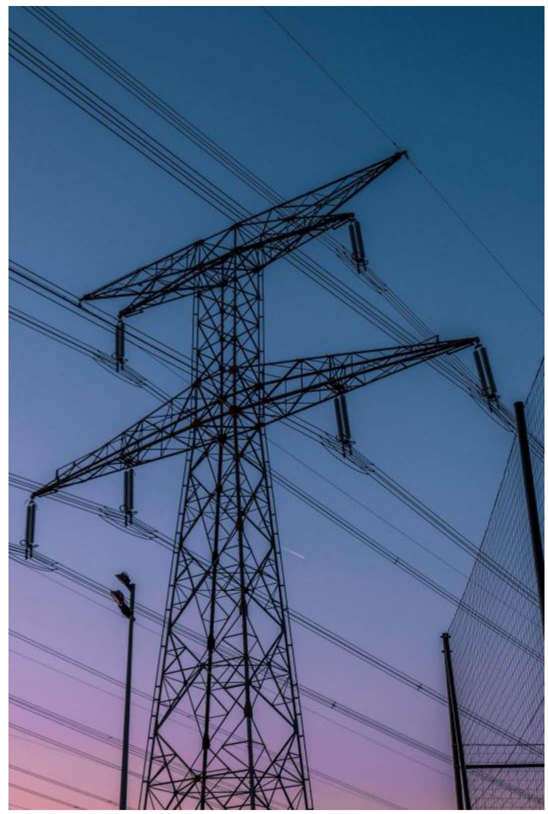
ENERGY AND POLICY INSTITUTE

STRINGS ATTACHED

How utilities use charitable giving to influence politics and increase investor profits



December 2019 - Energy and Policy Institute

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How utilities use charitable giving to influence politics and increase investor profits

December 2019

The Energy and Policy Institute is a watchdog organization working to expose attacks on renewable energy and counter misinformation by fossil fuel and utility interests. It does not receive funding from for-profit corporations or trade associations.

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I. Introduction

In the fall of 2017, a parade of paid actors, pretending to be concerned residents, lined up to offer public comments to the New Orleans City Council in support of a new gas-burning power plant that Entergy wanted to build there.

But the paid actors weren't the only people testifying on behalf of Entergy or its gas plant proposal. A host of others, including directors of dozens of locally respected non-profits, also testified on behalf of the company and its gas plant proposal.

Howard Rodgers of the New Orleans Council on Aging said that "gas is an energy that we use that does not have any kind of additional effects." Burning natural gas, a fossil fuel, contributes to climate change, leading to more extreme weather and storm surges that have inundated New Orleans. Last year, Rodgers posed for a photo while receiving a $300,000 novelty check from Charles Rice, the Entergy CEO, to administer the utility's "Power to Care" program.

At least nine of the organizations which testified at the New Orleans City Council's hearing on the gas plant on Entergy's behalf that day had received charitable donations from the Entergy Charitable Foundation.

They were a part of the charitable giving operation that Entergy, like virtually all regulated electric and gas utilities, uses to buy support for its proposals from civic groups and charitable operations.

In a first-of-its-kind analysis, the Energy and Policy Institute has examined the philanthropic contributions of 10 leading investor-owned electric utilities in the U.S. We found that all of these major utilities use their charitable giving to manipulate politics, policies and regulation in ways designed to increase shareholder profits, often at the expense of low-income communities whose communities are more likely to bear the brunt of climate impacts and suffer higher levels of air pollution.

