POWERLESS IN THE PANDEMIC 2.0

After Bailouts, Electric Utilities Chose Profits Over People

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POWERLESS IN THE PANDEMIC 2.0

Electric Utilities Are Still Choosing Profits Over People

By Jean Su and Christopher Kuveke[1]
Center for Biological Diversity, BailoutWatch, and Tiger Moth LLC

CENTER for BIOLOGICAL DIVERSITY

BAILOUT WATCH

Tiger Moth

PREFACE

In September 2021, the Center for Biological Diversity and BailoutWatch published *Powerless In the Pandemic: After Bailouts, Electric Utilities Chose Profits Over People.*[2] The report found electric utilities had shut off the lights of poor American families nearly a million times during the first year of the COVID-19 pandemic, increasing the likelihood those customers would become sick and die.

In the eight months since, as we redoubled our data-gathering and state shutoff moratoriums expired, a fear we expressed in that earlier document has come to fruition: The problem is far larger than our earlier data set indicated. In the 33 states and the District of Columbia that made electricity disconnection data available, American families have had their electricity shut off more than 3.6 million times since the beginning of the pandemic.

Yet the true scope of the shutoffs crisis remains impossible to gauge. Utilities are not mandated to report disconnections in all states, as senior lawmakers recently noted in scathing letters sent to top executives at some of the companies highlighted in our previous report. Nor does the federal government require that utilities disclose this shutoff data publicly, despite the devastating nature of this chronic crisis seeping through the entire country.

Moreover, as senior lawmakers note, the alarmingly high disconnections "coupled with rising energy prices and the destabilization in volatile global energy markets as a result of the crisis in Ukraine, are especially concerning for low-income families."[3]

This lack of transparency by private companies charged with delivering essential, life-giving services to consumers is all the more troubling in light of our findings about widespread utility shutoffs through the end of 2021.

EXECUTIVE SUMMARY

Last September's report explained how utilities work hand-in-glove with fossil fuel interests to worsen the climate emergency while steamrolling the consumers they are supposed to serve.

The structural problems underlying this dynamic have not changed. But the industry has adapted its rhetoric to meet the moment. With political interest in the pandemic waning and bailout programs ended, utilities and fossil fuels looked for a fresh crisis to use as an excuse for gumming up the energy transition and justifying their demands for government support and accommodation.

When Russia invaded Ukraine this spring, they received exactly that: The crisis upended always-volatile fuel markets, leading fossil fuel prices to spike and leaving more Americans unable to afford gasoline to get to work and fossil gas and power to heat their homes.

Fossil fuel interests responded with a fresh barrage of propaganda centered on the false framing of "energy security" — the idea that doubling down on domestic oil and gas production would somehow magically isolate and protect the United States from international price shocks.

Sen. Joe Manchin has characterized Russia's war on Ukraine and the resulting energy panic as a global "energy war," in which "[w]e can't bring a knife to a gun fight — or in this case, an energy war." The proverbial "gun" in this case is devastating domestic fossil fuel extraction.

Manchin's argument ignores the fact that a renewable world would lift us above the energy war altogether.

Manchin, a top recipient of fossil-fuel money, has taken the lead in misappropriating the term "energy security,"[4] whose true meaning is households having adequate access to the energy needed to sustain their daily lives.[5]

That energy security is unavailable to many millions of Americans, especially families of color and low-income families. During 2020-2021, utilities disconnected the power to more than 3.6 million households — and that's just in the 33 states and D.C.where we were able to obtain data.[6]

Many millions more face arrearages that weigh on their finances and force them to live under constant threat of power shutoff and dislocation. The National Energy Assistance Directors' Association estimates that total utility arrearages increased from $20.2 billion in 2020 to about $22.3 billion in 2021, with average household arrearages increasing from $879 to $1,060.[7] This buildup of significant debt is worsened by late fees, shutoffs and security deposits required for reconnection,[8] leading not only to a cycle of energy insecurity but the perpetual dilemma of whether to pay for electricity as opposed to other essential goods like food, water, healthcare and broadband.

Utilities generally deflect the burden of volatile fossil gas prices to customers. Changes in gas prices generally pass through to utility customers rather than utilities, according to the U.S. Energy Information Administration.[9] Wealthy lawmakers and industrialists debate how and where dirty energy will be produced, never doubting its availability. Yet those in power fail to ensure the existing system delivers the basic energy security that people need.

Better public policy is needed to protect all Americans from the denial of basic human needs that occurs when their electric service is withdrawn by the corporations trusted to provide it.

