[Heat wave power cutoffs are a new climate change battle for utilities (cnbc.com)](https://www.cnbc.com/2024/06/21/heat-waves-make-residential-power-cutoff-matter-of-life-and-death.html?&qsearchterm=)

# **Extreme heat is turning electricity cutoffs into new political battle for power companies**

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**KEY POINTS**

* At least three million U.S. utility customers have their power disconnected each year, an issue which is receiving new political scrutiny due to heat waves and climate change.
* On July 1, Virginia joins a growing list of state with heat-related protections for consumers, but the effort falls far short of what advocates say is needed.
* “People are dying,” says a Virginia state senator of the extreme heat.

If you are in Virginia sweltering and falling behind on your utility bill, you will have additional options to keep the air conditioner humming, but not until July 1. That’s when Virginia joins the small but growing ranks of states protecting disconnects during [extreme heat](https://www.nbcnews.com/news/weather/live-blog/heat-wave-live-updates-rcna157615). Such protections have been around for cold weather for decades, but as [the global rise in temperatures](https://www.cnbc.com/2024/04/09/tenth-consecutive-monthly-global-heat-record-shocks-climate-scientists.html) hits records, advocates say more must be done to shield customers from having utilities cut; often, existing legislation isn’t enough.

Virginia State Senator Lashrecse Aird, (D-Petersburg), a legislative sponsor of the state’s new utility bills law, said her support for the legislation was rooted in her own experience of having utilities disconnected when she was younger. “It was not a pleasant experience,” Aird said. “And I carry that with me.”

Now, she says, the stakes are higher.

“We have to account for extreme heat outside the normal months of the year that are increasingly hotter now,” Aird said. “As long as we continue to fail to address climate change and increased temperatures, we have to be deliberate and intentional,” she said, and she added that implies the need for protective laws. “Our country is on fire; the world is on fire. I predict we will see more places experiencing heat crises and heat emergencies. We need to have these policies in place; that is where we are heading from a pure weather standpoint.”

The Virginia law, which Aird said the utilities “fought tooth and nail,” forbids disconnections when the temperature exceeds 92 degrees. Regardless of temperature, the bill also prohibits power companies from performing utility shutoffs on Fridays, holidays, state holidays, or days immediately preceding a state holiday. Such shutoffs could leave someone without power for a prolonged period while the utility’s customer service office is closed.

“We had to write those in because we found that is what was happening,” Aird said. “They did not want to have the state spell out their process for reconnection. Everyone has a different administrative structure.”

### A grim national outlook for power protections

Too many states have no protections from utility company disconnects for consumers, according to David Konisky, a professor in the environmental studies department at Indiana University and director of the Energy Justice Lab, and he says climate change is forcing a new conversation about the issue.

The Energy Justice Lab created a [“Disconnect Dashboard”](https://energyjustice.indiana.edu/disconnection-dashboard/index.html) showing utility disconnect data in each state (not every state reports data) and existing shutoff-shielding legislation, if any, in place. Part of making the dashboard was overlaying forecast excessive heat days along with protections that exist or don’t exist and factoring in climate change. The outlook is grim, Konisky says. Nearly three million people have their electricity shut off annually because they cannot afford to pay monthly bills, according to the Energy Justice Lab.

“There are two ways to think about it: how hot is it going to get today, yes, but what is really dangerous is when it does not cool off at night, when you have a persistent period of warm nights, when people are unable to cool their bodies, that is when you have high incidents of heat exhaustion,” Konisky said, adding that lack of cooling like air conditioning exacerbates it.

Legislation like Virginia’s is welcome, but often, the laws don’t go far enough, according to Konisky. They are typically limited to state-regulated power companies (Virginia’s is more expansive than other states’) or have subjective or ambiguous disconnection criteria. Konisky says utility customers must work with them instead of being cut off.

Covid-19 led many states to issue temporary orders during stay-at-home mandates to require power to remain on, but most of these orders have been gradually eliminated. A majority of states (40) have statutory-based utility disconnection protections that cover specific times of year and vulnerable populations, according to the Energy Justice Lab.

As of 2021, 29 states had seasonal protections and 23 had temperature-based disconnection protections, but Konisky’s research shows that these do not fully prohibit disconnections, often putting the onus on customers to demonstrate eligibility for an exemption, such as medical need. Most states (46), plus Washington D.C., give customers the option to set up a payment plan as an alternative to disconnection, though interest may be steep and income-based repayment is not often an option.

