



LINES 102

A Guide to Challenging
Electric Utility Rate Hikes



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Case Studies

Utility corporations have a tremendous amount of influence in the lives of almost everyone in the United States. They control people's access to commodities and services – like electricity, water, and gas – that are an essential part of life. As described in our 2021 report [Power Lines](#), utility corporations amass huge power and influence as they often operate as regulated monopolies over their region and sector. Utility corporations use this advantageous position to raise prices and extract profits from their captive customers. Utilities use this money to influence regulatory bodies and policy, spending millions of dollars on lobbying and political donations, buying seats at influential policy planning and cultural organizations and working to block, delay and water down governmental action to mitigate climate change. Yet, because of their ubiquitous presence, their operations can be almost invisible, fading into the background of the monthly rhythm of rent bills, mortgages, credit card statements, and student loan payments. The idea of challenging a utility corporation's right to extract profits from providing basic essential services may never even occur to us.

However, because of the unique way that utility corporations operate – granted monopoly status in their service area by the government in exchange for tighter regulation on the amount of money they can make – organized communities can confront utility industry power every few years when a utility seeks permission from regulators to hike rates.

This process is called a rate case, and it takes the form of a quasi-judicial proceeding overseen by an administrative law judge who hears testimony from witnesses and reviews evidence before creating a plan prescribing how much profit a utility company can make and setting the rates that different types of customers must pay until the next rate case.

Rate cases can be confusing, highly technical procedures where well-resourced utility companies – with their access to hundreds of millions of dollars, high-priced attorneys, technical experts and captured regulators – have a significant advantage over grassroots activists. However, rate cases can also be opportunities for well-organized campaigners to challenge utility corporations on their own turf and win while building community power to advance a different, democratic model where essential services are operated for the benefit of the people and not corporate profit.

Across the United States, organized communities have stood up to utility corporations in rate cases and notched major wins. By intervening to challenge utility rate hike proposals, organizers have gotten regulators to reduce rate hikes by as much as 90%, forced utilities to invest in energy efficiency measures, and restricted utility corporations' spending on political influence.

This report will discuss what a rate case is, describe the stakeholders involved, explain why it is critical for the general public to be involved, and outline how organized communities can intervene to counter utility power. While rate cases can be held for all types of utilities from electric, gas, water, and telecoms, this report will focus on electric utility rate cases.

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WHAT IS A RATE CASE?

Most private utilities operate as regulated monopolies, meaning customers have no choice but to use one company for essential services like electricity, heat, and water. To prevent private companies from taking advantage of this lack of competition and raising prices as high as their shareholders may want, state governments have what are often called Public Utility Commissions (sometimes called Public Service Commissions) that are designed to regulate these utilities. While each state's Public Utility Commission is set up differently, the utility rate setting process works in similar ways around the United States.

Organizers and activists will need to research which utilities are regulated by the state Public Utility Commission as it is different in each state. You can usually find out which utilities your PUC regulates by going to the PUC website. Electric and gas utilities are typically regulated by PUCs but water, cable, or telecoms may vary. In some cases, even public utilities are regulated in some way by PUCs and may also have to go through a rate case process.

When a utility company wants to raise rates on customers, the company has to file a rate case and present their justification for raising rates to the Public Utility Commission. The Commission then determines

how much, if at all, the utility is allowed to raise rates on customers. Rate cases are quasi-judicial proceedings and can last from several months to as much as two [years](#).

Here's how the process works: First, utility companies present their plans and rationales for the desired rate increases – such as the need for infrastructure investments or increases in the company's returns for shareholders – to the Commissioners. Then, the Commission determines the utility's revenue requirement, or the total revenue required to cover its costs and provide a fair profit for the utility company. With this, the Commission then sets utility base rates and usage rates accordingly. The Public Utility Commission can also rule on policies related to utility rate increases, such as customer financial assistance programs that assist low income residents in paying their utility bills.

Typically rate cases involve many interested parties that file to formally intervene in the process and have a say in the final outcome of the case. While major utility companies are of course the biggest players in the case, other intervenors include large industrial or commercial customers, labor unions representing the utility workers, environmental groups, community groups, law firms with a mission to represent low income customers, and state agencies with the purpose to represent customers' interests. Because the proceedings are quasi-judicial, good legal representation plays a big role and often gives large electric utilities a major advantage.



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Utility Law Firms Have Close Ties to Regulators Overseeing Rate Cases: Eckert Seamans

Eckert Seamans is a large national law firm with 15 offices and hundreds of attorneys in the northeast region of the United States. The firm represents utility companies in many different states and in front of many different State Public Utility Commissions. Often, Eckert Seamans' team of lawyers will help the utility push back on advocates for equitable rates and renewable energy. This team of lawyers is not only well resourced but the firm is often used by utilities because it is well connected to the state power system. For example, Eckert Seamans lawyer Norman Kennard, is a [former](#) Commissioner on the Pennsylvania Public Utility Commission (from 2014 to 2019). Chair of Eckert Seamans Regulated Industries Division, Daniel Clearfield, served on former Pennsylvania Governor Tom Wolf's transition and likely helped appoint the very commissioners that his firm would be trying to persuade in utility rate cases. Several other lawyers [were former](#) Counsel for Pennsylvania PUC Commissioners. These connections and knowledge of the PUC give utilities a sizable advantage over other advocates in the rate case process. The revolving door between industry lawyers and Public Utility Commissions helps to maintain the status quo and prop up corporate power.

