

## 2022 ASU Sustainability Conference of American Legal Educators

### Abstract Submission for Individual Presentation

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### Advancing Energy Justice in Public Utility Commissions

Abstract: State public utility commissions perform numerous key functions in the administration of energy law. Importantly, they set the rates that consumers will pay for electric power and the profit (rate of return) utility shareholders may receive. In addition, utility commissions are often in a position to play an oversight function in utility planning for new infrastructure and other key decisions with significant financial and environmental implications. With heightened attention to energy justice at the federal level under the Biden Administration, this paper assesses the corresponding possibilities – and barriers – for energy justice advocacy at the state level before public utility commissions. In recent years, an increasing number of environmental and social justice advocates have been advancing energy justice and clean energy policy through active participation in utility commission proceedings. Yet public utility commissions have historically been fairly closed fora, in practice if not in principle, with significant barriers to active participation by the public or representatives of non-utility interests. For advocates focused on racial and socio-economic equity in energy regulation, the ability to bring effective advocacy to utility commission proceedings is critical. As the paper will discuss, key reforms related to intervenor funding, ratepayer advocates, and rate of return determinations, can help advance energy justice in state public utility commissions at a crucial point in the clean energy transition.