KEY FINDINGS

- **FAMILIES HAD THEIR POWER CUT MORE THAN 3.6 MILLION TIMES** (3,635,518) between January 2020 and December 2021. Disconnections **INCREASED 79%** between 2020 and 2021.
- Seven utility holding companies **SHUT OFF CUSTOMERS' ELECTRICITY MORE THAN 100,000 TIMES** during 2020 and 2021: **NEXTERA ENERGY, DUKE ENERGY, THE SOUTHERN CO., EXELON CORP., AMERICAN ELECTRIC POWER CO., AMEREN,** and **AES CORP**. These companies alone account for **78% OF ALL IDENTIFIED DISCONNECTIONS** (2,815,623). All of these companies **INCREASED DISCONNECTIONS** from 2020 to 2021.
- Importantly, **ONLY 33 STATES AND WASHINGTON, D.C**. have made **DISCONNECTION DATA** available. In 17 states and Puerto Rico, **PRIVATE UTILITIES AREN'T REQUIRED** to report any information about the households they disconnect.
- Of the 33 states with some disconnection data available, nine states saw customers disconnected more than 100,000 times. **FLORIDA CUSTOMERS WERE DISCONNECTED NEARLY 1.5 MILLION TIMES** (1,480,620), followed by Georgia (349,828), Indiana (264,241), Pennsylvania (208,604) and Illinois (207,499). These **FIVE STATES ACCOUNTED FOR 70%** of all disconnections.

STATE DISCONNECT DATA

Top 10 states

Service State	Disconnects 2020	Disconnects 2021	Disconnects 2020-2021
Florida	564,970	915,650	1,480,620
Georgia	103,330	246,498	349,828
Indiana	98,572	165,669	264,241
Pennsylvania	156	208,448	208,604
Ohio	85,725	90,916	176,641
Illinois	73,277	134,222	207,499
Missouri	61,174	94,148	155,322
North Carolina	78,849	73,041	151,890
Michigan	22,231	79,777	102,008
South Carolina	36,313	41,476	77,789
TOTAL	**1,124,597**	**2,049,845**	**3,174,442**

A 12-member Hall of Shame (see Table 2) perpetrated 87% of all documented disconnections, shutting off families over 3 million times (3,170,730) in 2020 and 2021 while increasing profits and payouts to shareholders and executives.

HALL OF SHAME

Utility disconnections, dividends and executive compensation 2020-2021

Ultimate Parent	Household Disconnects	Cost to Prevent Disconnects	Dividends 20+21	CEO Comp 20+21	Payouts (Dividends+ CEO Comp)/ Disconnect Cost
NextEra Energy	1,180,212	$125,102,472	$5,767,000,000	$49,056,643	46x
Duke Energy	517,906	$54,898,036	$5,927,000,000	$30,995,634	109x
The Southern Co.	349,828	$37,081,768	$5,462,000,000	$43,610,409	148x
Exelon Corp.	303,801	$32,202,906	$2,989,000,000	$30,920,181	94x
American Electric Power Co.	184,363	$19,542,478	$2,944,400,000	$30,554,649	152x
Ameren	152,914	$16,208,884	$1,059,000,000	$19,866,189	67x
The AES Corp.	126,599	$13,419,494	$787,000,000	$25,847,217	61x
FirstEnergy Corp.	95,524	$10,125,544	$1,704,000,000	$12,102,487	169x
Emera Inc.	89,782	$9,516,892	$738,660,000	$16,068,561	79x
PPL Corp.	67,793	$7,186,058	$2,554,000,000	$19,130,924	358x
DTE Energy	51,568	$5,466,208	$1,631,000,000	$21,733,899	302x
CMS Energy Co.	50,440	$5,346,640	$977,000,000	$9,486,199	185x
TOTAL	**3,170,730**	**336,097,380**	**32,540,060,000**	**309,372,992**	**Average 148x**

The problem is much bigger than anyone can document because many state regulators do not require utilities to report data about disconnections. The more than 3.6 million disconnections identified come from only 32 states and D.C.[10] Further, only a select number of investor-owned utilities are required to disclose some data, leaving out public utilities, co-operatives, and other power providers. The total number of Americans who have had their power shut off in the past two years is likely far higher.

BACKGROUND

The practice of disconnecting household electric service for unpaid bills is a longstanding, chronic crisis that predates COVID-19. Since the pandemic began, it has grown in scope and lethality.

For many years, electric companies have disproportionately burdened low-wealth communities and people of color with high energy costs and high shutoff rates. During the ongoing COVID-19 public health emergency, after Americans were asked to stay home to protect their own and the public's health, losing power became especially dangerous. Being unable to heat, cool or run medical devices at home suddenly meant exposing oneself to possible infection, health complications and death.

