OPEN MEETING AGENDA ITEM

April 12, 2021

Filed by: Stacey Champion

RE: Docket Number RU-00000A-19-0132

Dear Chairwoman Marquez Peterson and Commissioners,

Top Three Things to Remember

1. If you go back to the old status quo of allowing ANY of your regulated utilities to rely on NWS heat warnings for disconnect allowance, vulnerable Arizona residents will unnecessarily die and it is absolutely your duty to help protect ratepayer's – and especially their health and well-being. (I am including additional data for you to understand how dangerous this decision would be below.)
2. The fear mongering from the utilities as well as Arizona PIRG & Wildfire is unwarranted and not backed up by data nor facts. (I am including additional information to counter statements made by Arizona PIRG/Wildfire today, and would request that you read the filings by Mr. Padgoankar with regard to actual vs. estimated write-offs, etc.)
3. We have broken heat records yearly in Arizona and indoor deaths have mainly occurred because of three reasons: 1) broken/non-functioning AC units, 2) people are turning off their AC because they can't afford it, and 3) utility disconnections in extreme temperatures. With regard to all three of these issues, all regulated utilities are in a position to be part of the solution versus part of the problem. Whether it is increasing the energy assistance programs enrollment (and ease for re-enrollment which is currently a nightmare for people), providing resources and potentially funding to fix resident's AC units, etc., the goal of this Commission should be ZERO deaths due to utility disconnections. Not one more person should bake to death in their home because their power was disconnected on a hot day, and equally, no one should freeze to death in their home due to a utility disconnection either. (Please see additional data and facts below.)

Background

In **winter of 2018** while doing some research, I started connecting dots between utility disconnects, lack of rules/legislation to protect people, & deaths in extreme temps from shutoffs. Originally from MN, I was floored to find we had nothing here to address protecting customers from extreme heat. I had also tracked the heat deaths for years (tied to climate interests) but hadn't put together the pieces. I started pulling more public records requests from MEO and honing in on indoor heat deaths while simultaneously researching legislation, etc. in other states. I worked on a statewide bill in late 2018 & started a petition to exert pressure, but the bill never got a hearing. (It should be noted that both Diane Brown with Arizona PIRG and Cynthia Zwick with Wildfire both opposed the statewide legislation, telling me by email: "While of course we don't want people getting their electricity shut off, we believe the

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commission should be regulating aps and tep on this/other matters and the legislature shouldn't be involved in areas pertaining to the acc's jurisdiction. I spoke w cynthia (cc'ed) w wildfire who shares that concern."

I knew people had died indoors after having their power cut or because they'd turn their AC off to try to save money. I stood before the ACC & said these things many times, yet no one seemed to listen.

On **May 16, 2019** I discover (after much prodding) that ACC staff removed utility disconnect data from the annual utility report template. This was conveniently done after the first full year APS rate hike was in effect. On May 27, 2019, myself and Joe Dana with 12 News received our records request which confirmed that 1 in 10 residential customers lost service for unpaid bills in 2018. (See: https://www.12news.com/article/news/1-in-10-aps-customers-lost-service-for-unpaid-bills-in-2018/75-5e541a70-8880-43b4-978f-285b53a83233).

On **June 13, 2019**, Elizabeth Whitman breaks story: On 107-Degree Day, APS Cut Power to Stephanie Pullman's Home. She Didn't Live (See: https://www.phoenixnewtimes.com/news/aps-cut-power-heat-customer-dead-phoenix-summer-shutoff-11310515).

On **June 14, 2019**, the Utilities Division Staff requests that a new docket be opened for the purpose of commencing an emergency rule-making process to enable the Commission to review and amend the current rules regarding termination of service.

On **June 20, 2019**, ACC votes to pass emergency rules for no termination of service through October 15, 2019.

On **June 26, 2019**, ACC Staff release report on Stephanie Pullman shutoff: APS can't prove it followed rules prior to shut-off that led to woman's death, regulators say. (See: https://www.bizjournals.com/phoenix/news/2019/06/26/aps-cant-prove-it-followed-rules-prior-to-shut-off.html).

On **July 3, 2019**, Howard Fischer/Capitol Media Services reports: APS settled lawsuits involving 2 other customers who died after power shut off. (See: https://tucson.com/business/aps-settled-lawsuits-involving-other-customers-who-died-after-power/article_b06cce60-1e9d-5a1c-913f-367e7bb09671.html).