From 2013 to 2017, EPI estimates that the 10 utilities that we assessed – **Ameren, American Electric Power, Arizona Public Service, Dominion Energy, DTE Energy, Duke Energy, Entergy, FirstEnergy, NextEra Energy, and Southern Company** – gave approximately $1 billion to charitable organizations. (Figure 1)

Figure 1

Utility	Total Charitable Giving 2013 - 2017
Ameren	$35,276,349.00
American Electric Power	$116,102,421
Arizona Public Service	$38,919,576.00
Dominion Energy	$105,972,472.00
DTE Energy	$78,420,180.00
Duke Energy	$306,482,338.00
Entergy	$69,514,279.00
FirstEnergy	$28,312,221.00
NextEra Energy	$44,020,196.00
Southern Company	$209,214,246.45
Total	**$1,032,234,278**

That number, for just 10 companies, is 13 times greater than the $78 million that the entire utility sector – including political action committees and individual employees – contributed to federal elections in the 2014, 2016, and 2018 cycle, according to the Center for Responsive Politics' database.[1]

Figure 2

Utility sector federal campaign contributions	Amount
2017-2018	$24,725,200
2015-2016	$31,215,236
2013-2014	$21,963,304
Total	**$77,903,740**

EPI documented dozens of cases where the charitable organizations who received contributions from the utility companies took political action on the companies' behalf, just as the recipients of Entergy's donations testified with the company's regulators on behalf of its gas plant. The recipients of the gifts often failed to disclose their financial dependence on the utilities when taking those political actions.

In addition to the direct ties between utilities' charitable giving and political actions taken by grantees, the utilities' giving helps the companies' general public relations efforts. Utilities' communications teams routinely send out press releases boasting of their latest grants.

1 https://www.opensecrets.org/industries/totals.php?cycle=2020&ind=E08

Clearly, not all of that utilities' charitable spending is directly political. Utilities' charitable arms often collect some of their revenue from utility employees, the vast majority of whom are likely acting in good faith to support community-based organizations.

The data and case studies in this report prove, however, that much of the utilities' charitable activity is geared explicitly to influence politics. While we have not found a rigorous study of the effect of utility charitable giving on political outcomes, some existing academic literature of corporate charitable giving aligns with our findings, showing that corporations use charitable giving to extract political action from their grantees.

One academic study cross-referenced the charitable giving of Fortune 500 companies against public comments submitted to federal agencies on proposed regulations. The study found that:

1) "shortly after a firm donates to a non-profit, the grantee is more likely to comment on rules for which the firm has also provided a comment";
2) "When a firm comments on a rule, the comments by non-profits that recently received grants from the firm's foundation are systematically closer in content similarity to the firm's own comments than to those submitted by other non-profits commenting on that rule."
3) "When a firm comments on a new rule, the discussion of the final rule is more similar to the firm's comments when the firm's recent grantees also comment on that rule."

In other words, recipients of corporate philanthropy are more likely to help the companies that give them money try to get favorable regulation, and it usually has an impact. The University of Chicago's Marianne Bertrand authored the study along with Matilde Bombardini, Raymond Fisman, Bradley Hackinen and Francesco Trebbi.[2]

In another study, Bertrand, Bombardini, Fisman and Trebbi examined the relationship between Fortune 500 companies' charitable giving and influential members of Congress. They found that the companies' charitable foundations granted more money to organizations located in a congressional district if the district's representative is seated on committees that are most important to the companies.

"Our analysis suggests that firms deploy their charitable foundations as a form of tax-exempt influence seeking," the study authors wrote. "Based on a straightforward model of political influence, our estimates imply that 7.1 percent of total U.S. corporate charitable giving is politically motivated, an amount that is economically significant: it is 280 percent larger than annual PAC contributions and about 40 percent of total federal lobbying expenditures."

It's impossible to know, using EPI's analysis, how that study's findings translate to the utility sector. But if even if a small portion of the $1 billion that only these 10 utilities gave to charity was politically motivated - a proposition which seems likely based on the case studies documented here - then utilities' influence-seeking via charity would be at least as large, if not much larger than, their other forms of political spending such as traditional campaign contributions.

One of the obvious "tells" that much of the utilities' charitable spending is driven not by altruism or even general public relations, but by political influence seeking, is how often the utilities' current or former executives and lobbyists are intimately involved in decisions about how to disburse the charitable funds.