Utilities beat back efforts to impose a nationwide ban on power shutoffs. Had one been enacted, research found, a nationwide utility-shutoff moratorium beginning in March 2020 would have saved up to 87,000 lives lost to COVID, or nearly 15% of COVID deaths, from March through November 2020.[11]

Utilities, meanwhile, have had a great couple of years. First they leveraged efforts to stabilize the economy through the pandemic, securing taxpayer-backed bailout benefits totaling $1.4 billion. Then they floated along on their raft of government benefits, with profits and payouts to shareholders rising rapidly in the stimulus-fueled economy.

The 12-member utility Hall of Shame saw revenues grow by $5.2 billion throughout the pandemic and increased dividend payouts to shareholders by $1.9 billion or 13% over the same period. Using the average U.S. monthly residential electricity bill of $106 as a proxy for a customer's unpaid bill, these 12 companies could have forgiven all 3,170,730 of the customers they disconnected **five times over** using only the $1.9 billion dividend increase, and shareholders would have still received $14.8 billion in dividends. The cost to prevent disconnections for these 12 companies would have been $336.1 million, or just 18% of the amount that shareholder dividends were increased during the pandemic.

While these Hall of Shame utilities were enriching shareholders at the expense of their customers' safety, they were also enriching their executives at the expense of their employees. All but Southern Company increased CEO compensation from 2019 to 2021. Eight of the 12 companies laid off employees while increasing executive compensation by an average of 24%. Duke Energy, which received a $591 million federal tax refund to weather the pandemic, laid off 4% of its workforce while increasing CEO compensation nearly 10%. Duke Energy CEO Lynn Good's $16.5 million payout in 2021 was 142 times that of the median employee compensation. On average, CEO compensation for the Hall of Shame companies increased 58% throughout the pandemic, to an astounding pay ratio of 132 to 1.

HALL OF SHAME

Utility executive compensation from 2019 to 2021

Ultimate Parent	CEO Pay 19	CEO Pay 20	CEO Pay 21	% Difference 2019-2021	Pay Ratio of CEO to Employee in 2021
NextEra Energy	$21,877,597	$23,720,707	$25,335,936	15.81%	191x
Duke Energy Corp	$15,029,436	$14,544,398	$16,451,236	9.46%	142x
The Southern Co	$27,865,185	$22,366,850	$21,243,559	-23.76%	161x
Exelon Corp	$15,383,737	$15,162,803	$15,757,378	2.43%	98x
American Electric Power Co Inc	$14,492,436	$15,503,434	$15,051,215	3.86%	135x
Ameren Corp	$9,718,998	$10,058,353	$9,807,836	0.91%	74x
AES Corp	$10,827,886	$11,468,027	$14,379,190	32.80%	302x
FirstEnergy Corp	$2,844,406	$3,264,629	$8,837,858	210.71%	86x
Emera Inc	$6,724,441	$7,788,017	$8,280,544	23.14%	NA
PPL Corp	$4,731,409	$7,774,443	$11,356,481	140.02%	NA
DTE Energy	$8,228,339	$10,605,622	$11,128,277	35.24%	82x
CMS Energy Co	$2,003,514	$2,615,131	$6,871,068	242.95%	50.5x
TOTAL	**$139,727,384**	**$144,872,414**	**$164,500,578**	**Average 57.80%**	**132x**

In letters sent by the House Energy and Commerce Committee, lawmakers noted that utilities began the pandemic by convincing Congress that it was not necessary to protect consumers with a nationwide moratorium. In a letter to Congress, the Edison Electric Institute, the leading trade association of investor-owned electric utilities, argued against a nationwide ban on shut-offs and instead advocated a state-level approach.[12]

The resulting patchwork of state shutoff moratoriums — all since expired — did little to stem the crisis, our new data show.

We found that shutoffs increased 79% in 2021, with 1 million more American families having their electricity cut compared to 2020. But that's only in 33 states and D.C.[6]

Recognizing the scope of the problem is vital to addressing it. Here, despite our rigorous data-gathering process, we met an appalling gap in basic data. Regulators in 17 states and Puerto Rico, charged with overseeing private electric utilities, have failed to even request that utilities report the number of households they disconnect every year. Further, the National Association of Regulatory Utility Commissioners adopted a resolution in 2019 urging state regulators to collect disconnection data on a monthly basis.[13] However, to the authors' knowledge, state regulators are not implementing this positive resolution.