On **August 27, 2019**, Elizabeth Whitman/Phoenix New Times reports: Stephanie Pullman's Family 'Reaches Agreement' With APS. (See: https://www.phoenixnewtimes.com/news/stephanie-pullman-family-agreement-with-aps-electricity-shutoff-11349673).

On **September 30, 2019**, ACC Stakeholder Meeting & Workshop is held. ACC staff started out with a temperature threshold of 95 degrees, but increased it to 105 degrees after meeting with utilities. (See: https://azcc.granicus.com/player/clip/3682?view_id=3&redirect=true).

On **October 2, 2019**, I submitted a list of public health and science experts into the docket because none had been included in discussions, workshops, etc. (See: https://docket.images.azcc.gov/E000003079.pdf).

On **October 10, 2019**, a second Stakeholder Meeting and Workshop (Rules Regarding Termination of Service) is held. (See: https://azcc.granicus.com/player/clip/3688?view_id=3&redirect=true).

On **October 28, 2019**, ACC staff, Commissioners and RUCO still fail to make contact with public health and science experts. Whitman/Phoenix New Times writes story: How Hot Is Too Hot? AZ Regulators Ignore Science in Weighing Shutoff Protections. (See: https://www.phoenixnewtimes.com/news/az-regulators-ignore-science-in-weighing-shutoff-protections-11377138).

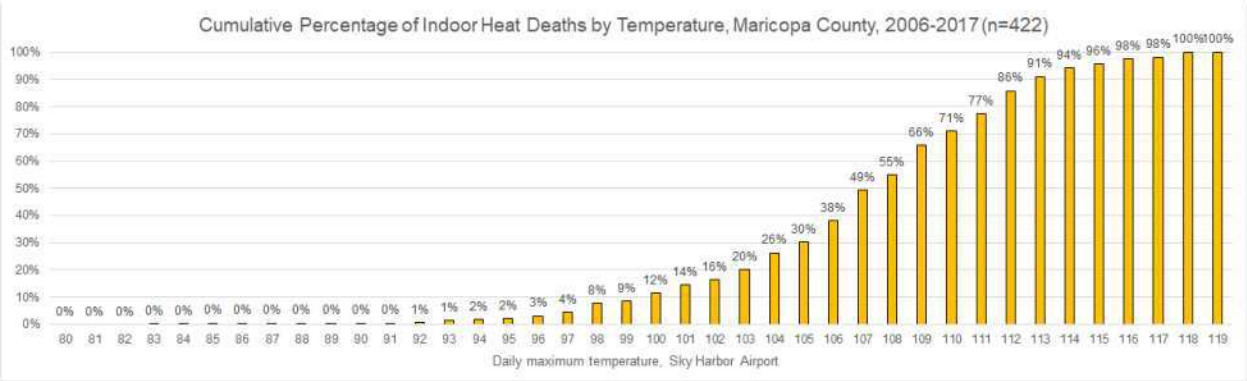
On **October 29, 2019**, I submit more information into the docket. (See: https://docket.images.azcc.gov/E000003493.pdf).

On **March 9, 2021**, I discover ACC Staff has convened backroom "stakeholder" meetings that exclude RUCO as well as several additional interested stakeholders who had/have regularly participated in this docket from the very beginning. (See: https://docket.images.azcc.gov/E000012122.pdf).

Facts/Data Surrounding NWS and Why It Should NOT Be Used to Trigger Shut Offs

Just because the NWS has been used previously, does not mean it should be used moving forward, and the reliance on that as status quo has indeed caused people to die. Though Diane Brown and Cynthia Zwick apparently couldn't find this data, it does exist and I will be citing and sourcing it further below.

Based on the below graph from MCPH (which I've filed into this docket more than once, we can see that heat deaths increase when it's > 90 degrees F (though heat deaths have occurred when temps are even in the 80's).



As you can see, at 95 degrees F, you hit 2% of indoor heat deaths with it jumping to 12% at 100 degrees F, and 30% at 105 degrees F. I will also importantly reiterate that the majority of indoor heat deaths are our most vulnerable residents including the elderly who are disproportionately impacted by indoor heat stress and death as well as those who are already struggling financially, living on fixed incomes, etc.