2 https://www.nber.org/papers/w25329

Directors of regulatory or external affairs often hold executive or board positions on the utilities' separate 501(c)(3) charitable organizations. Katharine Bond, the Executive Director of the Dominion Energy Charitable Foundation, is also Senior Policy Director for Dominion Energy and a registered lobbyist for the company. Kim Despeaux, the President of the Entergy Foundation, previously served as the Senior Vice President for Federal Policy, Regulatory & Governmental Affairs for Entergy.

Applicants for grants from the American Electric Power Foundation are instructed to contact representatives of their local AEP operating companies, most of whom work for the utility on external affairs.

EPI also found many cases where utilities' executives and lobbyists hold board positions on a host of civil society organizations, many of which end up supporting the utilities' position on political matters.

II. Scope of this report

EPI assessed charitable giving by 10 of the top electric utilities in the country to give a sample of how utilities use philanthropy to manipulate politics. The practice is not limited to these 10 companies, nor to electric utilities in general. Other electric utilities not studied in this report have been documented engaging in politically motivated charitable giving. Regulated gas utilities also employ similar methods. As reported in the Los Angeles Times, SoCalGas donated $36.5 million from 2015 to 2018 to "charities, business groups and other organizations, including some with close ties to cities that have passed" pro-gas, anti-electrification resolutions. Future EPI research may assess how other electric or gas utilities not covered in this report employ charitable giving to influence politics.

This is the first report to compile examples of utilities' use of their charities to influence politics, and much of the information contained here has not yet been reported publicly. EPI also drew upon published accounts, usually the work of local reporters, whose work we cited or linked.

III. Key Findings: Four ways utilities use charitable giving to influence politics

EPI found four broad avenues through which utilities used their charitable giving to influence politics.

1. Grantees weigh in on political matters in support of utilities

In the most direct method of influence seeking, the utilities gave money to grantees who then offered support, usually via testimony or public comment, to the utilities' position on regulatory or legislative matters.

When Arizona Public Service (APS) was pursuing a controversial rate increase in 2016, it submitted a letter to its regulators at the Arizona Corporation Commission, signed by civil society organizations and chambers of commerce, in support of the utility. The letter stated: "We, the undersigned, respectfully request that the Arizona Corporation Commission thoughtfully consider the proposals for change made by the utilities you regulate." 15 of the organizations whose representatives signed the letter had received contributions from APS. From 2013-2018, APS contributions to those organizations totaled $1,685,842.

In 2014, Representatives of the United Way of Central Ohio (UWCO) and the YWCA Columbus lauded American Electric Power (AEP) as an "excellent corporate citizen" and a "community leader" during a public hearing before regulators about AEP Ohio's Electric Security Plan. AEP was seeking approval for proposals that included consumer bailouts for coal-fired power plants. At the time, Nicholas Akins, the CEO of AEP, was involved in leading fundraising campaigns for both organizations.

2. Utilities give to organizations connected with or favored by important policymakers

EPI also documented a number of cases where utilities have offered philanthropic support to organizations affiliated with policymakers, occasionally even when the policymakers draw separate salaries from the organizations in question.

Sen. Robert Meza, an Arizona legislator, was one of the few Democrats who opposed a renewable energy portfolio standard ballot initiative in 2018. An EPI investigation showed that Meza had received thousands of dollars in personal income for jobs he'd done for multiple organizations that receive charitable funding from APS. Meza told EPI that the relationships created "no conflict of interest."

In 2018, Virginia Delegate Lamont Bagby (D-Henrico), a legislator with no history of sponsoring energy legislation, co-sponsored a controversial Dominion-backed rate bill while holding a second job as the Director of Operations for a charity which received hundreds of thousands of dollars in donations from Dominion's foundation and its CEO Tom Farrell. Bagby (D-Henrico) is Director of Operations for the Peter Paul Development Center, which runs programs for disadvantaged children and community members on the east side of Richmond. Bagby also chairs the Virginia Legislative Black Caucus. In 2016, Farrell made a $100,000 gift to the center, with Dominion's foundation also donating $25,000, as reported by the Richmond-Times Dispatch.