As a public entity and public process, most states have formal ways for the general public and utility customers to get involved in the rate case process. Customers who stand to be affected by price hikes can formally intervene in the rate case with a legal team representing their interests. The general public can also speak at public hearings where Commissioners listen to their concerns about the utility company's services or the impacts of a rate increase.

WHO IS INVOLVED IN A RATE CASE?

A typical rate case can involve many different stakeholders. Of course the utility itself will have company representatives and an experienced legal team at all the proceedings to represent the utility's interests and argue for rate increases. But any entity with legal standing – or a tangible stake in what happens to utility rates, like customers – can file to intervene in the process. This can include many different types of community stakeholders:

- Community or environmental groups
- Organized labor
- Industrial customers, large corporations, and local businesses
- Nonprofit legal firms who represent low income customers
- State agencies intended to represent the interests of customers or small businesses

Each stakeholder group has its own interests in the rate case. Depending on the type of utility these interests can vary as well. For example, while large manufacturers may have more of an interest in electricity rates, large breweries may have more of an interest in water rates. Business interests will argue in favor of lower business

utility rates while nonprofit legal firms and community groups may argue for a more equitable rate structure that charges large corporations more while keeping utility rates affordable for low income customers.

Most states in the United States [have an Office of Consumer Advocate](#) that either operates as its own independent state agency or is housed with the Office of Attorney General. These Consumer Advocates are either appointed by the Governor or the Attorney General, and sometimes need to be confirmed by the state legislature. While these agencies are often directed to represent the interests of consumers, politics can play a role and utility corporations can use campaign contributions and the revolving door to curb the effectiveness of consumer advocates (more on this in the next section).

In addition to the Office of Consumer Advocate, many states also have an Office of Small Business Advocate. For example in Pennsylvania, the [Office of Small Business Advocate](#) often intervenes in utility rate cases alongside the Office of Consumer Advocate to represent small business interests that are not represented by the Consumer Advocate, which focuses on residents, while large business interests typically hire their own team of lawyers to intervene.

Each stakeholder group has its own interests in the rate case



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Outside of state agencies, there are many nonprofit legal agencies that represent low income customers, community groups, or environmental groups. In New York State, for example, the Public Utility Law Project (PULP) of New York, exists to “[advocate] for universal service, affordability, and customer protections for New York State utility [consumers](#).” These nonprofit groups are different from Offices of Consumer Advocate because they are often truly independent of the political process and can represent the interests of a specific client rather than just residential customers as a whole. Nonprofits like PULP may focus on utility affordability while other nonprofit intervenors or clients may choose to focus on environmental policies at the utility.

As mentioned earlier, the utilities themselves have teams of experienced lawyers that represent them in rate cases. Therefore, even while consumers may have

several advocates involved in the rate case proceedings, these advocates are often outnumbered and out-resourced by the teams of lawyers hired by the utility companies. Some of the largest utility law firms like Cozen O’Connor, Ballard Spahr, and Eckert Seamans make millions from representing the largest utilities in the country. These giant law firms also use resources to influence the rate case process however they can. This can include lobbying Governors and state legislatures when it comes time to ask for a rate increase, or spending millions of dollars on campaign contributions to elected officials that select utility friendly Commissioners that will ultimately determine utility rates and rate policies.

This brings us to the final and most important stakeholder in the rate case process, the Public Utility Commissioners themselves.

THE PROBLEM WITH PUBLIC UTILITY COMMISSIONS

The purpose of Public Utility Commissions is to protect consumers from a monopolistic industry by regulating utilities and only allowing reasonable rate increases. Unfortunately, utility companies have found ways to influence the process in their favor.

Researchers at Carnegie Mellon University published a [study](#) on electric utility return rates allowed by Public Utility Commissions over the past four decades which concluded that it “[appeared] that regulators [were] authorizing excessive returns on equity to utility investors and that these excess returns translate into tangible profits for utility firms.”

According to a [report](#) published by the Energy and Policy Institute, the Center for Biological Diversity, and Bailout Watch, between 2020 and 2021, an analysis of 45 top electric utilities showed that profits rose an astounding 71% between 2020 and 2021. Those companies brought in over \$184 billion in 2021, while their customers were left trying to figure out how to cover the massive increase in their electricity bills. According to the Bureau of Labor [Statistics](#), the cost of electricity overall in the United States has doubled in the last two decades, with sharp increases in 2021 and 2022. This increase in price puts even more of a cost burden on working families that are already dealing with increases in the overall cost of [housing](#) and stagnating wages.