From NWS:

	Phoenix	Coolidge	Parker	El Centro Area	Yuma	Globe
Average Number of Days w/High of 100+ °F per Year #	110	117	107	111	118	19
Average Number of Days w/High of 110+ °F per Year #	19	27	39	16	26	0
Average Number of Days w/Low of 80+ °F per Year #	67	10	37	29	59	0
All-Time Record High Temperature	122 °F 6-26-1990	123 °F 7-30-1995*	127 °F 7-7-1905	122 °F 7-29-1995*	124 °F 7-28-1995	113 °F 6-26-1970
All-Time Record High Low Temperature	96 °F 7-15-2003	96 °F 7-12-1909*	100 °F 7-18-1931	98 °F 8-30-1976	94 °F 8-31-1998	86 °F 8-19-1948

Based on 1981-2010 data. * And previous years.

I would imagine there are more days now due to the rise in temperatures over the past 10+ years, but this NWS chart should give you a good idea of how many 100+ degree days we see across the state. As you can see below from NWS data, even though Phoenix has well over 110 days that exceed 100+ degrees F (which has historically caused 12% of indoor heat deaths) there are a very limited number of heat warning days in comparison to actual number of 100+ degree days. The below data also highlights the need for a temperature threshold to better protect public health outside of a set summer moratorium, as you can see there are numerous days in both April and May that were deemed dangerous for public health per the NWS standards.

NWS Heat Warning Days

Phoenix Area

2008 (18): May 19-20, June 15-23, July 1-3, July 18, July 31-August 2

2009 (21): July 11-14, July 17-20, July 26-29, August 2-6, August 27-30

2010 (25): June 6-7, June 30-July 2, July 8-10, July 13-21, August 5, August 13-15, August 23-25, September 3

2011 (22): June 22, June 27-29, July 1-3, August 2-3, August 18, August 22-September 1, September 4

2012 (20): May 21-22, May 31-June 1, June 18, June 27-30, July 9-10, August 6-14

2013 (15): June 2, June 7, June 12, June 28-July 3, August 1, August 16-19, August 20

2014 (8): June 2-5, July 23-24, July 30-31

2015 (14): June 16-22, August 4-5, August 13-17

2016 (11): June 3-6, June 19-23, July 22-23

2017 (19): June 4-7, June 17-26, July 5-7, August 29-30

2018 (16): May 6, June 3-4, June 12-13, June 21-22, July 5-6, July 23-25, August 6-7, September 14-15

2019 (26): June 11-13, July 11-16, July 27-28, August 3-5, August 13-16, August 20-21, August 27-28, August 30-31, September 4, September 7

2020 (48): April 26-30, May 6-7, May 27-31, June 2-4, July 10-13, July 19, July 29-August 4, August 9-10, August 12-20, August 24-28, September 4-7, September 17

Yuma

2008 (21): May 18-20, June 14-23, June 30-July 03, July 18, August 1-2, September 6

2009 (17): July 11-14, July 17-20, July 26-29, August 05, August 27-30

2010 (6): July 17-18, August 24-25, September 3-4

2011 (8): June 28, July 2-3, August 2-4, August 29, September 08

2012 (17): May 13-14, May 21-22, May 31-June 1, June 18, July 9-11, August 8-14

2013 (8): June 7, Jun 28-July 3, August 17

2014 (5): Jul 23, Jul 24, Jul 30, Jul 31, August 30

2015 (14): June 16-22, August 4-5, August 13-17

2016 (9): June 3-5, June 19-22, July 22-23

2017 (15): June 17-26, July 7, August 27-30

2018 (7): May 6, June 13, June 22, July 5-6, August 6, September 8

2019 (18): June 11-13, July 12, July 15-16, August 3-5, August 13-16, August 20-21, August 30-31, September 4

2020 (38): April 26-30, May 6-7, May 27-29, June 3-4, July 11-13, July 19, July 30-August 3, August 13-20, August 24-27, September 4-7, September 17

(Source: https://www.weather.gov/psr/HeatSafety)

Facts/Data on Indoor Heat Deaths

Arizona PIRG/Wildfire made several erroneous claims in their April 12, 2021 filing, including false statements about certainties directly tying indoor heat deaths to utility disconnects. To help this Commission understand the pre-moratorium magnitude of indoor heat deaths (keeping in mind this data is only for Maricopa County which is where the largest number of heat deaths – indoor and outdoor – occur, but heat deaths do also occur in other cities/towns throughout the state.

