



## PROGRAMMING

Congressional Briefing - April 20, 2021

Website: <https://EnergyDemocracy.us/>

Contact: National Coordinator, Crystal Huang at [hello@EnergyDemocracy.us](mailto:hello@EnergyDemocracy.us)

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2:00pm EDT **OPENING STATEMENT** by Senator Merkeley and Rep. Barragan

2:10pm EDT **WELCOME/INTRODUCTION**  
by **Dr. Denise Fairchild**  
**President, Emerald Cities Collaborative (National)**

2:15pm EDT **INTRO REMARK: ENERGY DEMOCRACY VOICES**  
Introduce **Energy Democracy Project** and diverse voices by **National Coordinator, Crystal Huang**

- ❖ Rural Perspectives: **Chris Woolery, Mountain Association (KY)**
- ❖ Indigenous Perspectives: **Kim Smith, Indigenous Goddess Gang (NM)**
- ❖ Community Choice: **Jessica Guadalupe Tovar, Local Clean Energy Alliance (CA)**

2:20pm EDT **QUICK INTRO TO PANELISTS**

**CLEAN ENERGY AS A HUMAN RIGHT**  
by **Colette Pichon Battle, Esq.**  
**Executive Director, Gulf Coast Center for Law and Policy, Gulf South (TX, LA, MS, AL, FL)**

**COMMUNITY POWER**  
by **Timothy DenHerder-Thomas**  
**General Manager, Cooperative Energy Futures (MN)**

**EQUITY IN A CLEAN ENERGY STANDARD**  
by **Subin DeVar**  
**Director, Initiative for Energy Justice (National)**

**COMMUNITY WEALTH BUILDING**  
by **Anissa Pemberton**  
**Coordinator, Portland Clean Energy Fund Coalition (OR)**

**PUBLIC POWER**  
by **Sean Sweeney**  
**Coordinator, Trade Unions for Energy Democracy (International)**

2:50pm EDT **Q & A/DISCUSSION** moderated by Dr. Denise Fairchild and Crystal Huang

3:30pm EDT **CLOSE OUT**

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Watch the briefing [HERE](#)

# ENERGY DEMOCRACY CONGRESSIONAL BRIEFING

## SPEAKERS

Moderated by:



**Denise Fairchild**  
President, Emerald  
Cities Collaborative  
(National)

**Crystal Huang**  
National Coordinator,  
Energy Democracy  
Project (National)



**Emerald Cities**  
COLLABORATIVE  
*America empowered.*



**ENERGY  
DEMOCRACY  
PROJECT**



**Chris Woolery**

Residential Energy  
Coordinator, Mountain  
Association (KY)



**Kim Smith**

Founder,  
Indigenous  
Goddess Gang  
(NM)



**Jessica Tovar**

Energy Democracy  
Organizer, Local Clean  
Energy Alliance (CA)



**Colette Pichon Battle**

Executive Director, Gulf  
Coast Center for Law  
and Policy  
(TX, LA, MS, AL, FL)



**Timothy DenHerder-  
Thomas**

General Manager,  
Cooperative Energy Futures  
(MN)



**Subin DeVar**

Director, Initiative for  
Energy Justice  
(National)



**Anissa Pemberton**

Coordinator, Portland  
Clean Energy Fund  
Coalition (OR)



**Sean Sweeney**  
Coordinator, Trade  
Unions for Energy  
Democracy  
(International)



## ABOUT THE PANELISTS

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### **Denise Fairchild - President, Emerald Cities Collaborative (National)**

Denise Fairchild is the inaugural President of Emerald Cities Collaborative (ECC), a national nonprofit organization based in Washington, D.C with affiliates in major urban centers across the United States. She is charged with advancing ECC's "high-road" mission to green our cities, build just and resilient local economies and ensure equity and inclusion in both the process and outcomes of a new green and healthy economy.



### **Colette Pichon Battle, Esq. - Executive Director, Gulf Coast Center for Law and Policy, Gulf South (TX, LA, MS, AL, FL)**

Colette Pichon Battle is the Executive Director of the Gulf Coast Center for Law & Policy (GCCLP), working on issues of global migration, community economic development, climate justice and equitable disaster recovery. She has prioritized working with local communities, national funders and elected officials around equity in the post-Katrina/post-BP disaster Gulf Coast. She is a lead organizer with Gulf South for a Green New Deal and leads the Red, Black & Green New Deal initiative with the Movement for Black Lives as part of that formation's leadership team.



