# Congress of the United States

## Washington, DC 20515

August 9, 2024

Marc Harnish
Energy Information Administration
U.S. Department of Energy
1000 Independence Ave. SW
Washington, DC 20585
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*Submitted via Email*

Dear Mr. Harnish,

We commend the Energy Information Administration (EIA) for developing the first-ever nationwide federal database tracking gas and electric utility shutoffs for non-payment. As Congress members whose constituents face the fatal consequences of utility shutoffs every day, we understand first-hand that utility shutoffs are a national crisis and a violation of basic human rights and dignity. The absence of any federal tracking system and the failure of over 50% of state utility regulators to require reporting of shutoffs means that the frequency and geographic and economic impacts of utility shutoffs are currently unknown. Therefore, **we support EIA's important efforts to create a database and urge that Form EIA-112 be fully and permanently implemented.**

**In addition, we encourage EIA to strengthen the survey by incorporating data on customer debt and time to reconnect utility service, and by requiring respondents to aggregate data by geographic metrics.** These suggestions are responsive to EIA's June 20, 2024, Federal Register notice, which invited comments on "whether or not: … (c) EIA can improve the quality, utility, and clarity of the information it will collect." We believe that reporting this additional data, which utilities already possess, would help Congress legislate more effectively in response to the utility shutoff crisis, energy poverty, and other issues which are likewise rooted in federally sponsored housing segregation and subsequent disinvestment in and overpolicing of communities of color.

1. **Support for full and permanent implementation of Form EIA-112**

The availability of nationwide data on gas and electric utility shutoffs can advance congressional efforts to ensure access to essential utilities, protecting the health, safety, and dignity of

American households. Access to utilities is a human right. That is why we introduced the *Resolution Recognizing the Human Right to Utilities*, which affirms that access to electricity, heating, cooling, water, sanitation, broadband communications, and public transportation are basic human rights and public services that must be accessible, safe, acceptable, sufficient, affordable, justly sourced and sustainable, climate resilient, and reliable for every person.

We support the full implementation of Form EIA-112 because energy insecurity and energy poverty caused by unaffordable utility bills impact millions of American families every year, particularly communities of color and low-income communities.[1] Those impacted by unaffordable utility bills include many of our constituents. In 2023, electric and gas utilities shut off services to more than 320,000 households in Michigan.[2] Missourians were disconnected from utility services more than 167,000 times in 2022.[3] Last January, Missouri stopped requiring utilities to report shutoffs but fortunately reinstated the reporting requirement this July. When utility customers are shut off for nonpayment, they face predatory collection practices which have long-term impacts on their credit scores, as well as tax liens on properties and loss of custody of minor children.[4] The utilities' lack of data transparency masks this crisis and makes it more difficult for elected officials to take action.

We also support the full implementation of Form EIA-112 because utility shutoffs have life-or-death impacts on our constituents. Access to electricity for cooling homes and businesses is essential during heatwaves, as was made abundantly clear during the summer of 2023, when record-breaking heat increased emergency room visits for heat-related illness and caused at least 2,300 deaths directly attributable to excessive heat.[5] Heat-related illness and death disproportionately impact older adults and young children, whose bodies are less able to adapt to extreme heat. Individuals with cardiovascular and respiratory diseases and Black Americans are

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[1] *See, e.g.*, Trevor Memmott, Sanya Carley, Michelle Graff & David M. Konisky, *Sociodemographic Disparities in energy insecurity among low income households before and during the COVID-19 pandemic*, 6 Nature Energy 186 (2021); Michelle Graff, Sanya Carley, David M. Konisky & Trevor Memmott, *Which households are energy insecure? An empirical analysis of race, housing conditions, and energy burdens in the United States*, 79 Energy Research & Social Science 102144 (2021).

[2] *Utility Disconnections Dashboard*, Energy Justice Lab, Indiana University & University of Pennsylvania, https://http-149-165-173-211-80.proxy-js2-iu.exosphere.app/.

[3] Missouri Public Service Commission, *Staff Report: A Working Case to Consider Best Practices for Recovery of Past-Due Utility Customer Payments after the COVID-19 Pandemic Emergency*, AW-2020-0356 (Jan. 31, 2023).

[4] *See, e.g.*, Diana Hernández & Jennifer Laird, *Surviving a Shut-Off: U.S. Households at Greatest Risk of Utility Disconnections and How They Cope*, 66 American Behavioral Scientist 856 (2022); Cody Montag, *Water/Color: A Study of Race & The Water Affordability Crisis in America's Cities,* NAACP Legal Defense Fund (2019), https://www.naacpldf.org/wp-content/uploads/Water_Report_Executive-Summary_5_21_19_FINAL-V2.pdf.

[5] Ambarish Vaidyanathan, Abigail Gates, Claudia Brown, Emily Prezzato & Aaron Bernstein, *Heat-Related Emergency Department Visits – United States, May-September* 2023, 73 Morbidity & Mortality Weekly Report 324 (2024), https://www.cdc.gov/mmwr/volumes/73/wr/mm7315a1.htm; Seth Borenstein, Mary Katherine Wildeman & Anita Snow, *AP analysis finds 2023 set record for US heat deaths, killing in areas that used to handle the heat,* Associated Press (May 31, 2024), https://apnews.com/article/record-heat-deadly-climate-change-humidity-south-11de21a526e1cbe7e306c47c2f12438d.

also at a higher risk for heat-related illness.[6] Many of our constituents fall into these higher-risk categories. In addition to direct health impacts from exposure to excessive heat, utility shutoffs impact Americans' health when they are unable to store life-saving medications that need refrigeration or operate medical equipment that requires electricity, like breathing machines, power wheelchairs and scooters, and home dialysis equipment.

