

IN THE SUPREME COURT OF PENNSYLVANIA

NO. 104 MM 2020

THE HONORABLE TOM WOLF, GOVERNOR OF
THE COMMONWEALTH OF PENNSYLVANIA,
Petitioner,

v.

SENATOR JOSEPH B. SCARNATI, III, SENATOR JAKE CORMAN, AND
SENATE REPUBLICAN CAUCUS,
Respondents.

**AMENDED APPLICATION FOR LEAVE TO FILE AMICUS BRIEF OF
THE COALITION FOR AFFORDABLE UTILITY SERVICE AND ENERGY
EFFICIENCY IN PENNSYLVANIA,
TENANT UNION REPRESENTATIVE NETWORK,
AND ACTION ALLIANCE OF SENIOR CITIZENS OF GREATER
PHILADELPHIA**

1. On June 12, 2020, Governor Tom Wolf filed an Application for Extraordinary Relief, requesting this Honorable Court exercise King's Bench or Extraordinary Jurisdiction to evaluate the force of the General Assembly's Concurrent Resolution ending the Governor's March 6, 2020 Declaration of Emergency Disaster pursuant to the Presentment Clause of the Pennsylvania Constitution, Article III, Section 9.

2. On June 15, 2020, Respondents Senator Joseph B. Scarnatti, III, Senator Jake Corman, and Senate Republican Caucus filed a No Answer Letter to the Application.

3. This Court's determination concerning the Proclamation of Emergency Disaster has the potential to impact the health and safety of hundreds of thousands of residential utility customers in Pennsylvania.

4. Given the importance of this issue and the unique perspective the *amici curiae* can offer as advocates for low-income utility consumers, seniors, and tenants with respect to utility service rights, the *amici curiae* respectfully ask the Court for permission to file an amicus brief in this matter.

5. Due to the emergent nature of this matter, the *amici curiae* have attached the Brief proposed to be filed as Exhibit A hereto.

6. On June 19, 2020, the Supreme Court of Pennsylvania Office of the Prothonotary served *amici* with a letter requiring it to file an amended proposed Brief or supplement in compliance with Pa. R.A.P 531(b)(2). *Amici* hereby file this Amended Application for Leave to File Amicus Brief and amended proposed Brief in compliance therewith.

6. Pursuant to Pa. R.A.P. 531(b)(2), a statement of interest of the *amici curiae* is included on pages 1 and 2 of its proposed Brief (Exhibit A). As noted

therein, and as amended in compliance with the June 19, 2020 letter from the Office of the Prothonotary, *amici curiae* certifies that it has not been paid in whole or in part for the preparation of its proposed Brief by any person or entity other than the *amici curiae*, nor has anyone other than the *amici curiae*, its members, or its counsel authored the proposed Brief in whole or in part.

7. Apart from the amendments described in paragraph 6, the proposed Brief in Exhibit A has not otherwise been amended from the version filed by *amici curiae* on June 17, 2020.

Respectfully submitted,

Counsel for Amici Curiae

/s/ Robert W. Ballenger
Robert W. Ballenger, Esq.
PA ID. No. 93434
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
215-981-3700
rballenger@clsphila.org

On behalf of TURN and Action Alliance

/s/ Elizabeth R. Marx
Elizabeth R. Marx, Esq.
PA ID. No. 309014
John W. Sweet, Esq.
PA ID. No. 320182
Ria Pereira, Esq.
PA ID. No. 316771
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
717-710-3825
emarxpulp@palegalaid.net

On behalf of CAUSE-PA

June 19, 2020

EXHIBIT A

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Governor Wolf's Application for the Court to Exercise Jurisdiction Pursuant to its
King's Bench Powers and/or Powers to Grant Extraordinary Relief

Filed June 12, 2020

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STATEMENT OF INTEREST OF AMICI CURIAE

Amici curiae are non-profit associations and organizations with stated missions to help low-income and moderate-income households connect to and maintain affordable utility service. *Amici* have a special interest and substantial expertise regarding energy poverty and insecurity, utility affordability, and the consequences of utility terminations on economically vulnerable consumers. Pursuant to Pa. R.A.P. 531(b)(2), *amici* certifies that it has not been paid in whole or in part for preparation of this Brief by any person or entity, other than the *amici*, nor has anyone other than *amici*, its members, or its counsel authored the proposed Brief in whole or in part.

The Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (“CAUSE-PA”) is an unincorporated association of moderate and low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services. CAUSE-PA membership includes moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence. CAUSE-PA is a frequent participant in utility regulatory proceedings and litigation impacting the ability for economically vulnerable Pennsylvanians to access and

maintain utility services.

Tenant Union Representative Network (“TURN”) is a city-wide tenant service and advocacy organization in the City of Philadelphia. TURN’s goal is to guarantee to all Philadelphians equal access to safe, decent, accessible, and affordable housing, including the vital utility service necessary for tenants to safely occupy their homes. TURN advocates on behalf of tenants and homeless people, organizes stakeholders to fight for justice in housing, empowers the community through tenants’ rights trainings, and forms coalitions with individuals and organizations to advance its mission. TURN is a frequent participant in utility regulatory proceedings and utility litigation impacting Philadelphia tenants’ rights to affordable utility service.

Action Alliance of Senior Citizens of Greater Philadelphia (“Action Alliance”) was founded decades ago to advocate for policies that preserve the dignity of older people in the Philadelphia metropolitan area. Action Alliance is led by seniors and seeks to move into action retirees, senior citizens, and their allies and supporters to advance the needs of seniors for affordable services and access to programs that benefit them. Action Alliance is a frequent participant in utility regulatory proceedings and utility litigation impacting upon the senior citizens of Philadelphia, for whom affordable utility service is a critical, life-essential need.

SUMMARY OF ARGUMENT

The Governor's Proclamation of Disaster Emergency, signed March 6, 2020 ("Proclamation of Disaster" or "Proclamation"), triggered action by multiple Commonwealth agencies, local agencies, and political subdivisions to protect the citizens of the Commonwealth from the impact of the novel coronavirus, COVID-19. Of crucial significance and importance to *amici*, the Pennsylvania Public Utility Commission ("PUC") issued an Emergency Order, one week after the Proclamation, prohibiting utilities under its jurisdiction from terminating utility service to residential consumers. That Emergency Order is directly tied to, and of coextensive duration with, the Proclamation of Disaster. Accordingly, lifting the Proclamation creates the extraordinary risk of an unprecedented wave of utility service terminations across the Commonwealth.

The public health implications of widespread utility terminations in the face of this pandemic are serious and far-ranging. Termination of utility service will negatively impact hundreds of thousands of customers' ability to properly wash and sanitize to help curb the spread of the virus in accordance with public health guidelines, and the loss of electric and gas service will impede their ability to stay safe within their homes. Even if those currently struggling to afford utility service now as a result of a job loss, loss of income, or business closure are able to return to work or are able to access additional financial resources, many will not be capable

of repaying the indebtedness they have incurred in time to avoid termination. The PUC, utilities, and other stakeholders need time to develop a plan to deal with the unprecedented number of consumers who have fallen behind on utility bills and lack the resources to pay mounting debts. These consumers cannot afford the risk of service termination now, or in the immediate future, while these plans are developed.

ARGUMENT

I. Lifting the Proclamation of Disaster Emergency at this Time will Put Vulnerable Utility Consumers and Public Health at Risk of Harm.

On March 13, 2020, the PUC issued an Emergency Order prohibiting all electric, natural gas, water, wastewater, telecommunications, and steam utilities under its jurisdiction from terminating service for non-payment during the pendency of the Governor’s Proclamation.¹ In its Emergency Order, the PUC points out the “unique circumstances presented by the COVID-19 pandemic,” and asserts that “establishing a termination moratorium for utility services – including electric, natural gas, water, wastewater, telecommunications, and steam – is consistent with the Governor’s Proclamation of Disaster Emergency and the requirements of Section 1501.”² The moratorium on utility terminations was issued pursuant to the

¹ Pa. PUC Emergency Order, Public Utility Service Termination Moratorium Proclamation of Disaster Emergency - COVID-19, Pa PUC Docket No. M-2020-3019244 (Mar. 13, 2020), available at: http://www.puc.pa.gov/general/pdf/Emergency_Order_M-2020-3019244_031320.pdf.