### **Timothy DenHerder-Thomas - General Manager, Cooperative Energy Futures (MN)**

Timothy is the co-founder and General Manager of Cooperative Energy Futures (CEF), an energy efficiency and community-owned clean energy cooperative serving members across Minnesota since 2009. Timothy has also helped build local control over energy decision-making in Minneapolis through the Minneapolis Clean Energy Partnership as a member of the partnership's Energy Vision Advisory Committee and supports energy democracy nationally through the People's Solar Energy Fund.



### **Subin DeVar - Director, Initiative for Energy Justice (National)**

Subin DeVar is the director of the Initiative for Energy Justice, a national research center that provides law and policy resources to advocates and policymakers to advance state-level transitions to equitable renewable energy. Prior to working at IEJ, he directed the Sustainable Economies Law Center's Community Renewable Energy Program to promote a just and rapid transition to clean energy through community control of energy resources.



### **Anissa Pemberton - Coordinator, Portland Clean Energy Fund Coalition (OR)**

Anissa is CCC's Portland Clean Energy Fund Coalition Coordinator. Growing up in rural Illinois, Anissa faced the climate crisis at a young age in the pollution from industrial agriculture and manufacturing in their community. After moving to Portland, they served as an AmeriCorps VISTA at a disability organization for two years. Anissa began working with the Portland Clean Energy Fund as a field organizer for 350PDX, and then worked for two years as the Coalition Manager at 350PDX. Their duties at CCC include advocacy and management of the Portland Clean Energy Fund.



### **Sean Sweeney - Coordinator, Trade Unions for Energy Democracy (International)**

Sean Sweeney, is the director of the International Program on Labor, Climate & Environment at the School of Labor and Urban Studies, City University of New York. He also coordinates Trade Unions for Energy Democracy (TUED) a global network of 64 unions that advocates for democratic control and social ownership of energy resources, infrastructure and options. Sweeney has been involved in college-level trade union and worker education since 1987 as full-time faculty with Hofstra University's pioneering program with the United Auto Workers, District 65.





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### Introduction

Democratizing energy is central to achieving a **Just Transition** from a fossil-fuel economy to a new, renewable energy economy grounded in economic and social justice. [The Energy Democracy Project](#), a collaboration of close to 40 geographically and racially diverse grassroots organizations and networks, is part of a growing national movement to democratize the energy sector. Energy democracy **seeks to address the energy system's legacy of structural inequities through greater public accountability and distributive infrastructure investments.**

Energy Democracy calls for renewable energy policies that support energy as a human right, as well as the primacy of distributed energy/community renewables, public power and greater utility accountability as transformative solutions to our clean energy future. Community power (e.g., cooperatives, nonprofits, and other voluntary, non-corporate associations) and public power (e.g., state, local, tribal, federal governments) are more accountable than corporations to the people and natural life most impacted by their actions. This document lists policies that offer some of **the most impactful legislative opportunities to advance energy democracy and outlines the energy democracy policy framework** in the table on pages 4 and 5. The policy framework applies to nearly every aspect of the energy system: clean energy standards, energy infrastructure, access and ownership, governance, human and indigenous rights.

The energy democracy policies highlighted below include bills already introduced in Congress as well as early stage policy ideas. They promote rapid, cost-effective deployment of clean energy assets that build climate resilience and create good jobs. And they map out a strategy of long-term stewardship so we can protect, use, manage, and govern the earth's natural resources in a way that ensures they remain public assets for maximum environmental and community benefit.

The Thrive Act and President Biden's American Jobs Plan (AJP) include many essential energy investments and positive strides towards equity. We are especially encouraged that AJP's framework for broadband internet aims to 'bring everyone along' by encouraging cooperative and municipal ownership of local broadband networks. In the same vein, **the AJP and subsequent legislation have an opportunity to extend the principles of community and public power to energy investments as well** -- the best route to ensuring the energy system of the future is a democratic one.