An analysis by the State Corporation Commission concluded that the bill Bagby co-patroned "allows the utilities to keep future excess earnings (i.e. customer overpayments) and, rather than return them to customers, use them for capital projects chosen by the utility." The legislature passed the bill into law in 2018.

Another lawmaker, Del. Matthew James (D-Portsmouth), was CEO of the Peninsula Council for Workforce Development, a regular recipient of Dominion giving.

3. Utilities use philanthropy to suppress resistance and dissent

Finally, utilities use philanthropy to suppress the likelihood of civil society organizations who otherwise might have an incentive to weigh in politically against the utilities' interest. Documenting the absence of resistance to utilities' political agenda is inherently more difficult than documenting the presence of support, but cases do exist.

In 2016, Rev. E. Theopolis Caviness, the pastor of The Greater Abyssinia Baptist Church in Cleveland, was the lead signer of a letter the Cleveland Clergy Council sent to Governor John Kasich supporting FirstEnergy's Electric Security Plan. The Ohio Consumers' Counsel called that plan a "bailout" for FirstEnergy, and estimated that it would cost consumers $3.9 billion over eight years. Environmental groups also opposed the plan, which offered subsidies to coal and nuclear plants.

Caviness acknowledged in that same letter that he and other churches in his coalition previously "had various concerns regarding FirstEnergy's Electric Security Plan. In fact, several of our members marched in protest at FirstEnergy's Annual Shareholders Meeting."

What changed? Caviness said in the letter that the coalition of ministers decided to support the utility's plan after they were swayed toward the merits of the plan in a meeting with FirstEnergy's CEO Chuck Jones.

"FirstEnergy's CEO Chuck Jones graciously invited our leadership to the company's Akron headquarters and laid out all the specifics of its proposal, including generous support for low income customers, a strong commitment to environmental justice, and protection for thousands of Ohio jobs," the letter said.

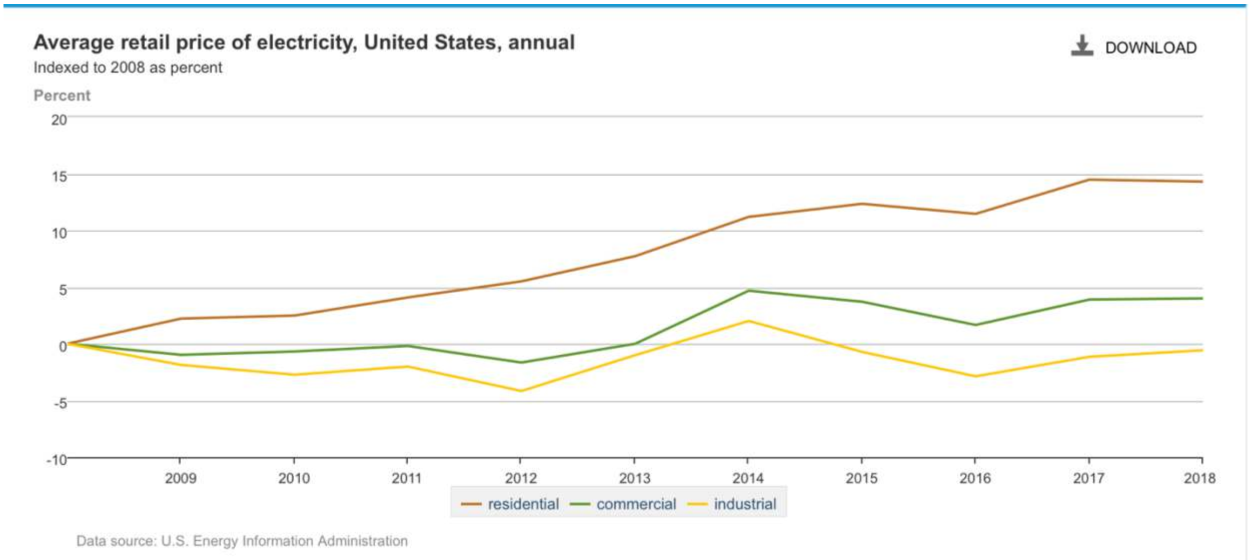
Beyond just the meeting with Jones, there may have been another factor: Caviness's Greater Abyssinia Baptist Church received $100,000 each year from the FirstEnergy Foundation in 2016 and 2017.

