers regardless of utility ownership” and underscored the importance to customers of maintaining “a permanent federal low-income drinking water and wastewater assistance program should be funded at levels equivalent to other federal low-income utility assistance program”;

*Whereas* NARUC, in its November 2022 Resolution Calling for Permanent Annual Federal Funding for a Low-Income Household Water Assistance Program, reiterated its call for “Congress to provide permanent annual funding for a federal Low-Income Household Water Assistance Program”;

*Whereas* LIHWAP ended in March 2024;

*Whereas* in its *LIHWAP Implementation and Impact Final Report*, OCS reported that, “During the life of the program, LIHWAP served 1,535,838 households, providing them with 2.1 million services. During this period, LIHWAP prevented 923,583 disconnections, restored water services 101,687 times, and reduced 1,120,417 water bills, issuing a total of 2,145,687 water assistance benefits to households in need. The LIHWAP grant recipient annual reports showed that benefits

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<sup>6</sup> <https://pubs.naruc.org/pub/5397D2A5-2354-D714-51B5-5F3FB8800109>

<sup>7</sup> <https://pubs.naruc.org/pub/493ACAA3-1866-DAAC-99FB-D8A74D2AF5E3>

<sup>8</sup> <https://pubs.naruc.org/pub/E8FB76DC-1866-DAAC-99FB-3C4A1B789F55>

went to households that needed them the most; 56 percent of households served had vulnerable population members, and 59 percent of households had incomes at or below 75 percent of the federal poverty level.”<sup>9</sup>;

*Whereas* resources distributed through this federal affordability program also positively impacted water and wastewater utilities by stabilizing their revenues, allowing them to continue making needed investments in their infrastructure without having to disconnect to customers<sup>10</sup>;

*Whereas* as LIHWAP expired, NARUC sent a letter to Congress that observed that the program “proved itself to be a successful program in getting assistance to those who need it the most,” and noted that “the need for the program has only increased”<sup>11</sup>; *now, therefore be it*

*Resolved* that the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2026 Summer Policy Summit in Minneapolis, Minnesota, urges Congress and the Administration to

- [i] establish a permanent water affordability program and appropriate sufficient funds to, at a minimum, replicate the reach and impact of the original program;
- [ii] provide equivalent advance appropriations to ensure continual funding for the program and fully staff the oversight agency to ensure all funds are released in a timely manner; *and*
- [iii] ensure the program is informed by the prior experience with LIHWAP and includes appropriate program integrity measures to ensure assistance reaches eligible households while maintaining accountability, transparency, and public confidence; *and be it further*

*Resolved* that NARUC stands ready to assist Congress and the Administration in the development, establishment, and implementation of a permanent federal water affordability program.

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*Sponsored by the Committee on Water*

*Adopted by the NARUC Board of Directors on July \_\_, 2026*

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<sup>9</sup> <https://acf.gov/sites/default/files/documents/ocs/LIHWAP-Final-Impact-and-Implementation-Report.pdf>

<sup>10</sup> <https://www.washingtonexaminer.com/op-eds/4564082/lihwap-water-congress-affordability/>

<sup>11</sup> <https://pubs.naruc.org/pub/6EE7DC3B-A957-69A1-001D-1A5D74A5544F>