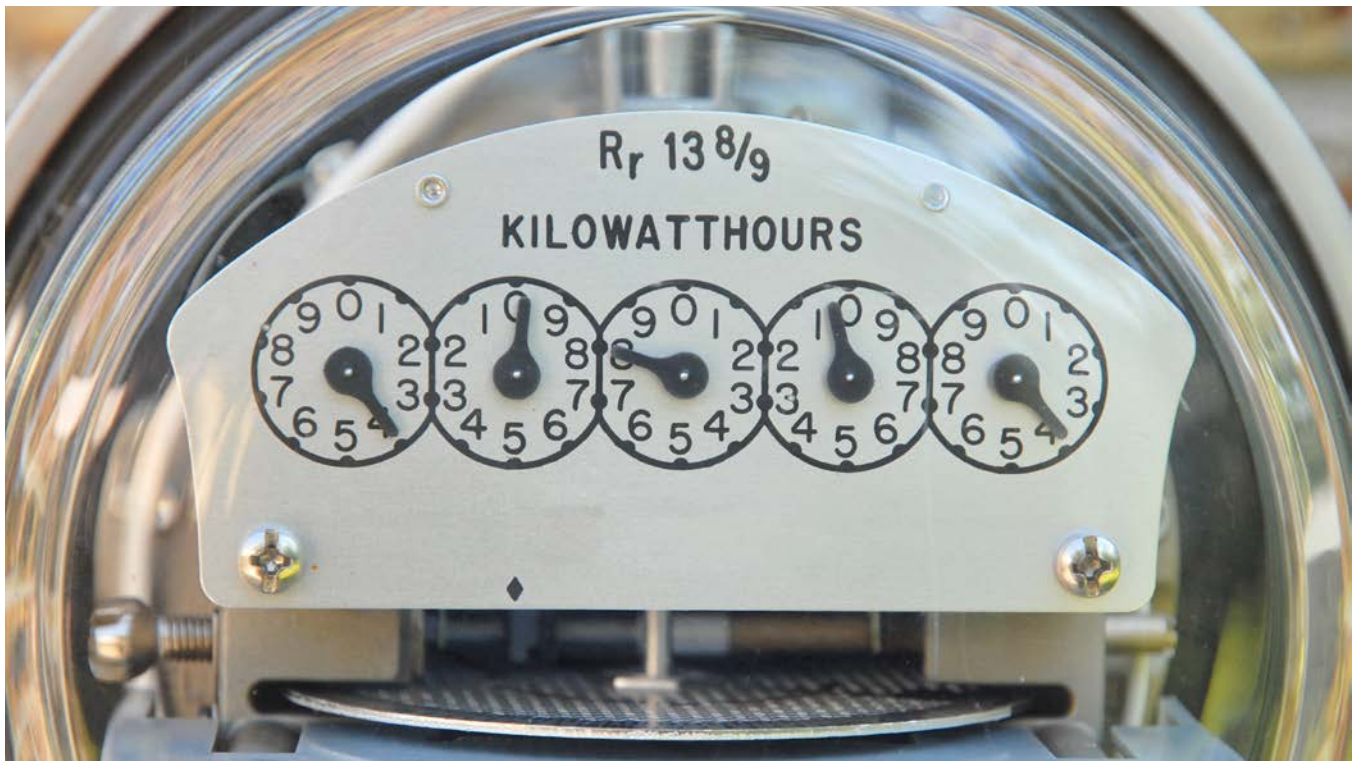


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Corporate Influence Over Public Utility Commissions: 3 Steps

1. Electric utilities spend millions of dollars on campaign contributions. According to OpenSecrets, the industry spent [nearly \\$20 million](#) on federal contributions in the 2022 election cycle, and as LittleSis reported, the industry spent even more in 2021 – about [\\$28.5 million](#). Electric utility corporations spend millions more on state and local races each year.
2. Once their preferred candidates are in office, utility corporations spend even more money to lobbying them – over [\\$124 million](#) in 2022 on a federal level. These figures do not even account for state level lobbying, where utility companies are often among the top spenders on both campaign contributions and lobbying.
3. Finally, utilities hire well connected lobbyists with experience working in government, sometimes for the Public Utility Commissions themselves. According to OpenSecrets, about [67% of registered federal utility lobbyists](#) have previously held a government position.

These dramatic increases in profits for electric utilities have not translated into better services for customers. In fact, according to the U.S. Energy Information Agency, American families experience [more power outages](#) on average than a little less than a decade ago. Utilities in [Michigan](#), [Texas](#), and [California](#) have made headlines in the past few years for disastrous situations resulting from a lack of investment in and real oversight of the power grid. Climate change and the natural disasters that are only getting worse as a result, make investing in the electric grid even more urgent.

This context shows just how important Public Utility Commissions are, as the Commissioners are supposed to be a counterweight to utility power. Yet, Commissioners in states around the country have allowed electric utilities to profit billions of dollars while providing a service that is getting increasingly worse and more expensive for average Americans.