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### Priority Energy Democracy Policies

#### *Electric Generation Strategy*

- **Create an equitable clean electricity standard (CES)** with the following criteria:
  - Requires 100% of CES generation to be from renewable sources, and at least two-thirds from distributed energy resources
  - Establishes a "Community Renewables First" standard that ensures at least 25% of CES generation is community-governed, and that local communities are involved in a collaborative planning process
  - Prioritizes generation sources based on least environmental impacts
  - **Ensures an equitable distribution of benefits, including a minimum of 40% of the holistic benefits of clean energy go** to marginalized and vulnerable communities; establishes accountability structures such as decennial equity metric targets, reporting, and enforcement
    - Example: President Biden's [executive order](#) creating government-wide Justice40 Initiative

#### *Distributed Energy Infrastructure/Asset Ownership*

- **Convert the Investment Tax Credit and Production Tax Credit to a cash grant** for projects under 3 megawatts and for projects owned by non-profit, cooperative, public, tribal, or publicly accountable entities (e.g., community development corporations), and extend it through 2030.
  - **Example: The proposed [30 Million Solar Homes suite of policies](#)** includes this and other recommendations to power 30 million families with rooftop and community solar (1 in 4 American households) to create an equitable economic recovery, particularly in marginalized communities.
- **Promote virtual net metering** of community-shared renewables (e.g., community solar) and additional compensation for community-shared renewable projects that reach low-income households.
  - Example: [Cooperative Energy Futures' Community Solar Gardens](#) in Minnesota
- Establish a financing and technical assistance program to assist frontline communities develop community-owned renewables to augment the existing technical assistance work of the US Department of Energy.
- **Establish conditional, federal hardship loan forgiveness of \$100 billion for rural electric cooperatives** facilitating the retirement of co-op coal plants and all electric cooperative debt in exchange for new investment in clean energy, distributed energy resources, energy efficiency, and other priorities.
  - Example: The Rural Power Coalition's [Rural Electric Co-op Reform](#) platform
- Provide incentives for **local and state governments to develop public power solutions (e.g., municipalization, community choice energy)** that increases affordable, clean energy options and public accountability.
  - **Example: Rep. Cori Bush's yet-to-be-released *Public Utilities Resolution Draft***, including making "a just transition from existing investor-owned generation to 100% clean, public, and renewable energy utilities"

### *Community Climate Resilience*

- Invest in resilience hubs and other resilience infrastructure in low-income, climate vulnerable communities.
  - **Example: Reps Barragán and Clarke's [Energy Resilient Communities](#) bill**, which authorizes \$50 million in annual grants for technical assistance and \$1.5 billion in annual grants for clean energy microgrids to support the critical infrastructure needed in the aftermath of an extreme weather event. The bill prioritizes this funding to be directed toward environmental justice communities.

### *Utility Governance and Accountability*

- Provide direct funding (intervenor funds) **for grassroots community members to participate in federal and state rulemaking and other formal agency proceedings** (e.g., FERC, EPA, PUCs etc.) to compensate their time and expertise, and to enable them to hire lawyers and expert witnesses necessary to better match the legal and technical power of utility companies.
  - **Example: The proposed [Office of Public Participation \(OPP\) at FERC](#)** is a good model for amplifying the voice of communities engaging with government agencies.
- **Require states and localities to conduct an energy equity analysis to identify environmental, energy, health and economic burdens** and use the data to allocate funding in an equitable way based on historical environmental burdens.
  - Recommendation: Build on the *Environmental Justice Mapping and Data Collection Act of 2021* ([one-pager](#) here) by Senators Markey and Duckworth and Rep. Bush.

### *Healthy, Energy-Efficient Homes*

- **Invest \$15 billion annually in the Weatherization Assistance Program (WAP)** until it reaches all ~30 million eligible households. Most utility energy efficiency programs are based on rebates, and are therefore inaccessible to low-income households. WAP allows low-income households, some of the most overburdened energy consumers, to receive services that save energy and deliver healthier, more comfortable, and more durable homes. Unfortunately, each year the program reaches only 1% of the 30 million eligible households.
  - Example: The 2009 ARRA allocated \$5 billion to WAP; in three years, the program weatherized one million homes, and the average single-family home saw lifetime [energy, health, and safety benefits of \\$13,167](#) (pdf). See additional context at Rocky Mountain Institute's [US Stimulus Strategy Recommendations](#).

- **Mandate Pay-As-You-Save (PAYS) inclusive financing programs.** Since PAYS programs are the most inclusive to participation and beneficial to all stakeholders, they are the most democratically accessible efficiency programs available. PAYS programs do not require credit or a down payment, have a default rate of less than half of one percent, create jobs that can never be outsourced, reduce emissions, and offset infrastructure and generation investments. The investments are paid back over time out of the savings, creating a revolving fund for future investments.