² Id.

extraordinary authority established by the Proclamation, suspending the provisions of regulatory statutes and regulations that would “in any way prevent, hinder, or delay necessary action in coping with” the COVID-19 emergency.³

In establishing the moratorium, PUC Chairman Gladys Brown Dutrieuille explained:

It is beyond argument that the provision of public utility service is necessary for the safety of the public. This is especially the case under the current challenges that resulted in the Proclamation of a pandemic emergency. Irreparable injury to the public is likely to occur with disruption of service, creating a clear and present danger to life.⁴

Rescinding the Proclamation will effectively end the termination moratorium set forth in the PUC’s Emergency Order. If the Proclamation is lifted, hundreds of thousands of utility customers will be at risk of service termination. Customers whose service is terminated will face difficulty maintaining proper sanitation and safety at home, and may be effectively displaced – requiring these economically vulnerable Pennsylvanians to seek shelter with friends and relatives or in a

³ *Id.* Absent the explicit authority provided in the Proclamation, the PUC could, pursuant to its broad statutory authorization to ensure that every public utility furnishes and maintains adequate, efficient, safe and reasonable service, provide additional protection from service termination. 66 Pa. C.S. § 1501. In order to seek that relief, *amici* would be required to file a petition for emergency order or interim emergency relief to avoid the unprecedented and extraordinary risk that widespread termination of utility service would create at this time. *See, e.g.*, 52 Pa. Code §§ 3.2, 3.6. This would require additional resources and time, further delaying progress to develop a plan to address the build-up of arrears.

⁴ Pa. PUC Emergency Order, Public Utility Service Termination Moratorium Proclamation of Disaster Emergency - COVID-19, Pa. PUC Docket No. M-2020-3019244 (Mar. 13, 2020), available at: http://www.puc.pa.gov/general/pdf/Emergency_Order_M-2020-3019244_031320.pdf.

congregate emergency shelter. Each of these results would place the household at greater risk of exposure to COVID-19.

Lifting the moratorium at this time, before the PUC, utilities, and other stakeholders develop and implement a plan to address the large number of customers at risk of termination, could further exacerbate the public health emergency, and is likely to have a disparate impact on seniors, low-income households, and people of color.

A. Hundreds of Thousands of Pennsylvania Residents May Lose Utility Service if the Proclamation is Lifted.

The PUC has initiated an investigation into how utilities intend to address the number of households within each utility's service territory that would be at risk of termination if the moratorium is lifted today.⁵ According to data reported by regulated utilities in response to the PUC investigation, approximately 700,000 residential customers of the major electric and natural gas utilities in Pennsylvania could be subject to immediate termination if the moratorium prohibiting terminations were to expire.⁶ This would be a 150% increase over the total number

⁵ See Secretarial Letter Re: COVID-19 Customer Service, Billing, and Public Outreach Provisions Request for Utility Information, Pa PUC Docket No. M-2020-3020055 (May 29, 2020), available at: http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2020-3020055.

⁶ See Responses to Secretarial Letter, Pa PUC Docket No. M-2020-3020055, of: Peoples Natural Gas Co. (June 8, 2020), available at <http://www.puc.state.pa.us/pcdocs/1665660.pdf>; Philadelphia Gas Works (June 8, 2020), available at <http://www.puc.state.pa.us/pcdocs/1665663.pdf>; National Fuel Gas Distribution Corp. (June 8, 2020), available at <http://www.puc.state.pa.us/pcdocs/1665771.pdf>; Duquesne Light Co. (June 9,

of residential customers whose service was terminated during the entirety of 2018.⁷ As of the date of this filing, not all of the regulated water companies had reported data about pending terminations to the PUC, though partial data from four of the five largest regulated water companies indicates that over 55,000 regulated water customers in Pennsylvania could be subject to immediate termination if the moratorium is lifted.⁸ Importantly, these figures do not include residential consumers eligible for termination at the more than 1,200 water and wastewater authorities in Pennsylvania or the 14 electric cooperatives that are not subject to PUC jurisdiction. These authorities and cooperatives have thus far voluntarily complied with the PUC's moratorium.