Electric utilities, driven to increase profit for shareholders, bend this system to their advantage by investing millions of dollars into influencing elected and government officials to get billions of dollars in return. This investment in influencing elected officials involves a few key components.

In 2022, the Shirley Chisholm Project released a report called [Who Holds the Power](#), that detailed the demographics of every Commissioner, appointed or elected, on each of the fifty state Public Utility Commissions. The report claims that 13 Commissioners around the country were formerly registered lobbyists

for the utility corporations that they are now regulating. Moreover, many Commissioners had [deep ties](#) to the fossil fuel industry that would stand to benefit from rate case rulings that maintain the status quo and allow utilities to source power from dirty fossil fuel companies. For example, on the Texas Public Utility Commission, Chairman Peter Lake, used to be the [Director](#) of Business Development at Lake Ronel Oil Company, while Commissioner Lori Cobos is a [former](#) lobbyist for Talen Energy, a fossil fuel producer.

The group also found that of all of the Commissioners in the country at the time, about 65% identified as men and 82% identified as white. This demographic breakdown, where white men are over-represented, is an issue for a regulatory body that is supposed to represent the general population in rate cases. Across the United States, Black, Hispanic, and Native American households spend a much larger portion of their income on utility bills than white Americans, according to a 2020 study from the American Council for an Energy-Efficient Economy.

According to a 2020 [report](#) by the American Council for an Energy-Efficient Economy, the median energy burden for a Black household is 43% higher than white households, the Native American energy burden is 45% higher than white households, and the Hispanic energy burden is 20% higher than white, non-hispanic households.

HOW TO CHALLENGE A UTILITY CORPORATION IN A RATE CASE

Utility rate cases can be highly technical proceedings where utility corporations are at a decided advantage. They have billions of dollars at their disposal to hire high-powered lawyers, lobbyists, and industry experts, and they often have cozy relationships with regulators. But rate cases also provide grassroots social, ecological, and economic justice organizations with opportunities to challenge utility industry power.

Because rate cases are government-administered public processes, organizers can participate in them at a variety of phases, from when a corporation first files for a rate hike through the state Public Utility Commission's ultimate ruling and setting of the company rates. For example, organizers can:



Petition to become intervenors when a new rate case is announced, allowing them to join in the "technical" portion of the proceeding



Request documents and other information from the utility corporation through the discovery process

Submit testimony on a specific issue such as policies benefiting low-income customers or evidence that new fossil fuel infrastructure is unnecessary.

Examine witnesses at evidentiary hearings to elicit additional information or expose a flaw in the company's proposals.

Organize members of their community to submit comments to utility regulators in opposition to a rate hike that describe how they will be impacted by the corporation's proposals.



Give oral testimony: Rate cases also frequently include public hearings where members of the public can give oral testimony about why the commission should or should not approve the utility corporation's rate hikes. These hearings are a great opportunity for a well-organized campaign to mobilize large numbers of people to show that there is widespread opposition to corporate extraction and profiteering.

Campaigners can also take steps outside the formal procedure of a utility rate case to exert pressure on regulators to prioritize ratepayers and the environment over corporate profits.



Popular education sessions can inform community members about an ongoing rate case and what it means for their community and mobilize people to submit comments or speak out against a rate hike at a public hearing.



Op-ed columns and letters to the editor in local newspapers can also raise awareness of an ongoing rate case and introduce more members of the community to the stakes as well as opportunities to oppose a rate hike.



Large public events like press conferences or a “people’s hearing” can attract attention from the news media and provide another platform for campaigners to educate the public about what is happening during a rate case and make the argument to members of the community that they should take an active role in stopping a rate hike.

A successful rate case campaign will incorporate many of these tactics, both inside the formal regulatory process and outside in the court of public opinion.

WHAT CAN YOU WIN?

A rate case campaign has the advantages of having relatively clear stakes for the people involved as utility corporations have to ask for a certain amount of more money, describe why they need it, and disclose what it will cost the average ratepayer to meet that goal. There is also a discrete time period in which it will take place as rate cases generally take about a year to resolve. Campaigners can also easily determine whether they have won in a rate case by the decision reached by the utility regulator.

But what does a win in a utility rate case look like?

It is important to have realistic expectations about what can be won in a rate case proceeding, given the limited scope of what commissioners will decide and the power mismatch between grassroots organizations and wealthy and influential utility corporations. Some outcomes that campaigners may consider a win are:

- **Reduced rate hike.** This outcome will likely be the main goal of any rate case campaign and will have the most obvious impact on ratepayers. Going into a rate case, utility corporations will make maximal demands about how much more money they should be allowed to extract from captive customers, expecting that regulatory staff and rate case intervenors will negotiate the final amount of the rate hike down. In all likelihood, utilities will be granted a rate hike of some sort; however, a muscular campaign can get the amount of a hike reduced significantly. For example, organizers in Michigan opposing DTE Energy's proposed rate hike convinced the Michigan Public Service Commission to reject 90% of DTE's proposed hike in 2022.
- **Infrastructure investment.** If utility corporations are under-investing in the infrastructure serving certain communities or neighborhoods, resulting

in frequent or prolonged power outages, advocates may seek to have regulators compel the corporation to invest in infrastructure upgrades in previously neglected areas.

