



Honorable President-Elect Joe Biden  
United States of America  
1120 20th St. NW  
Washington, DC 20036

Honorable Vice President-Elect Kamala Harris  
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Attn: Chiquita Brooks-LaSure, HHS Review Team  
Robert Gordon, HHS Review Team  
John Williams, FCC Review Team  
Dr. David Kessler, COVID-19 Advisory Board  
Dr. Vivek Murthy, COVID-19 Advisory Board  
Dr. Marcella Nunez-Smith, COVID-19 Advisory Board

December 4, 2020

## **Request for an Immediate National Utilities Shut-off Moratorium and Long-Term Actions for Utility Justice**

Dear President-Elect Biden and Vice President-Elect Harris:

On behalf of our millions of members and supporters nationwide, we urge you to implement a nationwide moratorium on the shut-offs of electricity, water, broadband, and all other essential utility services during the COVID-19 pandemic and the ensuing economic strife. We ask that you take executive action on day one to address our country's deepening shutoff crisis.

Further, while a nationwide moratorium provides a necessary respite during this crisis, it does not tackle the systemic issues driving these all-too-common utility injustices across America. We therefore urge you to invest significant stimulus funds into long-term solutions, including funding for distributed clean energy systems and support public renewable energy infrastructure, for broadband affordability and equity supports, and for public water infrastructure and percentage-of-income water affordability plans, which enhance the long-term energy, broadband, and water resilience for all communities, in particular low-wealth households, communities of color, and Indigenous peoples across the country.

Public support for a nationwide utility shut-off moratorium is vast: last April 2020, 830 organizations—including utility justice, civil rights, energy democracy and justice, environmental justice, conservation, faith, labor, health advocate, consumer advocate, and legal educational organizations—called on Congress to pass legislation implementing such a moratorium. While the House of Representatives has twice passed a COVID relief bill that includes this critical protection, the GOP-controlled Senate has failed to act for the people.

The COVID-19 emergency has resulted in unprecedented job losses, the burden of which is disproportionately harming low-wealth families, especially in communities of color and American Indian and Alaska Native communities. This loss of income threatens the ability of families to pay their rent or

mortgage, to buy food, and to shoulder monthly bills for electricity, water, broadband, and other essential utility services. Access to water is foundational to living and fighting the coronavirus, which necessitates constant hand-washing and sanitation. Electricity access is necessary for families to keep their lights, refrigerators, and key medical devices on. Broadband access is essential for low-income students who face being left behind as education moves online, for people who have lost jobs to search for new employment, and for families to access telemedicine and receive up-to-date information about the pandemic. No one should ever be forced into the impossible position of choosing between food and connection, between shelter and healthcare, between water and heat.

These injustices existed long before the pandemic, which has both exacerbated these chronic issues and highlighted their urgency. In 2017, nearly 19 million households reported receiving notice that they were at risk of having a utility service disconnected due to lack of payment. Before the pandemic, 22 percent of households nationwide did not have internet at home. Lacking access to essential electric, broadband, and water services disproportionately harms low-wealth communities, communities of color, and Indigenous peoples.

We urge you to act quickly to implement a nationwide utility shut-off moratorium for all essential services via executive action that can be taken immediately, as expanded on below, and to offer struggling families immediate and life-saving relief in the midst of this national health crisis. We also urge you to build on these actions by making utility justice a priority for this administration and pursuing the long-term funding and regulatory solutions necessary to ensure that water, power, and broadband services are universally accessible and affordable.

### **Executive Actions on Day 1**

1. Direct the CDC to issue a moratorium on energy, water, and broadband shut-offs for nonpayment and restore service where previously disconnected. As with housing, utility access is critical to ensure individuals live in safe and healthy conditions and that stay-at-home and other pandemic-related orders are effective. The CDC director should use their authority under Section 361 of the Public Health Services Act to issue a moratorium that bars utility shut offs, as the CDC did with evictions, but should also include provisions ensuring that:
  1. Utilities are required to maintain customers' service rather than requiring an affirmative declaration from their customers;
  2. Utilities are prohibited from charging late fees and instituting other punitive measures for nonpayment;
  3. Utilities are required to ensure customers have access to payment assistance programs and deferred payment plans or arrearage management programs;
  4. The moratorium lasts for the duration of the public health emergency plus an additional 12 months to provide customers with a buffer period to pay off their debt; and
  5. There is a clear enforcement mechanism such as an order to utility regulators and local governments to ensure enforcement or the development of a separate enforcement agency.
2. Appoint a director to the CDC who will champion utility access and equity as a public health priority, particularly during COVID.
3. Appoint an FCC Chair to immediately reclassify broadband internet access service as a telecommunications service, and to use their broad authority under Title II of the Communications Act to impose a nationwide moratorium on broadband and phone service disconnections for nonpayment during the Covid-19 pandemic, with safe service restoration for all households previously disconnected for nonpayment, and waivers of all relevant reconnection fees as well as data cap overage fees.