Historical Percentage of Indoor Heat Deaths in Maricopa County by Year

- **2011 - 54%**
- **2012 - 42%**
- **2013 - 41%**
- **2014 – 28%**
- **2015 – 39%**
- **2016 – 39%**
- **2017 – 40%**
- **2018 – 28%**
- **2019 – 24%**
- **2020 – 15%**

(Source: Maricopa County Public Health)

2020 is the very first year on record where there isn't an indoor heat death tied directly to a utility disconnection. Also, on average, only 25% of all heat deaths occur on days where NWS has issued an excessive heat warning. Which means that 75% of these deaths are occurring on other days (which need to be covered to protect public health).

For more historical context, in the report titled *Heat-Associated Mortality in a Hot Climate: Maricopa County, Arizona, 2006-2016*, it states: "Of 347 heat-associated injuries leading to deaths that occurred indoors, the presence or absence of air conditioning was documented for 287 (82.7%) deaths, all of which occurred in an indoor space that was inadequately cooled. An air-conditioning unit was absent in 59 (20.6%) deaths and present in 228 (79.4%) deaths. Of these 228 deaths, the air-conditioning unit was turned off (but documented to be functional) for 78 (34.2%) deaths and nonfunctioning for 120 (52.6%) deaths; **the electricity in the residence was turned off for 30 (13.2%) deaths**.

Consistent with patterns observed in urban heat waves, in which older people and those without access to air conditioning are most vulnerable, women aged ≥65 were injured in an uncooled indoor environment more commonly than women of all other age groups and men aged 65 and older. Of 287 heat-associated deaths that occurred indoors and for which the presence or absence of an air-conditioning unit was documented, an air-conditioning unit was present in 79% (228) of decedents' homes; on average, approximately 99% of homes in the Phoenix, Arizona, metropolitan area have air conditioning in the home. Although fewer people with heat-associated injuries leading to death in our study had access to air conditioning compared with the average population in the Phoenix Metropolitan Service Area and nationally, other factors likely played an important role in the death of 228 people, despite the presence of air conditioning. Circumstances that restrict the use of air conditioning were further explored in a 2014 survey of Maricopa County cooling center visitors. Among 515 respondents with an air-conditioning unit at home, **86 (16%) stated that they did not use air conditioning at home because of cost, and 21 (4%) stated that their air-conditioning unit was broken. One-quarter of respondents stated that they had used a utility assistance program in the past, providing evidence**

that the cost of electricity might be an important underlying factor in indoor heat-associated deaths. Data from the 2015 cooling center survey supported the need for a 2016 survey of homebound people that assessed barriers to using home cooling systems and knowledge and use of community assistance programs. Barriers identified included **cost of electricity bills (81%; 105 of 130 respondents)** and cost of repairs (27%; 35 of 130 respondents). The survey also **identified a potential need for better advertising, application support, and more funding for energy assistance programs in the target community**. The federally funded low-income home energy assistance program (LIHEAP) can help people who are unable to afford electricity for heating or cooling. However, **in 2014, LIHEAP funding supported fewer than 5% (n = 50 520) of 617 000 eligible Arizona households; by comparison, an estimated 16% of eligible households nationally receive benefits from LIHEAP."**

(Source: https://www.maricopa.gov/DocumentCenter/View/65573/Heat-Associated-Mortality-in-a-Hot-Climate-Report-2006-2016)

Question for Commissioners: If we had a serial killer who had murdered at least 30 people over a 10-year period in Arizona, would you want the authorities to attempt to apprehend and stop this killer? If you answered yes, good for you, and **you have the power to stop the killer**.