Even in a typical year (which this is not), many customers who are involuntarily terminated for non-payment are unable to reconnect service. In 2018,

2020), available at <http://www.puc.state.pa.us/pcdocs/1665814.pdf>; PECO Energy Co. (June 12, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666283.pdf>; UGI Corp. (June 12, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666335.pdf>; FirstEnergy Cos. (June 15, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666456.pdf>; Columbia Gas of Pa. (June 15, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666537.pdf>; PPL Electric (June 15, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666539.pdf>.

⁷ See Pa. PUC, Sixth Report to the General Assembly and the Governor pursuant to section 1415, available at: http://www.puc.state.pa.us/general/publications_reports/pdf/Chapter14-Biennial013020.pdf.

⁸ See Responses to Secretarial Letter, Pa PUC Docket No. M-2020-3020055, of: Pa. American Water (June 15, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666631.pdf>; Suez (June 10, 2020), available at <http://www.puc.state.pa.us/pcdocs/1666547.pdf>; Pittsburgh Water and Sewer Authority (June 8, 2020), available at <http://www.puc.state.pa.us/pcdocs/1665654.pdf>; York Water Company (June 9, 2020), available at <http://www.puc.state.pa.us/pcdocs/1665772.pdf>. Aqua Pennsylvania, one of the two largest regulated water companies in Pennsylvania, had not yet reported data to the PUC in response to its investigation at the time of this filing.

the most recent year for which data is publicly available, more than 300,000 households had their gas and/or electricity shut off. More than 130,000 of those households were confirmed to be low-income. In comparison, fewer than 230,000 households were reconnected in 2018, less than 100,000 of which were low income.⁹ Likewise, in 2018, PUC regulated water utilities shut off service to almost 34,000 households and reconnected service to approximately 28,000 households. Accordingly, even before the pandemic and the associated financial impacts on Pennsylvania communities, data indicates that gas and electric terminations exceed reconnections by approximately 25%, and that water terminations exceed reconnections by approximately 18%.¹⁰ In short, once service is terminated for nonpayment, many households are not able to reconnect. If utilities are permitted to proceed with involuntary terminations now, customers will face greater financial obstacles to reconnection, and the percentage of customers who are unable to reconnect service is likely to increase significantly over past years.

The loss of any critical utility service has a profound impact on the health and safety of the entire household, as well as the community as a whole. For example, involuntary termination of utility service can impact a parent's custodial rights,

⁹ Id.

¹⁰ It is also important to note that when utilities terminate service for nonpayment, not only does the utility incur additional cost, but the customer being terminated must pay a reconnection fee, which can prove insurmountable for economically vulnerable consumers.

which can cause long-term impacts on child development and adds significantly to the cost of providing family and social services.¹¹ Loss of utility service can also lead to eviction from private and public housing and/or the loss of housing assistance, and is a common catalyst to homelessness.¹² Furthermore, households that are unable to use their primary heating system often experience significant health impacts as a result of exposure to cold temperatures, and many resort to dangerous, high usage / high cost heating methods that increase the risk of carbon monoxide poisoning and house fires.¹³ As we move into the hot summer months, families that lose electricity to their home will not be able to appropriately cool their homes, putting them at risk of heat-related illness. Exposure to excessive heat due to inadequate cooling in the home is particularly dangerous for Pennsylvania's seniors, who may not be able to safely visit cooling centers through the summer due to the risks associated with the spread of COVID-19. In time, families who have lost electric or natural gas service will lack a safe home heating source in winter

¹¹ See Patricia Jones et al., "The Invisible Crisis: Water Unaffordability in the United States," UUSC (May 2016), available at: http://www.uusc.org/sites/default/files/the_invisible_crisis_web.pdf.