In this case, FirstEnergy's charitable giving is connected with not only the silencing of a potentially politically damaging opponent, but also the recruitment of a new ally.

The impacts of the quiescence of civil society organizations in relation to utilities' policy goals may be significant. One indicator may be the allocation of utilities' rate increases between customer classes. Like utilities themselves, commercial and industrial customers of electricity tend to have sophisticated lobbyists and significant political power with which they represent their interests in front of public utility commissions and other state policymaking bodies. Residential customers do not have similar institutional political power, instead relying on state consumer advocates who are often inadequately resourced to go up against utility lawyers and lobbyists.

Civil society groups, many of which represent residential families' economic interests as part of their mission, could counterbalance the political power of both the electric utilities and large customer segments in policymaking and rate-setting. But utility charitable giving suppresses the likelihood of civil society organizations' opposition.

The disparity can be seen in electricity price trends over the past decade. Since 2008, electricity rates for residential customers have gone up by 14.3%, while commercial customers' rates have gone up by 4.0%, and rates for industrial customers, who tend to have the greatest political power, have decreased by 0.6%.



4. Utilities use charities to extort support from low-income communities and communities of color

One theme across EPI's analysis is that utilities frequently use charitable giving to gain support from organizations that represent low-income communities and communities of color.

Michigan utility DTE Energy provides multiple examples of the practice.

DTE submitted a rate increase proposal in 2018 that included a proposal to change its compensation program for rooftop solar customers. DTE's proposal would have not only significantly reduced the rate at which a customer would be compensated for the electricity their solar panels send back to the grid, but also would have added a fee on customers who install rooftop solar.

Michigan Public Service Commissioner Sally Talberg said the thousands of comments urging the PSC to reject DTE's proposed fee and reduced rate for solar compensation were "unprecedented" during her time at the agency.

In response, the utility mobilized non-profit organizations to create the perception of public support for the anti-rooftop solar proposals, particularly from organizations representing communities of color.

Midwest Energy News reported that a group called Michigan Energy Promise emerged in January 2019 to back DTE Energy's position on net metering and other issues before the PSC.

On February 26, Bishop W.L. Starghill, Jr, a member of the new group and the Michigan Democratic Black Caucus, authored an opinion piece in Bridge Magazine attacking the solar industry using various utility industry talking points.

The allies listed on Michigan Energy Promise's website were mostly churches, chambers of commerce, and nonprofits that advocate for communities of color. Many of the groups had either received thousands of dollars from the DTE Energy Foundation over the past five years, list the utility as a corporate sponsor on organization websites, or include a utility employee as a member of the board.

Later in 2019, dozens of people gathered in a community room at the Wayne County Community College downtown campus for over four hours. Nearly everyone in the room was there to voice their displeasure with their electric utility company, DTE Energy, and its recently filed Integrated Resource Plan, which was weighted toward fracked gas and away from renewable energy.

Of the 50 individuals who provided public comments, only nine voiced support for DTE Energy. Almost every DTE supporter was in some way connected to the company, including five speakers who represented charities or churches that collectively had received at least $578,500 from the DTE Energy Foundation since 2013. Most of those charitable organizations represented communities of color.

Particularly in recent years, diverse voices that represent communities of color have fought back against utility manipulation or co-option of this type. In Michigan, Jeremy Orr, the state chairperson of environmental and climate justice for the Michigan State Conference of the NAACP, rejected DTE's argument that rooftop solar power harmed low-income customers. "Clean energy isn't just an environmental issue: It's a civil rights issue," Orr wrote in an op-ed. "Instead of keeping power in the hands of billion-dollar utilities, we envision a future where everyone can participate in and benefit from the clean energy economy — and the potential is huge."