It is equally important to keep in mind that there are thousands of hospital visits directly tied to heat every year in Arizona and associated costs. See:

Heat-Related Illness Emergency Department & Inpatient Admissions (Hospitalizations) 2015-2019, Arizona Residents and Non-Residents

Heat-Related Illness by Year		
Year	**Emergency Department Visit**	**Inpatient Admission (Hospitalization)**
2015	**2423** Of those, 1472 were heat-caused† (60.8%)	**572** *Of those, 199 were heat-caused† (34.8%)*
2016	**2915** *Of those, 1812 were heat-caused† (62.2%)*	**594** *Of those, 240 were heat-caused† (40.4%)*
2017	**3053** *Of those, 1969 were heat-caused† (64.5%)*	**749** *Of those, 283 were heat-caused† (37.8%)*
2018	**3013** *Of those, 1917 were heat-caused† (63.6%)*	**753** *Of those, 250 were heat-caused† (33.2%)*
2019	**2944** *Of those, 1903 were heat caused† (64.6%)*	**761** *Of those, 299 were heat-caused† (39.2%)*

†**Heat-caused** emergency department and inpatient visits (hospitalizations) are visits where the primary diagnosis is listed as exposure to excessive natural heat. **Heat-related** visits are where exposure to excessive natural heat is listed anywhere in the diagnoses and include those that were heat-caused.

(Source: https://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/extreme-weather/pubs/heat-related-illness-emergency-department-and-inpatient-admissions-in-arizona-by-year-2015-2019.pdf)

Information from Coroner Reports – Indoor Heat Deaths

Having read hundreds of heat death reports, I feel it's important to share these snippets of what I read, and also to give you as Commissioners a sense of the importance to make the right choices surrounding both setting just and reasonable rates, as well as doing everything you can to protect public health. All of the below are from 2018 indoor heat deaths and just a small sampling from the total number. Every bullet point is a different person who died.

- The decedent is a 68-year-old female found in a state of decomposition within her secured residence during a welfare check by law enforcement on 09/17/2018. She was last known alive a couple of months prior. She was discovered lying supine on a medical bed. Her husband was also found deceased in a state of decomposition seated in a chair. Law enforcement found the air-conditioner to be nonfunctional as it was set to 77 degrees Fahrenheit and the temperature within the residence was recorded at 99 to 102 degrees Fahrenheit. According to her husband's brother, they both may have been in **failing health and had limited funds**.
- The decedent is a 69-year-old male found in a state of decomposition within a secured residence during a welfare check by law enforcement on 09/17/2018. He was last known alive a couple of months prior. He was discovered seated in a chair. His wife was also found in a state of decomposition in a bedroom. Law enforcement found the air-conditioner to be nonfunctional as it was set to 77 degrees Fahrenheit and the temperature within the residence was recorded at 99 to 102 degrees Fahrenheit. An oxygen tank was present on the desk but contained no oxygen. A computer on the desk showed missed notifications beginning on 09/04/2018. An inhaler was also found near the decedent.
- The decedent lived alone in a private residence, and had lived in the residence for approximately 30 years. According to the decedent's niece, the air conditioning system in the residence was often non-functional, and the **decedent would often use a box fan**. The decedent was last known to be alive in mid-August 2018, and when the decedent's mail carrier noted the mail piling up outside the residence for several weeks, a welfare check was requested. Members of the Phoenix Police Department gained entry into the residence on September 14, 2018, and subsequently found the decedent deceased on the floor. At that time, the residence was described as being "hot", and the air conditioning unit read a temperature of 99 degrees Fahrenheit.
- According to reports, this woman was found in a state of decomposition within an unlocked residence. No obvious trauma was identified. The residence was of average upkeep but was not air-conditioned as there was **no electricity supply** to the residence. It was initially unknown when the electricity was shut off.
- Throughout the house were fans and free-standing air-conditioning units. All of these devices were in the "on" position but **no longer working due to the power outage**. He had no known significant past medical history.
- The 53-year-old male decedent had been living in an apartment with his family and the air conditioning had not been working since July 25. His family began to notice that he was not sweating like the rest of the family. On August 7, he began to exhibit abnormal behavior, began undressing, and complained of headache and weakness. Emergency services were called and he was transported to the hospital. Upon arrival, he was noted to have altered mental status, hyperthermia with a **core temperature of 109 degrees Fahrenheit**, and respiratory failure. He