#### *Utility Access as a Human Right, a Moratorium on Utility Shutoffs / Affordability*

- “Enact a universal ban on disconnections of electricity for nonpayment and **enforce progressive residential electricity rate regulations**, including a cap on energy burdens and energy debt for low-wealth households,” from Rep. Bush’s *Public Utilities Resolution Draft*.
- Support legislation that **addresses outstanding customer arrearages** by converting loans to grants for customer arrearage debt in exchange for a utility shutoff moratorium.
  - Example: Sen. Merkley’s proposed legislation recognizing [\*Emergency Water and Energy as a Human Right and\*](#) which would enact a national moratorium on electricity and water shutoffs.
- Ensure that the cost of electrification, building performance standards, and energy conversion investments do not burden low-income communities such that monthly energy burdens do not exceed the average household energy burden.

#### *Sovereign Rights of Indigenous Peoples*

- Recognizing and upholding the rights of Indigenous Peoples is an essential expression of community power in the energy democracy framework since an Indigenous worldview is rooted in knowledge systems and customs that **value the natural world as living spaces for cultural survival and harmonious interaction, rather than seeing nature as a source of economic gain**. Indigenous Peoples have wisdom, sciences, and ways of living that inform effective solutions to restore and protect the environment, provide sustainable food systems, and pave the way for ecologically-sound economies. **Indigenous Peoples are an essential part of a broader strategy to shift away from an economic system of extraction towards one of reciprocity and mutuality.**

#### *Heal the Land and the Water, and Make Reparations*

- **Allocate 1% of federal investment in climate action to seed local community investment funds** to make clean energy investments that repair harm from fossil fuel extraction and strengthen community posterity, based on community priorities.
  - Example: [\*Portland Clean Energy Fund\*](#) allocated to local clean energy projects \$8.4 million raised in one year through a dedicated tax on large corporations.

#### *Build an Inclusive Clean Energy Economy*

- Establish preferential training, technical support, hiring and contracting programs for clean energy investments to increase job and business opportunities for low-income, disadvantaged residents and businesses.
  - Example: [\*HUD Section 3\*](#)
  - Example: FAA 49 CFR Part 26 of the Code of Federal Regulations requires policies and programs for inclusion of people of color and women through the Disadvantaged Business Enterprise (DBE) for all U.S. DOT funded projects and enhanced support programs (e.g., prompt pay, etc.)
  - Example: FAA is subject to Title 29 and 41 of the Code of Federal Regulations relative to hiring including Davis Bacon Wage Act, Fair Labor Standards, and EEO requirements

## Energy Democracy Policy Framework

The energy democracy policy framework identifies an energy democracy policy approach to community and public power for nearly every element of the energy system. It contrasts our energy democracy approach with a mainstream, market-driven approach for dealing with the climate crisis (e.g., cap-and-trade only) that fails to adequately prioritize the community and public power essential for energy democracy and a Just Transition. Areas highlighted in blue have corresponding sample policy listed above.

Energy Democracy Policy Framework Table (part 1 of 2)				
Category	Element of energy system	Pillars of Energy Democracy		What we do not support
		Community power	Public power	Market-driven approach
<i>Democratize infrastructure and oversight</i>	<i>Electric generation strategy</i>	Create an equitable clean electricity standard (CES) that requires generation to be 100% renewable, two-thirds distributed, and at least 25% community-governed		Privileges utility-scale electric generation and gas generation
	<i>Distributed energy infrastructure / Asset ownership</i>	Prioritize investments in cooperatives, nonprofits, and other forms of community ownership of clean energy assets	Prioritize municipal ownership of electric distribution utilities; invest in rural electric co-ops; incent purchasing from community-owned generators	Privileges ownership by IOUs and other large corporations
	<i>Community Climate Resilience</i>	Prioritize investments for community resilience hubs and clean energy microgrids in climate vulnerable communities		No universal standard/requirement
	<i>Utility governance and accountability</i>	Provide federal intervenor funding for grassroots advocates participating in regulatory and stakeholder proceedings; Require states and localities to conduct energy equity analyses	Broaden authority of public-sector community choice energy (CCE) organizations in regulatory bodies	Reinforces existing IOU structure and PUC and Public Service governance mechanisms (e.g., centralized governance susceptible to corporate influence)
<i>Democratize access to energy</i>	<i>Healthy, energy-efficient homes</i>	Enable low-income households to make necessary upgrades to their living spaces by investing \$15 billion per year into Weatherization Assistance Program; Require all electricity providers to implement Pay-As-You-Save (PAYS) programs		Generally supportive, though on energy efficiency utilities have mixed incentives
	<i>Community Choice Energy (CCE)</i>	Embed community governance role in CCEs; direct surpluses to community-owned projects	Enable local governments to competitively source local clean energy for residents through CCE	Supports CCE without capacity to develop local clean energy
	<i>Utility access as a human right, and a moratorium on utility shutoffs</i>	Uphold access to affordable clean, renewable energy as a human right; update utility shutoff practices and fee structures to match		Denies access to those who cannot afford it
	<i>Affordability</i>	Ensure cost of electrification is distributed in a just way, and that energy burdens for low-income families do not exceed area median		Increased tariffs with excessive burden on low income families