- **Services for low-income ratepayers.** Many public and private utilities have customer assistance programs that can help keep rates affordable for low income customers. Most programs have some discount component based on income, and some utilities have hardship funds, payment programs, or programs that can help people lower their electric, gas, or water usage. As these programs are related to the rate making process, the PUC in many cases has the power to implement or enhance these programs through a rate case ruling.
- **Environmental protections.** In addition to what can be won through a rate case, there are other opportunities to influence your utility and win cleaner and more sustainable energy. For example, in states like [California](#) and [Pennsylvania](#), the PUC is responsible not only for setting electric rates but also regulating electric utility corporation's energy procurement plan. These plans prescribe where the utilities source their energy and what percentage is sourced from fossil fuels or renewable energy.

Beyond these specific material wins, rate cases can also be useful for building a movement to challenge private utilities and corporate power generally. Participating in a rate case campaign can be a radicalizing experience and a great entry point to bring people on board to a broader conversation about the role of private corporate power in our society. The tactics mentioned above and described in greater detail below will help a campaign try to win shorter-term victories in a utility rate case as well as exposing the extractive nature of the system of private, investor-owned utilities as part of a broader social movement for energy democracy and ecological justice.

BUILDING A MOVEMENT TO CHALLENGE UTILITY POWER

Build a coalition

Everyone who lives in a utility corporation's service area is affected by what happens in a rate case. This means that wherever a rate case is opened, there will likely be many people and organizations with an interest in influencing regulators' decisions from a variety of intersecting perspectives. Environmental justice organizers may want to compel a utility corporation to accelerate its transition off of fossil fuels and clean up its operations. Racial and social justice groups may be interested in keeping utility bills low and ensuring reliable service and clean air and water in exploited communities. Affordable housing advocates may be concerned with utility bills driving up the total cost of housing in a city. Consumer advocacy organizations may be primarily concerned with costs for ratepayers.

When a rate case is initiated, defeating utility industry proposals for higher prices for captive customers and greater returns for utility shareholders will require as large and as broad a coalition as possible. Organizers interested in challenging a rate case should work to identify and make contact with potential allies who may want to work together to stand up against a utility corporation. By working in a coalition, campaigners will be able to show up with greater force in rate case proceedings, to amplify shared priorities, and to more effectively bring the issues of utility industry extraction, exploitation, and profiteering outside the conference rooms and teleconference meetings where the rate case takes place to the general public.

The following is a partial list of the types of groups and organizations with an interest in the outcome of utility rate case:

- Consumer advocacy groups
- Racial, social, and economic justice groups
- Environmental groups
- Affordable housing groups
- Public interest law groups (including your state's Public Utility Law Project, if you have one)
- Advocates for senior citizens and people with disabilities
- Child advocacy groups
- Block clubs

Beyond the groups listed above that may be willing to form a coalition to fight a rate case, campaigners may also consider contacting their state's consumer counsel – the public official or entity that intervenes in utility rate cases on behalf of consumers (both residential and commercial or industrial) – to develop their rate case strategy. However, like any campaign strategy, before pursuing this advocates should take into account all relevant information. If the state's consumer advocate was appointed by a governor or other official who is unfriendly to community interests, for example, then they will likely not be an effective ally in a rate case campaign.

Become a Rate Case Intervenor

One of the first potential steps in challenging a utility corporation in a rate case is to obtain intervenor status in the case. The requirements and rights of becoming a rate case intervenor vary from state to state, but in general, a person or organization seeking intervenor status will need to submit a letter or petition to their Public Service Commission or Public Utility Commission giving their name, address, and phone number as well as a statement describing their interest in the rate case and why they are seeking to intervene in the case. Because a rate case is a quasi-judicial proceeding that is overseen by an administrative law judge, an organization intervening in a rate case may want to hire an attorney to represent its interests, in which case groups will also have to provide the attorney's contact information to the utilities regulator. Be sure to check your state's laws to determine what is required to become an intervenor in a rate case.

Becoming an intervenor allows campaigners to participate in the technical conferences in a rate case, to request information and documents through the rate case discovery process, to submit witness testimony, and to cross-examine witnesses testifying for the utility corporation.

The ability to participate in discovery may be one of the strongest advantages of joining a rate case as an intervenor. Campaigners can ask for all kinds of information about the utility corporation's operations, which can then be used to bolster the case that regulators should reject a rate hike.

Information you may want to ask for includes:

- Corporation financial information including detail on existing revenues and expenditure breakdowns
- Executive and board compensation
- Lobbying expenditures
- Information about shut-offs and utility debt
- Information about outages and infrastructure failures
- Utility climate change mitigation plans
- Anything else related to your campaign or movement priorities

Being an intervenor also means that you can cross-examine utility corporation witnesses.