was diagnosed with heat stroke, began to be cooled, intubated emergently, and placed on broad-spectrum antibiotics for possible meningitis. An admission CT scan of the brain was unremarkable. He was admitted to the intensive care unit and multiple fluid boluses and pressors were needed to maintain his blood pressure. He was pancytopenic due to disseminated intravascular coagulation, had transaminitis due to shock liver, and acute kidney injury treated with dialysis. His altered mental status continued. A brain MRI performed on August 15 showed subarachnoid hemorrhage, a small amount of blood within the ventricles, and a possible small cortical infarct in the left parietal lobe. Neurosurgery recommended that the decedent be transferred to Banner Thunderbird Medical Center due to lack of specialty at Banner Estrella Medical Center. He was transferred on August 16, 2018. He continued to have altered mental status and encephalopathy, **likely secondary to heat stroke**. Meningitis was no longer suspected, although the antibiotic course was completed. He was treated for aspiration pneumonia, had possible cholecystitis with elevated liver function tests, continued hemodialysis for renal failure, and eventually underwent tracheostomy placement for respiratory failure. Repeat brain MRIs were stable, but his condition remained poor. Due to religious beliefs, a do not resuscitate (DNR) code status was put into place. On August 25, he was transferred to Sun Valley Rehabilitation. He was found unresponsive in his bed on September 13, 2018, at 0300 hours and pronounced dead.

- The decedent was an 88-year-old female with no documented past medical history, but a reported history of paranoia and difficulty ambulating. According to reports, she was last known to be alive via phone conversation with a family member approximately 10 days prior to her being found. On September 10, that same family member called local law enforcement and requested a welfare check. Responding officers arrived at the residence and received no answer at the locked front door. They made entry into the home through a slightly-ajar window and found the decedent decomposing on the floor in the hallway. She was pronounced dead at that time without suspicions of foul play. Scene investigation indicates that the thermostat in the residence was set to "heat" and the **temperature was set at 90F**. At the time of investigation, the ambient temperature in the residence ranged 96F to 98F.
- Investigation revealed that the air-conditioning unit was unplugged. Follow up with management of the complex and the daughter of the decedent revealed that many residents including **the decedent would unplug or not run their air-conditioning units due to increased electricity costs**. A space fan and a ceiling fan were found to be running in the room where the decedent was located. Examination revealed the moderately-to-severely decomposed remains of an elderly male without traumatic injuries.
- Inspection of the residence revealed a window air conditioning unit in place that the local maintenance worker repaired and installed, but the decedent did not use as he felt it was **"too expensive to run."** The temperatures within the residence were markedly elevated at the time of scene investigation. Electricity and running water were present in the residence.
- The decedent was a 74-year-old male with no documented past medical history. According to reports, the decedent was last known to be alive by his neighbors on August 20, 2018. At that time, they remarked that the decedent looked unwell, but he had no complaints at that time. On September 2, the neighbor went to his residence, as he often did. When he received no answer at the front door, the neighbor entered the residence through an unlocked back door and noted that the air conditioning was not running, which was unusual. The neighbor

subsequently found the decedent lying on his bed and unresponsive. Emergency services were called and responded to the scene, and he was pronounced dead at that time. There were no suspicions of foul play. Scene investigation findings indicate a temperature of **95° F** within the residence.