And address the problem we must. COVID-19 was not a one-off event; it was a dress rehearsal for crises to come. Scientists predict another pandemic within a decade.[14] That prediction is based on a model that follows increasing threats to human health from wildlife-originated pathogens, including HIV, Ebola, SARS, bird and swine flu, in recent decades.[15] Scientists documented the emergence of 35 new infectious diseases over 25 years that spread to people — the equivalent of a new disease emerging every eight months, with more being identified every day.[16]

What's more, scientists estimate there could be 631,000 to 827,000 undiscovered viruses in birds and mammals that may pose a threat to humans.[17] When these viruses spill over to the human population, we will be unable to monitor or protect people from them for months or years, until they have been isolated and identified.[18] By then, some will have spread to achieve uncontrolled transmission and a repeat of COVID-19's devastating humanitarian and economic consequences. The threat of future pandemics will only increase as the climate and biodiversity crises worsen.[19]

The COVID-19 pandemic resulted in the global loss of more than 5.7 million lives and an estimated $28 trillion in economic output through 2025.[20] Now is the time to craft policies that will safeguard Americans' energy security through the next pandemic, so that electricity providers never again possess the power to sacrifice vulnerable customers' safety in the interest of maintaining their draconian bill-collection practices.

A century ago, states granted electric utilities local monopolies to service regions and democratize basic electricity services. However, utilities have evolved to exploit their monopoly situation, collecting high profits and enriching investors and executives while blocking cleaner and cheaper energy alternatives in the face of the accelerating climate emergency.[21] Profit-seeking and influence-peddling created the conditions enabling them to disconnect millions of families during a period when losing household power presented a grave and lethal threat without regulatory consequence. Low-wealth communities and communities of color are disproportionately impacted by these utility practices.

The system is failing. Until it is changed fundamentally, these companies will continue pursuing these same perverse incentives to arrive at the same inhumane conclusions.

It is time for policymakers to step up.

POLICY RECOMMENDATIONS

Since the start of COVID-19, utility justice advocates have called on policymakers to enact a nationwide moratorium on utility shutoffs as well as address the systemic issues plaguing the electric utility business model and sector.[22] Wholescale reform to the utility system is vital and begins with new policies that:

RECOMMENDATIONS

- **Recognize household electric service as a basic human right, in tandem with other utility rights including water and broadband.** End all utility shutoffs, which deny people this right. A House resolution on public power by Reps. Cori Bush and Jamaal Bowman supports universal energy access and says long-term solutions require systemic reform, including rapidly deploying community-controlled solar and storage to lower energy burdens and increase climate resilience.

- **Create a federal reporting database and require utilities to report standardized data on arrearages, shutoffs, and reconnections.** We cannot begin to solve the problem without understanding its scope. The best-available dataset published here highlights critical gaps in our knowledge, including the number of national disconnections by all power providers, ZIP code and demographic data of threatened customers, and arrearage amounts. Congress has the power to mandate a federal reporting database by passing it in the upcoming appropriations bill for 2023.

Impose meaningful oversight on electric utility companies, question if they should even exist, and create a just, distributed and renewable energy system. As of the date of this report, the House Energy and Commerce Committee has served top utility executives with questions about these inhumane practices. This is a positive first step, and lawmakers can go further by holding a public hearing and enacting legislation that addresses the underlying facts that got us to this point: electricity privatization, poor regulation, regulatory capture and high-dollar influence-peddling. This deeper work is a necessary precondition to creating space for a reimagined energy delivery system that is equitable and affordable, renewable and clean, and efficient and resilient — one that doesn't empower private, profit-seeking companies to deprive people of a basic right.

METHODOLOGY

To compile the data for this report, the authors reviewed available disconnection data for all 50 states and Washington, D.C., and Puerto Rico from January 2020 through December 2021. Disconnection data was retrieved by reviewing state and territory utility dockets and calling state commissions where the data was not identifiable online or where public information requests were necessary.

Reconnection data for all 50 states, Washington, D.C., and Puerto Rico was reviewed. Reconnection reporting requirements varied by state. Some states did not require reconnection numbers to be reported, while others did not indicate whether reconnections were of the same month's disconnections or the time from disconnection to reconnection. Where reconnections were documented to have been conducted within 24 hours of disconnection, the authors subtracted these reconnections from the utility's monthly disconnect totals. The authors chose a 24-hour cutoff to be considered a legitimate reconnection to counter the impacts of disconnection, as opposed to longer periods without electricity that can render homes uninhabitable and prove life-threatening due to inoperability of life-saving medical equipment, temperature extremes, and other like outcomes. Reconnections with no specified time frame were recorded but not subtracted from disconnection totals.

