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MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF INQUIRY AND REQUEST) D.P.U. 21-50
FOR COMMENTS)

COMMENTS OF THE BOSTON HOUSING AUTHORITY

The Boston Housing Authority (“BHA”) is pleased to submit comments in response to the Department of Public Utilities’ (the “Department”) Inquiry into procedures for enhancing public awareness of and participation in its proceedings. As a landlord and voucher administrator in Eastern Massachusetts, providing and securing homes for many extremely low-income (ELI) residents, residents of Environmental Justice communities, and Limited English Proficiency (LEP) residents, BHA applauds the Department’s consideration of mechanisms for enhancing equity in public participation. BHA furthermore submits these comments in support of and in complement to filings by the City of Boston and by Conservation Law Foundation et al.

The Boston Housing Authority owns and operates more than 50 residential rental properties in the City of Boston and administers Section 8, MRVP and municipal vouchers to tenants in approximately 130 communities in Eastern Massachusetts. Many BHA residents and voucher program participants are residents of environmental justice communities, suffer negative health outcomes as a result of poor air quality or environmental pollution. BHA also maintains waitlists of more than 50,000 households seeking deeply affordable housing and/or rental assistance. BHA residents and voucher holders are substantially impacted by energy and utility policy in matters ranging from air quality and comfort for public housing residents to utility bill burden for voucher holders.

Clarifying Department Proceedings for Residents and Ratepayers

To provide ratepayers’ clarity on Department activities and enhance public participation, the Department should provide, or require key docket participants, such as project or program proponents to provide, plain language summary of subject matter. Plain language summary of subject matter may include a few sentences describing what is at stake in a given docket or inquiry and may include simple non-technical slides (e.g. docket ABC-123 is a public proceeding to evaluate the state's

energy efficiency plans. For example, on a docket regarding the Commonwealth's Three Year Energy Efficiency plans, the Department might describe energy efficiency for the average ratepayer:

This process and submitted documents will review energy efficiency plans in Massachusetts. Energy efficiency means strategies to reduce energy consumption and costs for residential customers - renters and landlords - as well as commercial and industrial customers, small and large businesses. Energy efficiency may include interventions like insulating walls or replacing old heating systems with newer models. Massachusetts funds these programs through a charge on electric bills. This means most households in Massachusetts, likely including yours, pay into these funds. The DPU reviews energy efficiency plans every three years in order to evaluate public spending and determination whether programs are fair and will accomplish their goals. For more information on Massachusetts' energy efficiency programs, [click here](#).

Similarly, for energy siting proceedings or energy contracts, the Department could use plain language to describe the physical infrastructure or financial arrangement with neutral language for proposed purpose and describe the scope of the Department's review.

Meaningful Participation by Expanding Ratepayers' Rights to Intervene

The Department and Commonwealth of Massachusetts should consider ways to attract and enhance public participation through meaningful involvement of lesser-resourced communities and environmental justice organizations. The Department can do this by:

- Amending or loosening intervention requirements for groups of low-income residents, for community organizations, and establishing or expanding waivers to the requirement to be represented by counsel;
- Allowing limited participants to engage in discovery or a limited form of discovery, at least in proceedings initiated by Department-regulated companies and by organizations of the Commonwealth
- Establishing an Office of Public Participation within the Department; and
- Funding intervention in Department proceedings, i.e. a ratepayer right to counsel for low-income and environmental justice residents, communities, and/or community organization.

The Department should review the provisions of [220 CMR 1.03](#) and [980 CMR 1.05](#) in order to "afford all parties an opportunity for full and fair hearing" ([G.L. c. 30A, § 10](#)). With these provisions of law in mind, the Department should recognize that parties should be afforded the right to full participation regardless of their income, language,

or educational background. Regulatory amendment or internal policy may be appropriate to allow for greater participation and more direct interrogation of regulated utilities by low- and moderate-income communities, communities of color and Limited English Proficiency residents.

BHA offers the following additional comments in response to certain specific questions posed by the Department:

1. Identify additional physical or electronic platforms in which public notices could be reasonably published or disseminated to reach affected and interested stakeholders and ratepayers (e.g., alternative public newspapers, social media, or local venues).

BHA encourages the Department to consider disseminating notices and advertisement in outlets such as the Bay State Banner, Brazilian Times, El Planeta, El Mundo, El Pueblo Latino (Springfield Republican), Radio Tele Boston, Sampan, and others it may identify through a proactive outreach strategy. BHA encourages the Department to consult with the Governor’s Press Office, EOEAA-identified Environmental Justice organizations, and other stakeholders, and to contact community organizations representing communities of color, immigrant and communities whose first language is not English in order to identify other media sources, including local television and radio channels and community centers serving particular communities.

With regard to electronic platforms, BHA encourages the Department to:

- establish an email subscription list, which may be utilized for subscriptions *to a single docket, to a category of dockets, to provide notice of new inquiries or proceedings, and to provide updates on energy-related emergencies*, including power shut-offs, safety issues with natural gas systems, reliability concerns or safety measures the Department is mandating; and
- establish social media accounts on platforms including Facebook, Twitter, and Instagram, and to establish a communications strategy for non-technical dissemination of Department activities, proceedings, and ratepayer’s rights and rate relief or repayment opportunities; and
- improve its website to make proceedings quickly searchable by topic name, filer, participants, etc., and should additionally test its phone and website information channels with community organizations who work with residents who are deaf or hard of hearing, residents who are blind or visually impaired, and other residents with disabilities.