## Long-term Infrastructure Stimulus

### All utilities:

1. Encourage agencies (e.g., CDC, FCC, FERC, etc) to develop an emergency moratorium on utility shut offs that is automatically triggered when future public health, climate, or other emergencies are declared.
2. Support legislative efforts to establish long-term emergency planning for utility access and equity.

### Power:

1. Support legislative Green New Deal efforts to (i) finance and spur distributed energy generation, including community solar and rooftop solar, as well as battery storage and smart grid infrastructure to provide long-term energy and climate resilience for all American families; and (ii) establish energy affordability, including percentage-of-income payment programs and arrearage management programs for low- and moderate-income households and households negatively affected by the COVID-19 pandemic;
2. Use the President's existing executive authorities to redirect funding and provide loan guarantees to spur the development of long-term clean energy solutions including distributed solar and storage; direct agencies to remove barriers to community-owned solar diffusion and provide technical assistance to communities to develop and operate these programs, including working to unlock private finance; Support research, legislative, and regulatory efforts to reform the electric utility business model to create a clean and equitable energy system for all; and
3. Ensure that federal agencies, including federal power authorities (e.g., TVA), are leaders in clean and distributed energy adoption by requiring fully renewable portfolios with an ambitious carve-out of distributed energy resources.

### Broadband:

1. Work with Congress to implement a monthly emergency broadband benefit of up to \$50 per month available to all low-income households and those financially impacted by the Covid-19 pandemic to put towards any broadband plan of their choosing. The benefit should last for the duration of the national health emergency and at least 6 months beyond.
2. Champion the passage of the Accessible, Affordable Internet for All Act and the Emergency Broadband Connections Act, or similar legislation which includes broadband pricing transparency requirements, digital equity funding, support for public broadband options, and key measures to preserve the FCC's Lifeline program which helps low-income households connect to basic communications services.
3. Support the FCC in using its broad authority under Title II to expand and modernize the Lifeline program to adequately support subsidies for broadband internet access service.

### Water:

1. Support the Emergency Water Is a Human Right Act and other legislative efforts to establish water affordability programs with percentage-of-income payment plans and arrearage management programs for low- and moderate-income households and households experiencing lost wages and jobs due to COVID-19; and
2. Champion the passage of the Water Affordability, Transparency, Equity, and Reliability (WATER) Act as part of an infrastructure stimulus package to restore the federal government's commitment to funding drinking water and wastewater infrastructure and promote universal access to safe and affordable public water for every person in the country.

Sincerely,

*Lead Organizations for No Utility Shutoffs Coalition*

Jean Su  
*Director, Energy Justice Program*  
**CENTER FOR BIOLOGICAL DIVERSITY**

Alissa Weinman  
*Senior Organizer*  
**CORPORATE ACCOUNTABILITY**

Mary Grant  
*Public Water for All Campaign Director*  
**FOOD & WATER ACTION**

Dana Floberg  
*Policy Manager*  
**FREE PRESS ACTION**

Chandra Farley  
*Just Energy Director*  
**PARTNERSHIP FOR SOUTHERN EQUITY**

Johanna Bozuwa  
*Manager, Climate & Energy Program*  
**THE DEMOCRACY COLLABORATIVE**

**Additional Resources on Status of Utility Shutoffs:**

1. **ENERGY:** [The Center for Biological Diversity's Live Tracker on Electricity Shutoffs Moratoria](#) shows that expiring state-level electricity shut-off moratoria could leave as few as six states with binding protections by mid-November. Currently, 33 states have no moratorium on electricity shutoffs.
2. **BROADBAND:** An investigation revealed that nearly [500 complaints](#) have been filed with the FCC over internet shut-offs by broadband providers that had signed the voluntary Keep Americans Connected pledge, despite the pledge's exhortation not to disconnect internet service for nonpayment. Now that the FCC has sunset its pledge, many providers have walked back these already-shaky promises, even as they raise prices and fees.
3. **WATER:** [Food & Water Action's Live Tracker](#) shows 25 state moratoriums on water shutoffs and at least 200 local moratoriums have already expired, and 190 million people (58% of the country) are not protected from losing basic water services, as of December 1.

**Attachments**

- [830+ group organizational letter](#)
- [113 Member of Congress letter](#)
- [House Oversight letter asking the CDC for a shutoff moratorium](#), [organizational sign-on letter to the CDC](#), and [the CDC response](#)