Indeed, while utilities have tried to influence some state chapters of the NAACP with donations, the national NAACP has argued aggressively against utility co-option. The NAACP released a report in early 2019, "Fossil Fueled Foolery" which denounced attempts by utilities and other fossil fuel companies to "pacify or co-opt community leaders and organizations and misrepresent the interests and opinions of communities."

"Over the years, the companies will regularly support local groups financially, have officials attend meetings and sometimes gain seniority in the membership of local groups, and even invite representatives of influential groups to serve on their boards of directors. All this relationship building results in a false sense of common cause and affinity. This is the approach most commonly used with NAACP units," the NAACP wrote. The organization added that "energy companies that use fossil fuels are always harmful to consumers, as their business model is rooted in keeping their customers dependent on them, limiting consumer choice, preserving their monopoly, and maximizing profit at the expense of the sustainability of our environment and the health and well-being of our families and communities."

Utilities' efforts to co-opt or manipulate communities of color are particularly egregious given many of the companies' track record of pushing for regressive rate structures that hurt low-income customers the worst, and of environmental injustice, including the siting of polluting power plants and waste facilities in poor communities and communities of color.

Many of the civil-society and non-profit organizations described in this report as receiving money from utilities do crucial work in fields such as affordable housing, community development, racial justice, civil rights, or healthcare. Community organizations tend to operate on small budgets and are not in a position to antagonize potential large donors. They also often have limited experience with energy issues. If a utility's charitable arm calls and asks them to sign onto a letter or testify at a hearing about the utility's positive role in the community, they may not have much of a choice but to say yes.

The utilities manipulating community groups, however, have no such excuses for their actions. These companies spend millions of dollars, earned from captive customers, to prosecute their political arguments, and have the resources to employ fleets of lobbyists and lawyers to represent them at public utility commissions and state legislatures.

IV. Lack of utility transparency

Utilities generally have two ways of routing money to charitable organizations:

1. All large utilities have separate charitable foundations, organized under Section 501(c)(3) of the tax code. These foundations themselves generally accept gifts from the utility corporate entities, which are tax deductible. They then pass the money onto grantee organizations. The utility 501(c)(3) organizations disclose their grants annually in reporting to the Internal Revenue Service.

2. Utilities also donate money directly from their corporate coffers to grantee organizations. Unlike grants that are passed through utility 501(c)(3) foundations, utilities are not required to report these gifts anywhere, making this giving a black box, invisible to the public.

Arizona Public Service (APS) gave $26 million in charity directly from its corporate coffers from 2013 to 2017, which was more than twice what the APS Foundation gave away during the same time period. Contributions that APS made directly, instead of through the APS Foundation, were not publicly known until the Commissioners subpoenaed the information this year. That means those financial connections were hidden when those groups intervened on APS' behalf, such as by supporting its rate increases before the Commission, opposing an increase in Arizona's renewable energy standard, and helping APS public relations efforts.

V. Recommendations for regulators and policymakers

Some regulators, even those who are not directly affiliated with charitable organizations that receive contributions from utilities, seem to think of a utilities' charitable giving not only as a positive factor, but a necessary one.

Tennessee Public Utility Commissioner Ken Hill told fellow regulators at the 2019 Southeast Association of Regulatory Utility Commissioners conference: "And the utility, which shall remain nameless, had done a good job, PR wise. They'd given some money to the local charities and worked in the food bank, they had helped a pastor who had an inner-city garden, that the homeless got their food from. They helped in that. In fact, that pastor showed up for the hearing, and I was in charge of the hearing, because normally these hearings were raucous. This was pretty quiet, you know, because they've done their job."

Hill's comments neglect the fact that most of the money that utilities give to charity came from profits that they originally extracted from captive customers. Those customers might prefer simply to keep their money, or to give it to charities of their own choosing, rather than paying it in their utility bills as part of a political influence-seeking effort.