¹² See Joint State Government Commission, General Assembly of the Commonwealth of Pennsylvania, Homelessness in Pennsylvania: Causes, Impacts, and Solutions: A Task Force and Advisory Committee Report (2016).

¹³ See Nat'l Fire Protection Ass'n, Fire Analysis & Research Division, "Home Fires Involving Heating Equipment", at 1 (Dec. 2018) (finding that space heaters cause 44% of all home heating related fires, and 86% of deaths caused by home heating related fires).

months, when some experts predict a resurgence of COVID-19.¹⁴ These are just some of the many consequences of involuntary utility terminations individuals, families, and the broader community.

Notably, the need for continued access to water service is particularly important to fighting the pandemic and the lack of access to affordable, clean water will exacerbate the current public health crisis. Indeed, lack of access to running water and waste water service is particularly dangerous for children, seniors, and individuals with medical needs, who are more susceptible to the spread of illness. At a fundamental level, access to water for drinking, bathing, cooking, personal hygiene, toileting, and sanitation are all jeopardized when water service is terminated, placing individual households and the greater community at risk.

Amici submit that it is imperative for the health, safety, and welfare of our communities that the moratorium on utility service terminations remain in effect to allow the PUC and other stakeholders to develop a plan to address the build-up of utility arrears. Lifting the Proclamation, rendering the current PUC moratorium no longer effective, would immediately place hundreds of thousands of Pennsylvania households and the communities in which they live and work at risk of substantial

¹⁴ The Director of the Centers for Disease Control and Prevention recently warned of “a possibility that the assault of the virus on our nation next winter will actually be even more difficult than the one we just went through.” “CDC Chief Warns Second COVID-19 Wave May be Worse, Arriving with Flu Season,” Reuters (April 21, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-winter/cdc-chief-warns-second-covid-19-wave-may-be-worse-arriving-with-flu-season-idUSKCN2233E8>

and lasting harm.

B. Allowing Utility Terminations to Resume Will Disproportionately Impact the Health and Safety of Low Income Seniors and People of Color

As of June 15, 2020, Pennsylvania had 76,883 confirmed cases of the virus and 6,162 deaths.¹⁵ This is a profound loss of life that has impacted every corner of our community. *Amici* are particularly concerned, however, about the disproportionate health impact that this pandemic is having on seniors, low income, and Black Pennsylvanians – all of which face greater risks to their health and safety in the event of utility service termination.

The heightened risk of mortality among seniors due to COVID-19 is widely known, and readily shown by Pennsylvania’s experience.¹⁶ In order to avoid the heightened health risk they face if exposed to COVID-19, seniors must continue to be able to maintain health and comfort in their homes, with safe, essential utility service.

¹⁵ Pa. Dep’t of Health, COVID-19 Data for Pennsylvania, <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx>.

¹⁶ Pa. Dep’t of Health, Weekly Report for Deaths Attributable to COVID-19, Issued June 12, 2020, available at: <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/COVID-19%20Death%20Reports/Weekly%20Report%20of%20Deaths%20Attributed%20to%20COVID-19%20--%202020-06-12.pdf>.

Distressingly, data is now emerging to show that the health impact and resulting loss of life as a result of the pandemic is also more profound in low-income and Black communities.¹⁷ Low-income and predominantly Black communities are more likely to live in substandard housing with mold and ventilation problems, more likely to live in close proximity to polluting industries, and more likely to lack access to adequate health care – all of which are factors that have been directly correlated with poor health outcomes related to COVID-19 exposure.¹⁸ The result of this disparity is painfully illustrated by the fact that Black people only account for approximately 12% of Pennsylvania’s population,¹⁹ but account for 21% of the state’s COVID-19 related deaths.²⁰

Low income households and people of color in Pennsylvania likewise face a

¹⁷ Liz Szabo and Hannah Recht, “The other COVID-19 risk factors: How race, income, ZIP code can influence life and death,” USA Today, April 22, 2020, available at: <https://www.usatoday.com/story/news/health/2020/04/22/how-coronavirus-impacts-certain-races-income-brackets-neighborhoods/3004136001/>; See also Vanessa Williams, “Disproportionately black counties account for over half of coronavirus cases in the U.S. and nearly 60% of deaths, study finds,” Washington Post, May 6, 2020, available at: <https://www.washingtonpost.com/nation/2020/05/06/study-finds-that-disproportionately-black-counties-account-more-than-half-covid-19-cases-us-nearly-60-percent-deaths/> .