“A lot could be done to make energy more affordable where a shut off is necessary,” Konisky said. “There is creative rate making, payment structures. They need to be more aggressive in offering payment plans, as opposed to shutting off, help customers access energy assistance. There are a lot of activities that would be advisable and preferable before we engage in the practice of shutoffs which can have terrible consequences for people.”

His research shows that power companies disconnect plenty during warm weather. Using publicly available data, he found that Indiana customers, for instance, experienced 50,000 disconnects between June and August 2023. “So they are happening during the very warm months,” Konisky said. “This situation is likely to get worse, particularly in states where we would not have historically worried about it during the summer.”

### Heat dome conditions hit more states

One of the states where, historically, one would have not had to worry as much about heat is Oregon. But don’t tell that to residents bracing for 90-degree days this week. When Brandi Tuck, executive director of Portland-based social services organization Path Home, moved to Oregon 20 years ago, the state was known for its temperate climate of mild winters and cool summers. Not anymore.

“We never heard the term [‘heat dome,’](https://www.nbcnewyork.com/weather/how-do-heat-domes-work-and-how-long-will-it-last-for-nyc-area/5521928/)” Tuck said, referring to a once-obscure meteorological term that has morphed into a new term for a heat wave.

“As climate change occurs, we are getting hotter and hotter summers, and we get heat domes here. We had one last summer that resulted in deaths; it gets intense,” Tuck said. In 2021, Portland reached a searing 117 degrees during a fierce heatwave. On the other end of the spectrum, Tuck said Oregon is experiencing longer, colder winters. Oregon does have laws in place to protect utility customers during cold snaps, but not during heat waves.“The challenge is we have commodified life-sustaining requirements. We are a first-world development country, but we have commodified things like power, air-conditioning, and lighting,” Tuck said.

Path Home often helps those facing imminent power disconnects. Power cuts in rental properties, Tuck says, are often followed by evictions, and helping with utilities is one of the most cost-effective ways to prevent homelessness. As Oregon’s weather swings, Tuck says the power companies cannot be depended on to police themselves.

“We need legislation,”  Tuck said.

Disconnects hit the lowest-income people disproportionately hard, and people already struggling to pay their utility bills are often charged a “reconnect fee,” or a deposit after a cutoff. In Ohio, for instance, the utility may require you to pay a deposit of up to one month’s estimated charges plus 30%.

These costs can be a problem for those who get disconnected. Felix Russo, pastor of the New Life Mission in Hamilton, Ohio, says that by the time needy people come to him to help with their utilities, they are usually days away from having their power disconnected. Russo then calls the power companies and tries to negotiate on behalf of the person or tries to match them with a social service agency that can provide funds. But it’s an uphill battle. “All of our systems are strained,” Russo said.

### Utilities say electricity cutoffs ‘a last resort’

Power companies insist that disconnections are a last resort and that additional legislation and regulation aren’t needed.

“We understand our customers may face financial hardships throughout the year, so I want to be clear that disconnecting customers for non-payment is an absolute last resort,” said Aaron Ruby, manager of media relations for Dominion Energy, the main power supplier in Virginia. He said that Dominion has numerous bill payment assistance options to help customers avoid disconnections, including budget billing, extended payment plans, EnergyShare bill payment assistance, and home weatherization programs. The EnergyShare program, for example, Ruby said, offers up to $600 a year in heating assistance and $300 a year in cooling assistance for eligible customers.

Ruby said that Dominion Energy has already started complying with the new law, dispelling fears that they would initiate a rash of disconnections before July 1.

“Disconnects for nonpayment were suspended Tuesday and Wednesday in observation of Juneteenth, and we will continue monitoring the forecast for the upcoming heat wave,” Ruby said, adding that they will comply with the new law. “We will comply with the law and suspend nonpayment-related disconnects in parts of our service area where forecasted temperatures reach 92 degrees or higher.”

A spokesperson for Charlotte-based Duke Energy, the nation’s second-largest utility company, said it has “long-standing policies to temporarily suspend disconnecting a customer’s service for nonpayment to help protect our customers,” on days when the weather is expected to be extremely hot or extremely cold. Duke monitors extreme weather events such as hurricanes or winter storms, evaluates them case-by-case, and temporarily suspends disconnection for nonpayment.

From Virginia legislator Aird’s perspective, legislation is needed not just for the customer but also to protect the power companies from themselves, a point she made in the starkest terms. “Your goal at the end of the day is to have a customer and give someone the ability to pay; if they are dead, then the power company doesn’t have a customer.”

The new legislation doesn’t go far enough to ensure people’s safety in extreme weather, according to Aird, but it was a good first step. “We erred on the side of something is better than nothing,” Aird said.