

The CPUC and environmental justice

BY **MARICELA MORALES** POSTED 02.01.2017

California is moving faster than expected toward a clean energy future with ambitious greenhouse gas reduction targets and new innovations in renewable energy. However, there is still work to be done to ensure that all Californians can benefit from the cleaner air, local jobs and economic benefits clean energy can bring.

State regulatory agencies play a powerful role in making our clean energy future a reality. The California Public Utilities Commission is the primary agency with regulatory authority and oversight duties over utility companies who build and operate power plants. In order to transition off fossil fuels, we must address the impacts of existing power plants and commit to stop building new ones.

State regulatory agencies like the CPUC have a responsibility to address the legacy of pollution in low-income communities and communities of color.

In Oxnard, where I live and work, dirty power plants have been dumped on our working class and immigrant community for generations. It has become the region's sacrifice zone, littered with dirty industry that neighboring communities have not had forced upon them. Many Oxnard neighborhoods have higher rates of asthma than over 90% of California, due to the concentration of hazardous agricultural pesticides and numerous polluting industrial facilities.

Over the last two years, hundreds of Oxnard residents have been fighting the proposal of another dirty power plant on our coast by Southern California Edison and NRG called the Puente Power Project. While the CPUC was advised by its administrative law judge to uphold its legal mandate and reject the proposal, the project was approved by the CPUC last May, and now the final decision rests with the California Energy Commission.

While the overwhelming majority of Oxnard's elected representatives at the city, county, state, and federal level oppose this project, unelected state agencies hold the power to override my community's voice.

This year, the California Environmental Justice Alliance (CEJA), along with their annual Environmental Justice Scorecard, released its first ever Environmental Justice Agency Assessment, the only one in the nation to assess how well state agencies develop, implement and monitor policies that address environmental issues that impact communities of color like Oxnard. The Agency Assessment lays

out principles that state agencies should uphold when implementing policies to ensure they are in alignment with environmental justice.

Given how the CPUC engaged in the Puente proceeding, I was not surprised to see that the CPUC had a poor assessment overall.

State regulatory agencies like the CPUC have a responsibility to address the legacy of pollution in low-income communities and communities of color, not simply to prevent future harms, but also to provide redress for the impacts of long-standing, disproportionate burdens of pollution. Of the principles in the assessment, the CPUC engaged poorly on multiple counts. They failed to prioritize the health of local residents by approving a power plant that would directly harm the community.

While the Governor has power over the CPUC, their decisions are often influenced by industry lobbying and political pressure that put profit before the health of local residents.

CEJA also assessed how well the CPUC upheld principles of engagement, responsiveness, transparency, and accountability. Environmental justice communities must be engaged early, often and in a meaningful way, but the CPUC failed to directly outreach to residents from impacted areas, and then neglected to respond to community concerns.

During the Puente proceeding, timelines of hearings and decision were often shifted without sufficient notice, and the person assigned to oversee the proceeding changed from Commissioner Florio to Commissioner Peterman without any public reasoning. This made it difficult for residents to understand how best to work with the CPUC, obfuscated reasoning on decisions, and made the agency more susceptible to industry pressure and lobbying.

The CPUC's decision to approve the Puente power plant shows their lack of accountability to the most heavily impacted disadvantaged communities. State regulatory agencies play a powerful role in our energy future, and if they take that role seriously, they must deepen their commitment to environmental justice in communities like mine. We all deserve clean air, and communities without the resources to take on industry lobbyists should be able to count on state agencies to stand up for us.

—

Ed's Note: Maricela Morales is the executive director of Central Coast Alliance United for a Sustainable Economy.