- According to reports, the residential air-conditioning unit had been nonfunctional for several days (since approximately 08/19/2018) and the internal temperature reported at the time of scene investigation was approximately **94 degrees** Fahrenheit. The family had reportedly not attempted to fix the air-conditioning unit because they were in the process of moving out of residence and were using floor fan in an attempt to keep the residence relatively cool.
- The decedent was a 64-year-old male with no known medical history. There was no history of alcohol or illicit drug use and no history of suicidal ideation or attempt(s). On 8/11/2018 he moved to Arizona, from California, into a **new trailer that did not have air conditioning**. On 8/14/2018 he was last seen alive when he was at friend's house for dinner. On 8/16/2018 the same friend attempted to reach him by telephone, but the decedent did not answer. On 8/19/2019 the friend drove to the residence to perform a welfare check and made entry through the unlocked front door. The decedent was found slumped over and unresponsive in the kitchen area of his trailer. 911 was called and death was pronounced on scene without resuscitative attempts. The internal temperate of the residence was noted to be **110.9 degrees** Fahrenheit.
- The decedent is a 69-year-old male found unresponsive in his group home on 08/18/18. Reportedly, the facility had lost function of the air-conditioning unit on 08/16/18. He was last known alive 15 minutes prior to being found by his caregiver who stated he may have been "acting funny" that morning. Death was pronounced on scene. At the time of Medical Death Investigator arrival, an employee fixing the air conditioner was leaving and the unit had reportedly just been fixed. The decedent's room measured **98 degrees** Fahrenheit. According to Adult Protective Services, four other residents of the home had been transferred out of the facility during this time.
- The decedent was last seen alive 10 days prior when he spoke with his son on the phone. His son requested a welfare check by a family member, who entered the residence with a key. He was found in a spare bedroom on a sofa in a state of decomposition, and he was pronounced dead on the scene. The temperature of the residence was 95 degrees Fahrenheit, which is normal for the decedent as **he does not turn his air conditioning on due to cost.** There were no signs of foul play or trauma at the scene. His primary care doctor was willing to certify his death, but due to the state of decomposition, the decedent was brought in for proper identification and certification.
- The decedent was last seen alive on August 5th at approximately 1030 hours when a neighbor witnessed her getting out of her car in her carport. She was known to be the sole occupant of her mobile home. On August 11th, neighbors noticed a foul odor. A neighbor entered the unsecured residence and found her supine on the floor inside the bedroom in a state of decomposition. Fire Rescue responded and pronounced her dead on the scene. The decedent had no obvious injuries and there is no suspicion for foul play. The air conditioning was on, but had poor airflow and minimal circulation, and the **ambient temperature in the home was 99 degrees**.

- The decedent was a 69-year-old white male with an unknown medical history. On August 10, 2018 he was found in his secure residence in a state of marked decomposition. The temperature in the residence was noted to be 100 degrees Fahrenheit during the scene investigation, however, the **air unit was unplugged** which is suggestive of chronic exposure. There was no suspicion of foul play.
- The defendant is a 75-year-old female found unresponsive in her secured residence. She was last seen alive on 08/06/2018. According to her blind husband, the air conditioning became nonfunctional on 08/03/2018. On 08/07/2018, he checked on her in the bedroom and felt she was warm and not responsive. He called Emergency Medical Services who found her supine on the bed with her legs hanging over and an oxygen mask on her face. Death was pronounced on scene. Two dead cats were also within the residence. The temperature in the home was measured at 105 degrees Fahrenheit.
- Per report and investigation, the decedent was discovered deceased and decomposing in her residence during a welfare check without indication of trauma or foul play. She was last known to be alive approximately 10 days prior and was found face-up on her bed without wearing any clothing. Apparently, the air conditioning in the residence did not work and it was over 100 degrees Fahrenheit inside. The air vents were· blowing very warm air. The decedent's mother had passed away at the residence about a year prior and environmental heat exposure was listed as a contributory factor in her death. The decedent's external body temperature at the scene was about 104 degrees Fahrenheit.
- The decedent is a 31-year-old male found unresponsive in his secured residence in a state of decomposition. On 07/21/2018, the decedent reportedly complained of not feeling well to an employer who dropped him off at home that day. He mentioned he may be dehydrated. After not hearing from him for three days, his employer called family who entered the apartment to find him on the floor. Emergency medical services responded and death was pronounced on scene on 07 /24/18. The air conditioning was in the off position and he was reportedly **being evicted** from the residence. There is no known medical history.
- He was last known to be alive on the previous day when he spoke to his ex-spouse on the telephone. He had no complaints at that time and did not mention any dysfunction with his air-conditioner or power. When investigators arrived to the scene, the indoor temperature of the house was **94° Fahrenheit** and the air conditioner unit was non-functional.
- On July 23, 2018 he was found deceased on a bed inside a mobile home style residence after a welfare check had been requested. When found, **the utilities to the home, including air conditioning, were non-functioning**. Of note, during the same welfare check, an adult female was also found deceased inside the residence.
- According to reports, this elderly female is found in her residence in a moderate state of decomposition on a sofa. She was discovered when apartment management opened the door for Gilbert Police Department who had responded to the residence for a welfare check after neighbors had noted an unusual odor. It was observed the decedent had left her windows open and had not recently been seen in the neighborhood walking, as was her usual practice. A single bottle of medication was found in the residence (Lisinopril, commonly for treatment of hypertension). The air conditioning within the apartment was apparently nonfunctional with the windows of the residence open and multiple fans on within the residence. It was approximately 102 degrees Fahrenheit within the residence at the time of investigation. Soiled clothing was

found in the bathroom of the residence. She had no known significant reported past medical history.