Participating in the technical aspects of a rate case can be overwhelming. Utility corporations file thousands of pages of expert testimony, including huge sets of data, testimony from highly specialized experts, and complicated legal arguments written in opaque jargon.

In a rate case, the utility will in all likelihood try to capitalize on the imbalance in technical expertise to try to shut your arguments down and discourage you from participation.

This is an area where it helps immensely to have coalition partners you can lean on. It is okay not to know every detail about every aspect of the utility company's rate proposal. Allies in your state's consumer's counsel or with a Public Utility Law Project can help to understand what is being discussed in a technical hearing so you can determine whether a given subject is worth challenging the corporation on or if it would be more strategic to focus your efforts elsewhere in the case.

Take advantage of public comment periods

While only people or organizations that have been granted intervenor status by the utility regulator in a rate case may submit testimony, request information, and cross-examine witnesses, in most cases anyone may submit a written comment on a rate proceeding to raise issues or concerns with regulators. These comments may not become part of the official evidentiary record of the rate case since they are not sworn testimony subject to cross-examination, they can be used by regulatory staff and intervenors to raise issues as part of the official evidentiary record.

Public comment periods are a critical point in the rate case process for energy democracy advocates to introduce their own narrative to counter the story being told by a utility corporation and its allies. It is an opportunity to bring in information that may not have been considered by regulatory staff or the administrative law judge in a rate case and to lift up the voices of individual ratepayers to discuss how a utility corporation is currently impacting their communities and how the company's future plans will affect them.

To maximize impact during a public comment period, organizers should mobilize as many community members as possible to submit comments opposing a utility corporation's plans. To do this effectively, organizations should engage in popular education efforts to explain to their members and other community stakeholders what is at stake in the rate case and how the community can fight back. Organizers should also make it as easy and frictionless as possible for their constituents to navigate the public comment process, for example, by creating step-by-step instructions for how to submit comments or by soliciting and gathering comments from members of their community and submitting them to regulators in bulk.

Having dozens, hundreds, or even thousands of comments opposing a utility corporation's rate proposal can be a powerful way to let regulators know that a community is paying attention to a rate case and that there is widespread disapproval of corporate plans, exerting pressure on the regulators to reach a decision that is in the interest of the people.

PUSH Buffalo, a housing and climate justice organization based in Buffalo, New York, has used public comment as tactics in campaigns to oppose rate hikes proposed by the utility corporations National Fuel and National Grid. PUSH Buffalo organizers canvassed west side neighborhoods to inform residents about the rate hike that the corporation was asking for and the company's broader impact on the community, and ask them to submit a comment opposing the rate hike. Canvassers provided comment cards pre-filled with the address of New York's Public Service Commission and the case number of the current rate case and a blank space for residents to fill in their personal comments about how the rate hike would affect them in order to make engagement as easy as possible for community members. Organizers then collected and submitted the filled-out comment cards to the New York PSC.

Mobilize people to speak out at public hearings

Public comment hearings (or public statement hearings) are another way to demonstrate community power and opposition to utility corporation rate proposals. Utility regulators frequently – but not always – schedule at least one public comment hearing in the territory of a company seeking a rate hike. If a regulator does not plan on holding a public hearing on a utility rate case, it should be a top priority for campaigners to demand one by mobilizing members, constituents, and community members to contact the regulatory body and by publicizing these calls as widely as possible.

Much like with comment periods in rate cases, public statement hearings allow anyone to speak out about the reasons why they do or do not support a utility's request for a rate hike. However, because public hearings are in person, they can send a much more powerful message as utility corporate officials and regulatory agency workers are met face to face with the people whose housing costs will become less affordable if rates are hiked and who have the most at stake from decisions about a utility corporation's investments.

There are multiple reasons why organizers should educate and mobilize as many people as possible to show up to a public hearing and speak out against the utility corporation's plans. As mentioned above, a large show of community power can be a strong motivator for utility regulators who are either appointed by elected officials or directly elected themselves. A clear demonstration of widespread vocal opposition to a rate proposal puts pressure on regulators – even those whose ideological orientation or career history makes them identify more with the corporations – to take community concerns into account in their decision-making process. Mobilizing as many people as possible to speak out at public hearings is also important because utility corporations seeking rate hikes will be doing the exact same thing. Companies will frequently attempt to pack the room in a public hearing with their employees and representatives of allied organizations – like local chambers of commerce, industry front groups, or public-private economic development or policy planning organizations – to

advocate for the corporate position. Campaigners should ensure that they are adequately able to counter the utility corporation narrative and present a compelling counter-narrative that demands housing affordability, ecological justice, and energy democracy.

A public statement hearing can also help to grow the struggle against a utility corporation by raising awareness that the company is trying to hike people's rates. A contentious hearing with passionate statements from the community can drive coverage of the issue in the local media and prompt more members of the community to comment or speak out against the utility company. Recruiting highly visible members of the community – especially community leaders and popular elected officials – can be an especially effective way to draw attention to a rate case and organize opposition.