We also support the full implementation of Form EIA-112 because the utility shutoff crisis will only worsen as the climate catastrophe intensifies in the coming years and decades. As summer temperatures rise, communities will only become more reliant on electricity-powered cooling systems to survive extreme heat waves. At the same time, climate change and profit-driven utility rate hikes will raise the costs of keeping a home cool, with the highest energy burdens borne by the lowest income households.[7] Home energy bills are expected to rise by 7.9% during summer 2024 as a result of increased cooling needs, further contributing to increased shutoff rates.[8] As energy bills skyrocket, utility debt accumulates, shutoffs spike, and the loss of power becomes deadlier. Yet only 23 states and DC require summer shutoff protections. That means 54% of states have no summer shutoff protections, according to the Energy Justice Lab.

The lack of robust, nationwide data has limited Congress' ability to adopt energy solutions that effectively meet the scale and nature of the utility shutoff crisis. For example, in 2020 the House passed the *Emergency Water and Energy is a Human Right Act*, which would have provided residential utility bill assistance and extended the nationwide ban on shutoffs. However, a lack of data on the magnitude of the shutoff crisis made it difficult to estimate the financial scale of the problem. Our effort during the pandemic to enact a ban on utility shutoffs helped spawn the need for a federal database, which is why we now support the implementation of Form EIA-112.

## 2. Strengthening Form EIA-112 by incorporating customer debt data and geographic metrics

**There are several ways that the survey could be strengthened to help Congress better address the utility shutoff crisis. Specifically, we encourage EIA to incorporate detailed information on customer debt, time to reconnect utility service, and geographic metrics,** which would provide Congress with a better understanding of the scope and nature of energy

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[6] *Climate Change Indicators: Heat-Related Deaths,* Environmental Protection Agency, https://www.epa.gov/climate-indicators/climate-change-indicators-heat-related-deaths; Jeffrey Berko, Deborah D. Ingram, Shubhayu Saha & Jennifer Parker, *Deaths Attributed to Heat, Cold, and Other Weather Events in the United States, 2006-2010,* National Health Statistics Reports, vol. 76, https://www.cdc.gov/nchs/data/nhsr/nhsr076.pdf.

[7] Kayleigh Rubin, Molly Freed & Ashna Aggarwal, *1 in 7 Families Live in Energy Poverty. States Can Ease That Burden,* Rocky Mountain Institute (Dec. 18, 2023), https://rmi.org/1-in-7-families-live-in-energy-poverty-states-can-ease-that-burden/.

[8] *Summer Residential Cooling Outlook: Residential Electric Utility Expenditures Projected to Reach Record Levels, Highest in 10 years,* National Energy Assistance Directors Association & Center for Energy Poverty and Climate (June 3, 2024), https://neada.org/wp-content/uploads/2024/06/2024summeroutlook.pdf.

unaffordability across the country. Over 21 million households were behind on their energy bills at the end of last year, with arrearages surpassing $20 billion. These overdue bills can lock families into endless cycles of poverty. We suggest that EIA require utilities to report customer debt as part of Form EIA-112 in order to make available comprehensive data on household utility debt. We also suggest that EIA require utilities to report time to reconnect utility service, and, if possible, whether reconnections were made to the same customer account or a new customer account at the same meter. We believe this data would provide additional context for the relationship between utility disconnection and residential evictions. If customer account data is unavailable, we suggest that service disconnection length be reported in time intervals that would permit inference into the possibility of eviction, e.g., 24 hours, 48 hours, 72 hours, one week, two weeks, more than two weeks.

Additionally, we suggest that EIA require reporting of final notice, disconnection, reconnection, and utility debt data by zip code, county, or another comparable geographic metric**.** This geographic data would help Congress better prioritize investments, such as through the Low-Income Heating Energy Assistance Program (LIHEAP) or Weatherization Assistance Program (WAP), to communities that are on the frontlines of the utility shutoff crisis. Households of color and low-income households spend significantly more of their monthly income on energy bills and are disconnected at higher rates, in part because of historically racist and exploitative energy, housing, and land use policies. Augmenting the EIA database's shutoff data with geographic information will provide crucial insight into the ways utility shutoffs and debt may differ among households in a given state or service territory.

Form EIA-112 will make it possible for Congress to advance just, transformative, and long-lasting solutions to energy poverty — like a comprehensive utility shutoff ban, the equitable deployment of distributed energy resources, the elimination of fuel riders, performance-based ratemaking, and taxing shareholder dividends to fund debt forgiveness and management programs. We again commend EIA for developing this important database and look forward to it being fully and permanently implemented.

Sincerely,

Rashida Tlaib
Member of Congress

Cori Bush
Member of Congress

Jamaal Bowman, Ed.D.
Member of Congress