

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA

Order Instituting Rulemaking to  
Consider New Approaches to  
Disconnections and Reconnections to  
Improve Energy Access and Contain  
Costs

Rulemaking 18-07-005  
(Filed July 20, 2018)

**RESPONSE OF CENTER FOR ACCESSIBLE TECHNOLOGY AND NATIONAL  
CONSUMER LAW CENTER IN RESPONSE TO RULING ON  
TURN EMERGENCY MOTION**

Melissa W. Kasnitz  
Center for Accessible Technology  
3075 Adeline Street, Suite 220  
Berkeley, CA 94703  
Phone: (510) 841-3224  
Fax: (510) 841-7936  
E-mail: [service@c4at.org](mailto:service@c4at.org)

Olivia Wein  
Senior Attorney  
National Consumer Law Center  
1001 Connecticut Avenue, NW, Suite 510  
Washington, DC 20036  
202-452-6252  
[owein@nclc.org](mailto:owein@nclc.org)

October 22, 2024

## Table of Contents

|      |   |   |
|------|---|---|
| I.   | Introduction.....   | 1 |
| II.  | Discussion.....   | 2 |
| A.   | The Public Health Risks of Extreme Heat, Particularly to Vulnerable Populations, Are Real and Severe..... | 3 |
| B.   | The Commission Should Act Promptly .....  | 5 |
| III. | Conclusion .....  | 6 |

## I. INTRODUCTION

On August 14, 2024, The Utility Reform Network (TURN) filed an Emergency Motion to modify weather-related disconnection protections to address extreme heat risks (the TURN Motion).<sup>1</sup> On August 28, 2024, Center for Accessible Technology (CforAT) and the National Consumer Law Center (NCLC) jointly filed a Response in support of the TURN Motion (Joint Response).<sup>2</sup> On October 14, 2024, an Assigned Commissioner’s Ruling (the ACR)<sup>3</sup> was issued denying the TURN Motion on an emergency basis and requesting comments from parties on whether the issue of enhancing weather-related disconnection protections to better address extreme heat risks should be added to the scope of the proceeding in time to consider action prior to next summer.<sup>4</sup>

CforAT and NCLC, as representatives of consumers at high risk during periods of extreme heat, support the addition of this issue to the scope of the proceeding and continue to support the development of enhanced disconnection protections.

CforAT represents the interests of utility customers with disabilities, medical needs and chronic health conditions in order to ensure that they have access to reliable and affordable utility service sufficient to meet their essential needs. People with disabilities and chronic health conditions are at particular risk of harm during extreme heat events.

Since 1969, the nonprofit NCLC has used its expertise in consumer law and energy policy to work for consumer justice and economic security for low-income and other

---

<sup>1</sup> Emergency Motion of The Utility Reform Network to Modify Weather-Related Disconnection Protections to Better Address “Extreme Heat” Health and Safety Risks, filed on August 14, 2024.

<sup>2</sup> Response of Center for Accessible Technology and National Consumer Law Center in Support of TURN Emergency Motion, filed on August 28, 2024.

<sup>3</sup> Assigned Commissioner’s Ruling Denying Motion to Modify Disconnection Protections, issued on October 14, 2024.

<sup>4</sup> ACR at pp. 3-4.

disadvantaged people, including older adults. In the U.S. NCLC works with nonprofit and legal services organizations, private attorneys, policymakers, and federal and state governments and courts across the nation to stop exploitative practices, help financially stressed families build and retain wealth, and advance economic fairness. Older adults, persons with disabilities and consumers with low incomes are at particular risk of harm during extreme heat events.

As discussed in our initial response to the TURN Motion and as addressed in greater detail below, the substantial risk of extreme heat, which is increasing due to climate change, supports consideration of enhanced protections in advance of the summer of 2025.

## **II. DISCUSSION**

TURN's Motion discussed a warning put forward by the California Department of Public Health that certain population groups, including people with chronic health conditions, are especially sensitive to heat exposure, and that additional factors affecting vulnerable populations (including generally low-income populations) can lead to disproportionately high risk of heat-related illness and death.<sup>5</sup> As noted in CforAT and NCLC's response to TURN's Motion, this warning is part of a broad call for greater protections from the dangers of extreme heat. CforAT and NCLC supplemented the information discussed by TURN, attaching a report issued by NCLC (the Extreme Heat Report), with the support of the Center for Energy Poverty and Climate, that gathers substantial additional data from sources including the US EPA, the national

---

<sup>5</sup> California Department of Public Health – Guidance for Local Health Jurisdictions and Community Service Providers for Extreme Heat, “Heath Effects of Extreme Heat,” <https://www.cdph.ca.gov/Programs/EPO/Pages/Extreme%20Heat%20Pages/extreme-heatguidance-for-LHJs.aspx>, cited in TURN Motion at pp. 4-5.

Center for Disease Control (CDC), the U.S. Global Change Research Program, and additional scientific and academic research that corroborates the position set out by TURN.<sup>6</sup>

Additional resources ranging from those focused directly on California to those on the national and international scale all support the same conclusion, namely that the risks identified in TURN's Motion are beyond reasonable dispute. For these reasons, the Commission should modify the scope of the proceeding and invite parties to provide information in the record to support the adoption of additional disconnection protections during periods of extreme heat. Such information is plentiful, and the risks are clear. CforAT and NCLC therefore continue to support action by the Commission on this issue.