Energy Democracy Policy Framework Table (part 2 of 2)				
Category	Element of energy system	Pillars of Energy Democracy		What we do not support
		Community power	Public power	Market-driven approach
<i>Repair and transform relationships</i>	<i>Sovereign rights of Indigenous Peoples</i>	Uphold the sovereign rights of Indigenous Peoples by truly implementing the UN Declaration on the Rights of Indigenous Peoples, including the principle of free, prior, and informed consent for all fossil fuel projects, which the US adopted in 2010		Fails to address this
	<i>Heal the land and the water, and make reparations</i>	Establish clean energy surcharge on public energy spending to fund community- controlled clean energy investments, and to repair damage to land and water from fossil fuel extraction	Incentivize federal, state, local agencies to acknowledge the harm fossil fuel extraction has done to the land and water	Fails to address this
<i>Build an Inclusive Clean Energy Economy</i>	<i>Supplier diversity</i>	Establish procurement preferences for underrepresented firms in clean energy investments that include local and Women- and Minority-owned Business Enterprises supplier diversity goals		Favors large, experienced firms as suppliers
	<i>Create good jobs</i>	Prioritize union and living wage projects that commit to expanding diversity of apprentices from low-income communities and communities of color		Renewable sector is largely non-unionized

## Conclusion

Energy democracy aims to enable working people, low-income communities, and communities of color and their allies to **take control of energy resources and decision-making** from the corporate energy establishment and use those resources to **empower their communities**.

These policies and the energy democracy policy framework offer Congress and the Biden Administration tools to ensure the The American Jobs Acts and other legislation achieve the true Just Transition our country needs.





## List of Collaborators

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[The Energy Democracy Project](#) — a collaboration of close to 40 geographically and racially diverse grassroots organizations and networks — is part of a growing national movement to democratize the energy sector.

- The Alaska Center -- Anchorage, AK (Alaska region)
- California Environmental Justice Alliance -- CA (California state regionwide)
- Centennial Parkside CDC -- Philadelphia, PA (local)
- Center for Biological Diversity -- Washington, DC (national)
- Comite Dialogo Ambiental, Inc -- San Juan, PR (Puerto Rico region)
- Cooperative Energy Futures -- Minneapolis, MN (local)
- Co-op Power -- North Hampton, MA (local and Northeast regional)
- The Democracy Collaborative -- Washington, DC (national)
- East Michigan Environmental Action Council/Cass Commons -- Detroit, MI (local)
- Emerald Cities Collaborative -- Washington, DC (national)
- Empower DC -- Washington, DC (local)
- Energy Democracy Alliance -- NY (New York region)
- Fairbanks Climate Action Coalition -- Fairbanks, AK (local)
- Gulf Coast Center for Law & Policy -- LA (Gulf South region)
- Indigenous Goddess Gang -- Santa Fe, NM (national)
- Initiative for Energy Justice -- Washington, DC (national)
- Just Community Energy Transition Project -- Philadelphia, PA (national)
- Local Clean Energy Alliance -- Oakland, CA (local and California regions)
- Mountain Association -- Berea, KY (Eastern Kentucky region)
- NAACP Environmental Climate Justice Program -- Baltimore, MD (national)
- New Energy Economy -- Santa Fe, NM (Southwest regional)
- One Voice -- Jackson, MS (local)
- Parker Village -- Detroit, MI (local)
- Partnership for Southern Equity -- Atlanta, GA (Southern region)
- People Power Solar Cooperative -- Oakland, CA (local)
- People's Solar Energy Fund -- (national)
- THE POINT CDC -- Bronx, NY (local)
- Puget Sound Sage -- Seattle, WA (local)
- Race Forward -- New York, NY (national)
- RE-AMP -- Minneapolis, MN (Midwest region)
- Solar United Neighbors -- Washington DC (local and national)
- Soulardarity -- Detroit, MI (local)
- Southern Echo -- Jackson, MS (Mississippi region)
- Trade Unions for Energy Democracy -- (International)
- We Own It -- Madison, WI (local and national)
- Wisconsin Green Muslims -- Milwaukee, WI (Wisconsin region)