- The decedent is a 68-year-old male found in a state of decomposition in a secured residence upon welfare check on 07 /22/18. Death was pronounced on scene. According to his brother-in-law, he complained that his air conditioning had gone out a few days prior to death. He was last seen alive on 07/20/2018 in the afternoon. After missing dinner plans, his brother-in-law entered the secured residence with a spare key and found the decedent supine on his bed. A thermostat in the residence read **95 degrees** Fahrenheit.
- One of her neighbors was known to periodically check on the decedent. When they hadn't seen her for some time, they called for a welfare check on the 7/17/2018. Emergency personnel responded and used a spare key to enter the decedent's residence. The front door was found to be barricaded by furniture. The decedent was found on the floor slumped over a mattress. She was in a moderate state of decomposition. **Scene examination revealed no electricity or air conditioning in the residence**.
- According to reports, the decedent's brother had not been able to contact the decedent for a length of time. The brother went to the decedent's residence and noted flies and an odor. The decedent's brother entered the decedent's secured residence with a key and found the decedent deceased inside. The decedent's residence was not air-conditioned and the temperature at the time of investigation was approximately **95° Fahrenheit**.
- According to reports, this elderly male was discovered deceased in his secure residence supine in bed in the early stages of decomposition following welfare check. Survey of the residence revealed that it was not air-conditioned, with a documented internal ambient temperature of 102 degrees Fahrenheit at the time of investigation.

Again, this is just a small sampling of snippets from some of the 2018 Maricopa County indoor heat deaths. They are sad and tragic. All of these deaths were preventable and pre-existing conditions or not, shouldn't have happened. Though I'm aware not all were caused by utility disconnection (though some absolutely were which I have highlighted, they all were caused and or contributed to by deadly heat. Heat, which causes more deaths and illness than all other weather-related events combined, and will only increase, as we saw by our almost doubling of heat-related deaths in Maricopa County in 2020. The simple fact that our indoor heat deaths have decreased since the emergency moratorium went into effect, and dropped much further due to COVID-19 moratorium in 2020 which protected people in the month of May and extended past October 15, should inform this Commission through common sense and logic that it has and will continue to save lives. It is unconscionable to think that utilities would be permitted to simply dip in to a risk management fund to pay off families like APS did with Stephanie Pullman's family along with two additional families we know of. **What is the price tag this Commission wishes to set on a human life?** Perhaps if these government-granted monopolies would spend less money advertising to captive customers and sponsoring every event happening in the state, and instead put those dollars toward promoting their utility assistance programs, helping low-income folks (and especially seniors) fix their AC units, fix the flawed rate design that created crippling energy bill burden, invest more in energy efficiency and stop gouging everyone with $250+ million adjustor increases happening outside of rate cases – we'd see far less people baking to death in their homes.

We need data-driven policy to protect human lives and it's **YOUR JOB** to ensure this happens. I think there are still numerous issues that need to be investigated and addressed tied to the low-income assistance programs, ensuring the money being given to organizations is actually being utilized to assist customers, how deposits are handled (and returned) and your own Staff's role in how and when it alerts you Commissioners about excessive complaints/patterns of complaints, etc. We need a set summer moratorium that applies to **every** utility serving customers where summer temps are >90, **plus** a 90-degree threshold outside of the moratorium dates to ensure people are protected, and <32 for cold with reasonable payment terms (6 month minimum) for those who fall behind.

I especially think you need to recognize who is and has been profiting from this very broken system for many years, including all those directly receiving funding from the utilities, or utilizing pass through mechanisms to attempt to keep it under the radar.

As I have said for many years now, people are struggling. And they're struggling more than ever right now. None of these companies went broke over the past year, nor will they be going broke in the future. Many of their executives make a millions of dollars per year and the spending on politics + PR is out of control.

Literal life-saving utilities were put in your purview to regulate for a reason – and that reason should be bound to the public's best interest.

There is not a more important decision to make in our state than this one. I will be working until well past midnight tonight to get caught up on my own work, as this is a labor of love for me to attempt to save vulnerable lives. **What kind of legacy do you want to leave to Arizona and what are you willing to do to save Arizonans lives?**