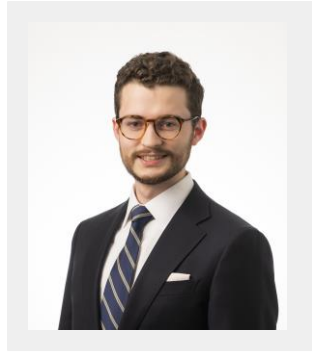




# EQUAL JUSTICE AMERICA

## Summer 2023 EJA Fellow:



**Name:** David Clifton

**Law School:** University of Chicago

**Organization:** Abrams Environmental Law Clinic

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**Update 1:** I'm so grateful to receive funding from Equal Justice America to support my work with the University of Chicago Law School's Abrams Environmental Law Clinic this summer.

The burdens of pollution and environmental degradation disproportionately fall on impoverished communities and communities of color. At the same time, these populations often lack reliable access to legal representation. In the past several weeks, I've learned about the amazing efforts by activists and organizers in frontline communities to pressure companies and government agencies to address their environmental concerns.

With the AELC, I'm excited to represent these advocates in their ongoing efforts to address hazardous pollution in the air they breathe and to gain access to more—and more affordable—locally sourced solar power.

Equal Justice America is a nonprofit organization that provides funding for law students to enable them to work with vulnerable citizens and people in poverty—increasing the number of future lawyers who have experience doing public interest work and ensuring everyone has access to justice. If you would like to support the work of Equal Justice America, I would be so grateful if you would consider donating.

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**Update 2:** My work for the University of Chicago Law School's Abrams Environmental Law Clinic, funded in part by a grant from Equal Justice America, has exposed me to the serious problems of equity that arise in society's shift to renewable energy. Many low-income communities feel the harms of fossil fuel use first and the benefits of renewable energy use last.

Rooftop solar, also known as distributed generation, is a case in point. For low-income households, the up-front cost of a solar panel can be prohibitively high, even if solar generation would provide clean, affordable, and reliable electricity in the long run. Tax credits that help higher-income customers afford solar panels are of little



# EQUAL JUSTICE AMERICA

use to individuals whose tax burden is already low. For renters who do not own their own roofs, distributed generation is often not even an option. A just energy transition cannot abandon these customers to reliance on fossil-fuel-generated electricity, especially in communities in which the utility fails to maintain reliable grid infrastructure. Low-income households deserve solar, too.

I'm proud to have the opportunity to help one community's efforts to develop "community solar." In this alternative to rooftop solar, community members band together to jointly fund a small, nearby solar array, and each subscriber to the project gets a portion of the electricity generated. With economies of scale, community solar can be feasible for low-income households, and even renters are able to participate.

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**Update 3:** A just energy transition cannot leave behind low- and middle-income (LMI) customers. But as my work for the University of Chicago Law School's Abrams Environmental Law Clinic has shown me, LMI customers often face more than just financial and logistical hurdles in their efforts to adopt renewable energy. Institutional power arrangements can stand in their way.

Community solar (CS) offers LMI customers, who may not be able to access rooftop solar, the ability to generate their own clean energy. In some states, however, the law can make the adoption of CS difficult. By granting state-sanctioned monopolies to public utilities, the law creates powerful companies with vested interests in maintaining their power. For an off-site CS installation to serve its members, electricity will generally need to be transported through the public utility's distribution network. That fact positions the utility as an intermediary between CS members and the solar arrays they own—a problem not faced by rooftop solar owners. Not wanting CS members to consume their own, cheaper electricity instead of purchasing electricity from the utility at retail rates, the utility can act as a spoiler, manipulating the economics of electricity transported for even short distances through its network and rendering CS financially infeasible.

With funding from Equal Justice America, I'm working for LMI customers who want the same opportunities rooftop solar customers have: to be able to generate and consume their own clean energy without having to pay a premium to the utility to do so. Historically disadvantaged communities should not have even more barriers erected between them and clean, affordable electricity.

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**Update 4:** Community solar provides more than just clean energy to environmental justice communities; it also provides power and wealth in places where these commodities are in short supply.

Low-income utility customers can face electric bills that consume more than 6% of their paychecks, even as they are often last in line to receive upgrades to their local electrical grids. Their electric-bill payments leave the community, going into the utility's coffers instead of circulating locally.

Community solar offers an alternative. Community members pool their resources to purchase a valuable asset, a



# EQUAL JUSTICE AMERICA

local solar array, which can provide net savings on energy costs. When the solar array produces more electricity than its owners consume, they can sell the excess to the utility, generating profits. Those savings and profits stay in the community, supplying an important boost to local businesses. At the same time, the solar array itself can serve as a source of maintenance jobs and as a generator of local technical expertise. It also provides valuable autonomy, giving the community a reliable source of generation independent of the utility.

Working with the Abrams Environmental Law Clinic at the University of Chicago Law School, funded in part by a grant from Equal Justice America, I am grateful to have had the opportunity to file two briefs before the Michigan Public Service Commission in an effort to ensure low-income customers can reap the benefits of community solar.

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**Update 5:** This summer I was privileged to receive a grant from Equal Justice America to work at the University of Chicago Law School's Abrams Environmental Law Clinic. Throughout my time with the clinic, I advocated for Soulardarity, a community organization that represents low-income residents of the Detroit area in their ceaseless struggle with the state government and the public utility to secure affordable, reliable, and renewable electricity.

In my first project, the clinic challenged the utility for its failure to provide customers with the option to participate in community solar—for many customers the only way they could access renewable energy. I had the opportunity to draft two briefs in this proceeding. In my second project, I drafted a section of a brief arguing against a pilot program proposed by the utility that would strip low-income customers of vital protections against sudden electricity shutoffs.

The work was rewarding and, in three main respects, eye opening. First, my clinical experience impressed upon me the reality that the very people who are most negatively affected by fossil fuels are often the last to benefit from the adoption of renewables. Low-income communities regularly experience the highest levels of pollution, but they face financial and legal barriers to the use of renewable energy that wealthier customers do not face.

Second, energy affordability and renewability is not just a matter of national policy. The immediate energy future—and financial future—of the residents of metropolitan Detroit will be determined by small local fights in obscure regulatory proceedings as much as it will be by fights in Congress.

Finally, low-income communities are in stark need of legal representation. The challenges they face can be simultaneously grave and arcane. The clinic's plate is already full, and I can only imagine how many other vital causes lack the necessary representation. There is always more work to do.

If you would like to support the work of Equal Justice America, I would be so grateful if you would consider donating.