Photo by Fa Barboza on Unsplash

Bring your utility confrontation outside the formal process

The quasi-judicial process of a rate case can be tightly regimented and highly technical, which puts multi-million dollar utility corporations at a decided advantage to campaigners and the communities in which they work. While there are opportunities for well-organized constituencies to meet corporate power within the formal process, campaigners should work to extend their confrontation with the utility company out of the conference rooms and video call meetings and onto terrain where they have the upper hand.

Rate cases are important decision points that impact everyone in a utility corporation's service area. Accordingly, organizers should take every opportunity to inform the public about what is happening in a rate case and what it means for their community. By organizing and taking action outside the formal process during a rate case, campaigners can bring attention not just to the immediate issues of a possible rate hike, but also engage community members in a larger conversation about the role of investor-owned utilities in our society and present an opposing, communitarian vision for how to provision safe, clean, and affordable energy.

Canvassing neighborhoods and holding in-person or remote popular education sessions about an ongoing rate case as well as corporate utility power in general can be a great way to agitate members of the community and prompt them to join a campaign to stop a rate hike.

Op-ed columns or letters to the editor in local newspapers also are an effective way to communicate to a

large general audience about the stakes and impacts of a rate case from the perspective of advocates for ecological justice.

Publishing strategic research into a utility company's corporate structure, financial information, corporate ownership, ties to other corporations and non-governmental groups, and political influence activities can inform other popular education efforts and possibly drive media coverage of a rate case and utility issues itself.

Organizers should also consider organizing their own public hearing to present and discuss the issues in a rate case. In a "people's hearing", campaigners can expand the scope of discussion beyond the relatively constrained issues of rate design and corporate return on investment and present the information in a more entertaining and accessible manner than in the dry, governmentally-administered and utility-dominated proceeding before an administrative law judge. Adding dramatic or spectacular elements – such as street theater or marches or by holding the event in a conspicuous location like in front of a utility corporation's offices – can make a people's hearing more engaging and attention-drawing.

These popular education efforts should complement other tactics described above and should always present opportunities to challenge the rate hike, e.g. by submitting a comment, speaking out at a hearing, and joining a rate case campaign.

Campaigners should work to extend their confrontation with the utility company out of the conference rooms and video call meetings and onto terrain where they have the upper hand

Continuing the fight after a rate case has concluded

Organizing opposition to a utility rate hike can feed into and build upon longer-term campaigns to reshape how energy is produced and delivered within a community. It introduces people to issues of corporate control of energy through a direct confrontation with a utility corporation with clearly-defined and immediate stakes for people's housing costs. Campaigners should ensure to connect rate case issues to their other campaigns for housing justice, ecological justice, and energy democracy.

After a rate case has concluded, there may be other opportunities to challenge utility corporation power within the regulatory framework of state Public Service Commissions.

During a rate case, a utility regulator will set a defined rate of return the utility corporation can make as a percentage of the company's capital costs. If the corporation brings in more money than the rate of return, the regulator may open an excess earnings case to determine whether the corporation needs to refund money collected over the prescribed rate of return. Like in a rate case, organizations can apply to become intervenors in an excess earnings case to try to influence how that money is distributed. For example, campaigners may seek to have excess utility earnings invested in improving infrastructure, energy efficiency, or refunded to customers facing the highest burden of energy costs.

Another opportunity to challenge utility power within the processes of the state utility regulator is when there is a vacancy on a Public Service Commission or Public Utility Commission. In most states these regulatory positions are appointed by the governor with the approval of the state legislature, but in some states commission members are directly elected. When a vacancy appears on a utility regulatory body, organizers can campaign to fill that position with a champion for energy democracy rather than someone who has passed through the revolving door or who has an interest in maximizing profits at the expense of customers. These types of campaigns will look differently depending whether utility commissioners are appointed or elected in that state, requiring either organizing to pressure current governmental officials to nominate and approve a commissioner who is going to advocate for ratepayers or mounting a full electoral campaign.

After a rate case has concluded, there may be other opportunities to challenge utility corporation power within the regulatory framework of state Public Service Commissions.

POWER's Philadelphia PECO Campaign

POWER Interfaith is an organization in Philadelphia, Pennsylvania that organizes congregations and individuals to achieve racial and economic justice on a livable planet. They “fight against environmental racism and dirty energy and for healthy green jobs and renewable, affordable [energy](#).” This mission has led POWER to take on two utility justice campaigns against PECO and Philly Gas Works (PGW, a public gas company). Formerly known as the Philadelphia Electric Company, PECO [merged](#) with Commonwealth Edison Company in 2000 and became Exelon, which now serves more than \$10 million [customers](#) around the country.

POWER started organizing PECO ratepayers about six years ago with another faith based organization called EQAT. The group works with other partners like the legal firm, Earth Justice, and communications group Climate Nexus. While POWER includes rate affordability in their campaign platform, the group has focused on something called the Default Service Plan (DSP), which outlines where the electric utility is going to source its power. After getting involved in this process in 2020, POWER was able to do something historic. The group successfully pressured the Pennsylvania PUC to hold a public hearing on PECO's service plan for the first time ever. POWER organized about 60 ratepayers to testify that they wanted to see PECO utilize renewable energy. This first effort did not change the outcome of the DSP, but did get the PUC to recognize that climate change was a factor in the costs of the service to ratepayers and it pushed POWER to develop their own alternative energy plan: the Peoples Energy [Plan](#).