2. Identify criteria that the Department could use to identify relevant platforms or locations to publish public notices to enhance public awareness of relevant proceedings.

3. **Identify criteria that the Department could use to identify relevant community groups or organizations that should be sent public notices in order to enhance awareness of relevant proceedings.**
4. **Discuss how and by what means the Department can effectively provide notice to people with limited English proficiency. As part of this discussion, please describe criteria that the Department could use to determine whether to translate notices into other languages.**
6. **Describe criteria that the Department could use to determine whether interpretation services should be provided at hearings and the best practices for providing interpretation services at such hearings. In this response, please address virtual, in-person, and hybrid hearings, as well as hearings where interpretation into multiple languages may be required. Also address any feasibility considerations in providing such services.**
7. **Discuss criteria that the Department could use to identify the appropriate language or languages to use to translate our public notices and/or to interpret at a hearing.**

Regarding questions 2, 3, 4, 6 and 7: The Department should seek to identify platforms and organizations in a utility service territory or statewide that serve and engage low- and moderate-income residents, residents with Limited English Proficiency and/or residents impacted by environmental pollution (including, for example, community health centers).

The Department should offer to provide interpretation at all hearings. The Department should review statistically significant, non-English languages in the Commonwealth, in a service territory, or within a municipality and ensure it can identify *at least* one such organization for each statistically significant language group in any statewide proceeding or proceeding involving an investor-owned utility. The Department can adopt the methodology identified by the City of Boston in its filing for identifying Threshold language groupings. In an area with high percentage of non-English speakers, the Department should provide translation in relevant languages even absent a request to do so.

5. **Discuss how costs associated with the publication of notice or translation services for proceedings that are not filed by a Department-regulated company should be recovered 3 (e.g., petitions filed by municipalities, individual customers, stakeholders, or associations).**

The Department should request flexible funds for public participation through the Commonwealth's annual budgetary process, collect general funds for public

participation from investor-owned utilities, and require a limited filing fee from for-profit entities or trade associations initiating proceedings.

8. Discuss criteria that the Department could use to identify language access service providers with the technical knowledge necessary to best convey technical information into other languages, both orally and in writing.

The framing of the Department's question may limit the scope of reasonable and effective response to the issue identified by the Department. BHA has suggested (see pp. 1-2 of this comment letter) the Department provide or require the provision of plain language explanation of a proceeding. This could be expanded to include key content or discussion areas within a proceeding. Providing plain language background information on the issue, requiring proponents or initiators of an inquiry to provide simplified text or slide information as a preface to more detailed presentations, are key steps in order to inform all participants including language access service providers.

It is unlikely the Department will locate a sufficient pool of language access service providers who are familiar with highly technical information; it is difficult enough to find English language speakers who are capable of communicating technical information to an audience without significant technical background. To facilitate adequate translation, the Department should provide information and slides to interpreters in advance, brief participants on language access requirements (including adjustments to pace and pause in speaking) and actively facilitate interpretation where necessary by requesting speakers' pause or repeat content.

10. Discuss any suggestions related to a pre-registration process to make comments, as well as the process for making comments in general, at public hearing.

The BHA encourages the Department to make pre-registration available, but not required. Pre-registration should be used to build email subscription lists, to deliver updates regarding a proceeding, to facilitate accurate collection of participants' names, locations and primary languages, and to collect optional demographic data to understand who is participating in department proceedings.

11. Identify how you learned of this proceeding (e.g., newspaper, word of mouth, city or town website, from the Department).

Word of mouth.

12. Additional comments

The BHA itself has recognized that significant work is necessary in order to build and maintain trust in governmental institutions and to repair historic harms that have discouraged marginalized communities from participating in governmental hearings and proceedings or made such participation harder. Trust can be built and maintained through proactive communication and partnership, as well as demonstrated independence from large regulated entities.

The BHA encourages the Department staff and Commissioners to facilitate proactive communication with members of the public through in-person appearances, traditional and digital media, bidirectional communication and informal conversation regarding Department activities. Presumably with the noble intention of promoting equal access and preventing the appearance of *ex parte* communication, the Department has largely insulated itself from external stakeholders outside of a highly regulated form of participation in individual proceedings. Yet Public Utility Commissions across the country have embraced multiple mechanisms for accepting input as well as broadcasting information through digital and multi-lingual channels, and such practices could be adopted or adapted by the Department.

It is in the interest of all parties to promote trust in government and to ensure meaningful participation by the public in governmental proceedings. In the absence of proactive communication from regulatory and clear delineation of the roles of regulators from industry participants in a highly technical forum, the public, including energy-burdened households, Limited English Proficiency ratepayers and environmental advocates, may be inclined toward cynicism. Proactive work to reach highly-impacted communities can not only promote positive engagement with government, but also equip the Department with on-the-ground information about the lived experience of Massachusetts residents and ratepayers.

The BHA thanks the Department for engaging in critical work to enhance public participation.

Regards,



Joel Wool
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Boston Housing Authority