**A. The Public Health Risks of Extreme Heat, Particularly to Vulnerable Populations, Are Real and Severe**

In our response to the TURN Motion, CforAT and NCLC discussed how the information provided by TURN lays out the public health risks associated with extreme heat and demonstrates how heat risks arise at different temperatures in different locations based on average conditions in those locations (and the heat tolerance developed by the local populations in such locations).<sup>7</sup> In this way, the TURN Motion illustrated how customers, and particularly vulnerable customers, can be placed at risk of harm at temperatures that do not trigger California's existing protections against extreme heat.<sup>8</sup> The Extreme Heat Report further illustrated that these risks are not the same for all populations.<sup>9</sup>

---

<sup>6</sup> *Protecting Access to Essential Utility Service During Extreme Heat and Climate Change*, K. Lusson, July 2024, available at <https://www.nclc.org/resources/protecting-access-to-essential-utility-service/>. For convenience, a copy of this report is attached to these comments.

<sup>7</sup> See TURN Motion at pp. 5-7.

<sup>8</sup> TURN Motion at pp. 8-10.

<sup>9</sup> Extreme Heat Report at pp. 8-10.

Substantial additional information can be provided to support the need for extreme heat protections. Specific to California, the California Department of Insurance issued a report in June of 2024 titled *Impacts of extreme heat to California's people, infrastructure and economy: Pioneering analysis measuring the uninsured and insured costs of extreme heat events* (California Insurance Report).<sup>10</sup> While focused on financial impacts, the California Insurance Report provides additional information that accords with the material already provided on the health and safety impacts of extreme heat, including the fact that vulnerable populations are at heightened risk relative to the population at large.<sup>11</sup>

At a national level, the Congressional Research Service issued a report in April of 2024 titled *Emergency Response to Extreme Heat: Federal Financial Assistance and Considerations for Congress*.<sup>12</sup> The Center for American Progress issued a series of reports throughout the summer of 2024 detailing policy opportunities to protect at-risk Americans from extreme heat.<sup>13</sup> Internationally, the United Nations issued a call to action on extreme heat on July 25, 2024, noting that more than 70 per cent of the global workforce – 2.4 billion people – are now at high risk of extreme heat. The most vulnerable communities are hit hardest.<sup>14</sup> Similarly, the World Health Organization issued a detailed fact sheet on heat and health in May of 2024.<sup>15</sup>

Overall, there are broad calls at every level for a policy response to the risks of extreme heat, and these calls have grown during 2024. The Commission should heed the call and use this

---

<sup>10</sup> The report is available at <https://www.insurance.ca.gov/01-consumers/180-climate-change/upload/Impacts-of-Extreme-Heat-to-California-s-People-Infrastructure-and-Economy-Key-Findings-and-Recommendations.pdf>

<sup>11</sup> California Insurance Report at pp. 15-26.

<sup>12</sup> The report is available at <https://crsreports.congress.gov/product/pdf/R/R46873>

<sup>13</sup> Links to each of the series of reports are available at <https://www.americanprogress.org/series/policy-opportunities-to-protect-at-risk-americans-from-extreme-heat/>

<sup>14</sup> The UN Secretary General's remarks, as well as a links to a broad range of publications on extreme heat and risk, are available at <https://www.un.org/en/climatechange/extreme-heat>

<sup>15</sup> <https://www.who.int/news-room/fact-sheets/detail/climate-change-heat-and-health>

docket to consider and adopt additional protections for Californians at risk of harm from extreme heat before the next summer season begins.

**B. The Commission Should Act Promptly**

In its motion, TURN sought immediate actions by the Commission, on an interim basis, to better align its existing extreme heat protections to the conditions where Californians are at risk during heat events.<sup>16</sup> The Commission determined that it could not make a finding of an active emergency because “the hottest portion of the summer is over, and we are now moving into fall with cooler weather.”<sup>17</sup> While the calendar does indeed indicate that it is fall, hot weather has persisted into October, and the overall risks of extreme heat remain acute. The Commission should not only consider appropriate long-term rules in light of overall higher temperatures in California due to climate change,<sup>18</sup> but it should also issue a scoping ruling and schedule indicating its intent to address this issue promptly so that additional extreme heat protections can be put into effect by spring.

CforAT and NCLC continue to support the specific recommendations put forward by TURN as consistent with the policy recommendations put forward by NCLC for consumer protections in the Extreme Heat Report.<sup>19</sup> Other reports and resources as referenced above concur about the value of access to air-conditioned spaces for protection.

Given the increased risks of extreme heat due to climate change and the heightened vulnerability of at-risk populations, including those with existing medical vulnerabilities and chronic health conditions as well as those in low-income and historically disadvantaged communities, the Commission should not delay in addressing this issue.

---

<sup>16</sup> TURN Motion at p. 16.

<sup>17</sup> ACR at p. 2.

<sup>18</sup> TURN Motion at p. 16.

<sup>19</sup> Joint Response to TURN Motion at pp. 4-5.

### III. CONCLUSION

CforAT and NCLC respectfully request that the Commission add the issue of how to increase consumer protections from disconnection during periods of extreme heat to the scope of this proceeding and to schedule proceedings to address the issue promptly so that protections can be in place before the summer of 2025.

Respectfully submitted,  
October 22, 2024

/s/ Melissa W. Kasnitz  
MELISSA W. KASNITZ  
Authorized to sign on behalf of NCLC

Center for Accessible Technology  
3075 Adeline Street, Suite 220  
Berkeley, CA 94703  
Phone: 510-841-3224  
Fax: 510-841-7936  
Email: [service@c4at.org](mailto:service@c4at.org)

Olivia Wein  
Senior Attorney  
National Consumer Law Center  
1001 Connecticut Avenue, NW, Suite 510  
Washington, DC 20036202-452-6252  
Email: [owein@nclc.org](mailto:owein@nclc.org)