PECO must get its energy procurement plan approved by the PUC every four years, and in 2023, POWER is getting involved again. The group is bringing the Peoples Energy Plan to PECO with specific ideas of what they'd like to see in the proposal to the PUC. Climate Justice Director, Julie Greenberg, said about the plan: “[it] is a process for engaging PECO around what we need:

affordable renewable energy with fair labor, health, and safety. We need energy democracy.”

Earlier this year, POWER launched their plan in front of City Hall at a rally with about 200 people. The plan received widespread coverage and support as it brings together both technical experts that can help bolster their plan and ratepayers that care about a sustainable future. While the task of developing an affordable, clean energy plan is challenging, POWER maintains that the stories, values, and individual expertise of PECO's ratepayers is just as critical to PUC decision making as the technical experts. POWER member Wendy Greenspan noted “People feel alienated because they're not experts. It's important to tell people that they don't have to be technical experts. We need to bring some expertise but also the values and personal side of this issue.”



Combining testimony of ratepayers with solid proposals to make the plan a technical reality forces PECO to take this plan seriously and helps to support the PUC in listening to the voices and vision of Philadelphians around energy justice.



PUSH Buffalo’s National Fuel and National Grid Campaigns

People United for Sustainable Housing (PUSH Buffalo) is a housing and climate justice organization based on the west side of Buffalo, New York. PUSH Buffalo’s mission to “create strong neighborhoods with quality, affordable housing; to expand local hiring opportunities; and to advance racial, economic, and environmental justice in Buffalo” has led the organization into confrontations with both National Fuel and National Grid, the gas and electric utility corporations that serve Buffalo. PUSH Buffalo has intervened in rate cases brought by National Fuel and National Grid since 2016 and has been active in other utility industry proceedings before the New York Public Service Commission – including proceedings to reform the gas utility’s [conservation incentive program](#) and proceedings over [excess utility earnings](#) – since 2010. The organization has also brought confrontation with utility industry power to the state legislature, working in coalition with environmental, economic, and racial justice organizations across New York State to advance new climate laws setting aggressive carbon reduction mandates and targeting renewable energy and energy efficiency investments in front line communities that have been hit earliest and hardest by climate change and environmental racism.

PUSH Buffalo’s energy justice campaigns have employed a variety of tactics to publicize fights against investor-owned utilities, spotlight corporate profiteering from essential services, and mobilize members of the community to participate in the regulatory process.

Working in coalition with other social justice organizations in the Buffalo area has been central to fights against utility industry power. In PUSH Buffalo’s [early campaign](#) to reform National Fuel’s conservation incentive program, the group formed the National Fuel Accountability Coalition along with a dozen other groups, including faith-based organizations like VOICE Buffalo and the community-labor alliance Coalition for Economic Justice. In later fights against rate hikes proposed by National Fuel and National Grid, PUSH Buffalo worked alongside allies in the Crossroads Coalition, a group of Buffalo ecological and social justice

organizations working to achieve a just transition away from the fossil fuel economy, and the statewide New York Renewables coalition.

To publicize the importance of ongoing rate cases and to mobilize the community to stand up to corporate rate hike proposals, PUSH Buffalo has used neighborhood canvasses to talk to impacted community members and make it as easy as possible for community members to participate in the public comment period of rate case proceedings. Canvassers provided comment cards pre-filled with the address of New York’s Public Service Commission and the case number of the current rate case as well as a blank space for residents to fill in their personal comments about how the rate hike would affect them, then collected and submitted the filled-out comment cards to the New York PSC. When the PSC scheduled public hearings for rate cases, PUSH Buffalo organizers were able to contact community members who filled out comment cards to encourage them to show up and speak out against rate hikes.

PUSH Buffalo also worked to counter utility corporations’ narratives around the necessity of rate hikes through [op-ed columns](#) in local newspapers and [watchdog reports](#) on utility corporations. Working with researchers at LittleSis, PUSH Buffalo brought



the issues of sky-high corporate profits, multi-million dollar compensation packages for corporate executives, and planned fossil fuel projects that threatened the environment into the fight over utility rate hikes. In order to get the message out and to build public opposition to rate hikes, PUSH Buffalo also orchestrated press conferences and street demonstrations at utility [corporation headquarters](#).

Organizing and mobilizing their community to engage in rate cases has been successful for PUSH Buffalo. Gas utility National Fuel had its requested rate hike [reduced by 86%](#) by the New York Public Service commission in 2017 and had its allowed return on investment reduced to 8.7%. Electric utility National Grid's requested 2021 rate hike, which was opposed by PUSH Buffalo, Alliance for a Green Economy, and [more than 100 other allies across the state](#), was reduced by one-third.



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