

Amendment of 52 Pa. Code Chapter 56 – The Energy Justice Lab

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Submitted by

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We are academic researchers and analysts of energy policy, energy insecurity, and utility disconnections. We co-direct and manage the Energy Justice Lab and, with our research team, have published over a dozen articles on the incidence of energy insecurity and disconnections, as well as potential policy solutions (1-17). This testimony is our own and does not represent the views of our employers or any other institutions to which we are affiliated.

We are providing this testimony in support of the Amendment of 52 Pa. Code Chapter 56, which provides many necessary protections for energy insecure Pennsylvania households. We believe that Chapter 56 should be further amended (1) to expand already existing consumer protections, and (2) to provide commensurate protections for consumers for periods of hot weather.

Energy Insecurity

Energy insecurity occurs when a household struggles to pay their energy bills or secure sufficient energy for their basic needs. According to government data, produced through the U.S. Residential Energy Consumption Survey, one in three households are energy insecure, amounting to about 34 million households (18).

The most severe form of energy insecurity is when utilities shut-off customers from their utility service due to nonpayment of bills. The Energy Justice Lab has compiled data on utility disconnections from across the U.S. where reporting (24 states, including Pennsylvania, and Washington D.C.) is required and made them publicly available at the Lab's Utility

Disconnections Dashboard (19). Over the last several years, the data indicate that utilities have disconnected between 2 and 3 million electric and natural gas customers each year (19).

We know, however, that this total represents a drastic undercount of the true number of disconnections because of the lack of national reporting, as evidenced by a recent report from the U.S. Energy Information Administration, the 2024 Residential Utility Disconnections Report (20). This report showed that, in 2024, there were 1.7 million residential natural gas disconnections and 13.4 million residential electric disconnections.

When a household is energy insecure, they may have to choose between paying their energy bill or paying for other essential needs, such as food or health care. They may resort to risky coping strategies to keep themselves sufficiently cool or warm, such as using their gas oven for space heat (8). Empirical research confirms that these conditions can lead to both mental and physical health degradation, including mortality (21-24).

These conditions are made worse during extreme weather. To maintain a safe temperature in one's home, especially during periods of extreme heat, requires access to reliable and affordable electricity. Yet, recent studies show that utility shut-offs are strongly correlated with extreme weather (26, 4). The use of air conditioning can keep one cool and reduce morbidity and fatalities during heat events (26); but the use of air conditioning can also increase energy consumption and thus also energy bills, which explains why some empirical work has found a general surge in disconnections following days of extreme heat (26).

Disconnection Protections

Public policy can help address the persistent and growing incidence of energy insecurity. One important set of policy instruments, and the focus of 52 Pa. Code Chapter 56, are utility disconnection protections. Our research shows that customer protections, especially in the form of shut-off moratoria, are highly effective at reducing energy insecurity, and especially for households with young children and households of color (7).

Most states—43 in total plus Washington D.C.—offer protections during cold weather, most commonly through a partial or absolute moratorium on disconnections during specific winter months, such as November through February (19). As made evident in 52 Pa. Code Chapter 56, Pennsylvania is an example of a state with a date-based winter moratorium. Half of the states—25 in total plus Washington D.C.—have protections during periods of heat as well (19), although not including Pennsylvania. Of the 25 states, eight have added their protections since 2017.

Modernizing utility disconnection protections to account for an increasing incidence of extreme heat requires that more states add heat-related protections (1). The most effective approach is a combination of temperature- and date-based moratoria, so that households have full protections even during heat events that occur outside normal summer months.

Pennsylvania Protections

In Pennsylvania in 2024, there were 88,703 residential natural gas disconnections and 258,471 residential electric disconnections (20). Pennsylvania accounted for over five percent of the

nation's natural gas residential disconnections and about two percent of the nation's electric residential disconnections.

Pennsylvania consumer protections currently include moratoria for utility disconnections for nonpayment between December 1 and March 31 if customers have household incomes at or below 250% of the Federal poverty level (§ 56.100 Winter termination procedures). **This protection could be expanded to remove the income requirement, since hardship can happen to households at all income levels.**

Pennsylvania could also adopt a summertime moratorium (e.g., between May 15 and September 15) to account for the extreme heat Pennsylvania residents experience each year.

Pennsylvania could also expand 52 Pa. Code Chapter 56 to include protections against terminations for nonpayment for consumers that are temperature-based. As the climate continues to change, weather in October and November could potentially bring colder temperatures than during the currently protected period of December 1 through March 31. Similarly, hot weather may occur outside typical summer months, so a summer seasonal protection could be paired with a temperature-based standard. This additional protection could specify a moratorium on terminations for nonpayment for customers experiencing temperatures either under (e.g., 32 °F) or over (e.g., 90 °F) specific threshold values.

Currently, Pennsylvania does not have specific protections for households with young children, elderly residents, individuals with disabilities, or military personnel. In our research at the Energy Justice Lab, we have found that some of these populations, such as young children, are more prone to disconnections. For those households with an individual who uses durable medical equipment, such as an oxygen concentrator, we find that their bills can increase by as much as 40% per year just to run the device (3). **Pennsylvania could consider expanding such protections for vulnerable populations.**

States can also provide more complete and regular information about their protections, as well as about their discounted rate or arrearage management programs. **As of now, Pennsylvania does not require its utilities to advertise financial assistance programs to households at risk of disconnection for nonpayment, but Pennsylvania could consider adding such a requirement.**

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