¹⁸ Xiao Wu & Rachel C. Nethery, Dep’t of Biostatistics, “Exposure to Air Pollution and COVID-19 Mortality in the United States,” Harvard TH Chan School of Public Health (April 5, 2020), https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf; see also Rachel Frazin, “Experts See Worrisome Link Between Coronavirus, Pollution,” The Hill (April 12, 2020), <https://thehill.com/policy/energy-environment/492314-experts-see-worrisome-link-between-coronavirus-pollution>; Samantha Artiga, Rachel Garfield, Kendal Orgera, “Communities of Color at Higher Risk for Health and Economic Challenges Due to COVID-19,” Kaiser Family Foundation (April 7, 2020), <https://www.kff.org/disparities-policy/issue-brief/communities-of-color-at-higher-risk-for-health-and-economic-challenges-due-to-covid-19/>; Diana Hernández and Eva Laura Siegel, “Is Energy Insecurity Making Us Sick?,” Public Health Post (July 25, 2019), available at: <https://www.publichealthpost.org/research/is-energy-insecurity-making-us-sick/>; see also, Diana Hernández, “Understanding ‘energy insecurity’ and

heightened risk of energy insecurity, and are at greater risk of utility termination as a result of their inability to pay. Research has shown that low income and Black households have a significantly higher energy burden (the percentage of income paid for energy costs) – and often pay more than 30% of their income on energy costs alone.²¹ Right now, energy costs are even higher through this crisis as families have had to use more energy, water, and other basic necessities while sheltering in place.²² At the same time, low wage and hourly workers have experienced astounding rates of unemployment and underemployment that far exceed jobless rates for higher income salaried workers. With supplemental unemployment compensation and other emergency short-term benefits set to expire in July, it is quite possible the worst of the economic hardship caused by the pandemic has yet to materialize.

Unfortunately, these twinned harms come full circle in this pandemic, as the

why it matters to health,” *Social Science & Medicine*, Volume 167 (October 2016), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5114037/> .

¹⁹ United States Census Bureau, QuickFacts, Pennsylvania, available at: <https://www.census.gov/quickfacts/PA> .

²⁰ Pa. Dep’t of Health, Weekly Report for Deaths Attributable to COVID-19, Issued June 12, 2020, available at: <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/COVID-19%20Death%20Reports/Weekly%20Report%20of%20Deaths%20Attributed%20to%20COVID-19%20--%202020-06-12.pdf>.

²¹ See 2019 Amendments to Policy Statement on Customer Assistance Programs, Final Policy Statement and Order, Pa. PUC Docket No. M-2019-3013599 (order entered Nov. 5, 2019); see also Ariel Drehobl & Lauren Ross, “Lifting the High Energy Burden in America’s Largest Cities,” ACEEE (April 2016), available at: <https://www.aceee.org/research-report/u1602>.

²² Graff, M., Carley, S. “COVID-19 assistance needs to target energy insecurity.” *Nat Energy* 5, 352-354 (May 2020), available at: <https://doi.org/10.1038/s41560-020-0620-y>.

loss of running water can increase the risk of exposure to and transmission of COVID-19 and the loss of electric or natural gas service can increase the incidence and severity of respiratory illnesses that exacerbate the morbidity of the disease.

Amici submit that, in light of the above disparities in the impact of COVID-19 on low income communities and communities of color, and the profound impact of utility termination on the health and safety of these uniquely impacted communities, it is absolutely critical for the moratorium on utility terminations to remain in place while the PUC and stakeholders develop and implement a plan to address the unprecedented build-up of arrears.