As a proxy for the average cost to cover a customer's unpaid bill, we used the average U.S. monthly residential electric utility payment of $106, as determined by Vote Solar.[23] The utility industry standard is to initiate shutoff procedures after one month of non-payment.[24] Lobbying data was retrieved from OpenSecrets.[25]

Secondary Market Corporate Credit Facility data was gathered through Federal Reserve monthly disclosures. Utility bond data includes companies classified as utilities in the Federal Reserve disclosures. Bond values are based on par value cost as reported.[26]

Corporate tax benefits, alternately referred to as tax bailout benefits, include alternative minimum tax (AMT) credits and net-operating loss (NOL) carrybacks refunded to utility companies resulting from tax law changes included in the CARES Act. These refunds were disclosed in publicly available annual and quarterly financial filings with the Securities and Exchange Commission.

Corporate financial data, including dividends, employment numbers and executive compensation, were pulled from publicly available 10-K and DEF 14A filings retrieved from the SEC's EDGAR database.

APPENDIX

Full Utilities Data Table Click Here

HALL OF SHAME DATA TABLE

Ultimate Parent	Utility Provider	Disconnects 2020	Disconnects 2021	Total Disconnects 2020-2021
NextEra Energy	Florida Power & Light Company	437,385	694,349	1,131,734
	Gulf Power	4,308	44,170	48,478
NextEra Energy Total		441,693	738,519	1,180,212
Duke Energy Corp	Duke Energy	78,396	135,914	214,310
	Duke Energy Carolinas, LLC	51,165	36,204	87,369
	Duke Energy Indiana, LLC	25,233	45,426	70,659
	Duke Energy Kentucky Inc	2,307	4,099	6,406
	Duke Energy Ohio	12,566	15,462	28,028
	Duke Energy Progress, LLC	49,757	61,377	111,134
Duke Energy Corp Total		219,424	298,482	517,906
The Southern Co	Georgia Power	103,330	246,498	349,828
The Southern Co Total		103,330	246,498	349,828
Exelon Corp	Baltimore Gas and Electric Company	7,902	27,846	35,748
	Commonwealth Edison	50,380	107,227	157,607
	Delmarva Power	1,344	4,560	5,904
	PECO Energy Co	59	76,487	76,546
	Pepco Holdings Inc	6,700	18,058	24,758
	Potomac Electric Power Company	3,238	0	3,238
Exelon Corp Total		69,623	234,178	303,801
American Electric Power Co Inc	Indiana Michigan Power Company	23,695	29,505	53,200
	Kentucky Power Company	1,970	5,036	7,006
	Ohio Power Company	65,568	58,589	124,157
American Electric Power Co Inc Total		91,233	93,130	184,363
Ameren Corp	Ameren Illinois	22,830	25,843	48,673
	Ameren Missouri	36,515	67,726	104,241
Ameren Corp Total		59,345	93,569	152,914
AES Corp	Dayton Power and Light Company	7,249	6,478	13,727
	Indianapolis Power & Light Company	37,103	75,769	112,872
AES Corp Total		44,352	82,247	126,599

Ultimate Parent	Utility Provider	Disconnects 2020	Disconnects 2021	Total Disconnects 2020-2021
FirstEnergy Corp	Metropolitan Edison Company	71	26,941	27,012
	Ohio Edison Company	5,799	10,730	16,529
	Pennsylvania Electric Company	4	20,354	20,358
	Pennsylvania Power Company	0	2,416	2,416
	Potomac Edison	67	226	293
	The Cleveland Electric Illuminating Company	1,403	3,280	4,683
	The Toledo Edison Company	2,205	5,859	8,064
	West Penn Power Company	22	16,147	16,169
FirstEnergy Corp Total		9,571	85,953	95,524
Emera Inc	New Mexico Gas Company, Inc	0	4,619	4,619
	Tampa Electric Company	44,464	40,699	85,163
Emera Inc Total		44,464	45,318	89,782
PPL Corp	Kentucky Utilities Company	15,025	3,718	18,743
	Louisville Gas and Electric	15,031	3,176	18,207
	PPL Electric Utilities Corporation	0	30,843	30,843
PPL Corp Total		30,056	37,737	67,793
DTE Energy	DTE Energy	14,283	37,285	51,568
DTE Energy Total		14,283	37,285	51,568
CMS Energy Co	Consumers Energy	7,948	42,492	50,440
CMS Energy Co Total		7,948	42,492	50,440
Grand Total		1,135,322	2,035,408	3,170,730

ENDNOTES

1 Jean Su is the energy justice director at the Center for Biological Diversity. Chris Kuveke is a data analyst at Bailout Watch and principal at Tiger Moth LLC. The authors thank the staff of Energy and Policy Institute and Gaby Sarri-Tobar and Tanya Sanerib of the Center for Biological Diversity for their research, review and insight.

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