CONCLUSION

Rescission of the Proclamation of Disaster Emergency will necessarily lift the PUC Emergency Order that is currently in place to prevent the loss of critical utility services and to protect the health and safety of Pennsylvania families as our communities deal with the health and economic impacts of the pandemic.

Amici submit that, without a comprehensive plan in place to address the build-up of arrears and to prevent the imminent loss of utility service, Pennsylvania's most vulnerable households will face significant risks of harm to their health and safety. It is therefore critical that the current utility moratorium, implemented pursuant to the Governor's Proclamation of Disaster, remain effective for long enough to ensure that there are appropriate supports and resources are in place to prevent further

disparate health outcomes and economic loss concentrated among the elderly, low-income, and communities of color.

Respectfully submitted,

/s/ Robert W. Ballenger

Robert W. Ballenger, Esq.

PA ID. No. 93434

Community Legal Services, Inc.

1424 Chestnut Street

Philadelphia, PA 19102

215-981-3700

rballenger@clsphila.org

On behalf of TURN and Action Alliance

/s/ Elizabeth R. Marx

Elizabeth R. Marx, Esq.

PA ID. No. 309014

John W. Sweet, Esq.

PA ID. No. 320182

Ria Pereira, Esq.

PA ID. No. 316771

Pennsylvania Utility Law Project

118 Locust Street

Harrisburg, PA 17101

717-710-3825

emarxpulp@palegalaid.net

On behalf of CAUSE-PA

June 19, 2020

CERTIFICATE OF COMPLIANCE UNDER Pa. R.A.P. 2135

I certify that the foregoing brief complies with the word count limitation of Pa.R.A.P. 531. This brief contains 4,005 words. In preparing this certificate, I relied on the word count feature of Microsoft Word.

/s/ Elizabeth R. Marx

Elizabeth R. Marx, PA ID 309014

Counsel for CAUSE-PA

Dated: June 19, 2020

CERTIFICATE OF COMPLIANCE UNDER Pa. R.A.P. 2171

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Elizabeth R. Marx

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Counsel for CAUSE-PA

Dated: June 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that I served this Application and accompanying Amicus Brief upon counsel of record consistent with Pa. R.A.P. 121.

<p>Hon. Joshua D. Shapiro Attorney General Pa. Office of Attorney General Strawberry Sq. Fl 14 Harrisburg, PA 17120 <i>Counsel for Gov. Tom Wolf</i></p>	<p>Matthew Hermann Haverstick, Esq. Mark Edward Seiberling, Esq. Shohin Hadizadeh Vance, Esq. Joshua Hohn Voss, Esq. Kleinbard, LLC 1717 Arch St 5th Fl Philadelphia, PA 19103 <i>Counsel for Sen. Jack Corman, Sen. Joseph B. Scarnati, and Senate Republican Caucus</i></p>
<p>Claudia M. Tesoro, Esq. John Bartley Delone, Esq. Pa. Office of Attorney General 1600 Arch St Ste 300 Philadelphia, PA 19103 <i>Counsel for Gov. Tom Wolf</i></p>	<p>Matthew S. Salowski, Esq. Pa. House of Representatives House Democratic Caucus, OGC 620 Main Capitol Building Harrisburg, PA 17111 <i>Counsel for Amicus, House and Senate Democratic Caucuses</i></p>
<p>Howard G. Hopkirk, Esq. Sean Andrew Kirkpatrick, Esq. Keli Marie Neary, Esq. Pa. Office of Attorney General Strawberry Square, 15th Fl. Harrisburg, PA 17120-0001 <i>Counsel for Gov. Tom Wolf</i></p>	<p>John R. Bielski, Esq. Bruce Michael Ludwig, Esq. Willig, Williams & Davidson 1845 Walnut Street, Fl 24 Philadelphia, PA 19103-4708 <i>Counsel for Amicus, SEIU Healthcare Pa</i></p>
<p>Daniel Barrett Mullen, Esq. Pa. Office of Attorney General 1251 Waterfront Pl Mezzanine Level Voss, Joshua John Pittsburgh, PA 15222 <i>Counsel for Gov. Tom Wolf</i></p>	

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