Regulators and policymakers have a responsibility to ensure that all organizations attempting to influence utility ratemaking or policy disclose whether they have a financial relationship to the utility. To aid that effort, policymakers and regulators can:

- Require all entities making written or oral comments in a proceeding that would impact a utility to disclose whether they are receiving money from the utility, have been in conversations about future funding, or have a utility staff member or board member on the organization's board of directors.
- Require utilities to disclose all charitable contributions that they make from their corporate coffers in an itemized fashion. Mandatory disclosure can be a key tool for regulators and the public to know when organizations attempting to influence decisions are being paid by utilities with an interest in a proceeding's outcome. The New Hampshire Public Utilities Commission requires utilities to disclose their charitable contributions during rate cases, providing one possible model, though annual filings would allow for more consistent oversight.
- Voluntarily disclose any involvement, of any kind, with charitable organizations by themselves or family members. If a utility is financially supporting a charitable organization with whom the regulator or policymaker, or a family member, is affiliated, then the regulator or policymaker should recuse herself from matters involving that utility.

VI. Data Sources

EPI used three main data sources to analyze utilities' charitable giving:

1. IRS Form 990s of utility charitable foundations, which disclose itemized grants annually.

2. FERC Form 1 and FERC Form 60 filings by electric utility subsidiaries, which include data on corporate charitable giving. Utilities vary widely in terms of how inclusive they are in reporting charitable giving on FERC Form 1s, and whether they break out philanthropic giving from other expense categories like sponsorships and advertising.

3. Utilities' corporate sustainability reporting. Many utilities discuss charitable giving in their corporate reporting. The data they provide does not always align with what they provide in FERC Form 1 reporting.

For each utility, EPI included data from multiple sources as a way to show discrepancies between different reporting methods. When calculating sums for each utility's overall giving, we only added giving totals from different sources if we could be sure they were mutually exclusive, to avoid double counting.

To determine when utilities' giving appeared to be correlated with political action by grantees, EPI used regulatory and legislative testimony, public comments by grantee organizations, and media reports.

VII. Report Organized by Utility

Ameren

Ameren is a utility company that serves 2.4 million electric customers and more than 900,000 natural gas customers across Illinois and Missouri.

Basic Facts:

1. **EPI estimate of Ameren's total charitable giving in most recent 5 years (2013-2017):** $35,276,349[3]
2. **Name of Foundation:** Ameren Charitable Trust
3. **Ameren Charitable Trust Giving (2013-2017):** $19,914,915[4]
    a. 2017: $3,796,600
    b. 2016: $3,283,205
    c. 2015: $3,993,474
    d. 2014: $3,964,812
    e. 2013: $4,876,824
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate charitable giving according to annual Corporate Social Responsibility reports: $39,832,000.[5]
        i. 2017: $8,500,000
        ii. 2016: $7,300,000
        iii. 2015: $8,000,000
        iv. 2014: $7,553,000
        v. 2013: $8,479,000
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings: $35,276,349.[6]
        i. 2017: $6,262,826
        ii. 2016: $8,635,304
        iii. 2015: $8,168,026
        iv. 2014: $7,235,123
        v. 2013: $4,975,070
5. **Ameren Charitable Trust Executive Director:**
    a. Sarah Kramer. Also serves as Ameren's Director of Corporate Contributions & Community Initiatives.
6. **Ameren Charitable Trust Board of Directors:**
    a. Warner Baxter, Ameren Chairman, President, and CEO is listed as a co-trustee. Also listed as a co-trustee along with Bank of America.

3 Estimate based on Ameren's reporting to federal regulators.
4 This report analyzed 2013-2017 data. In some instances, utility foundations have released their 2018 IRS Form 990. In 2018, the Ameren Charitable Trust contributed a total of $3,798,715 to organizations.
5 Ameren's CSR reports note that it contributed $39,832,000 to charities between 2013 and 2017, but certain years do not specify if the money reflects Ameren Corporation Charitable Trust donations as well as Ameren Illinois and Ameren Missouri. The CSR reports also use approximate dollar amounts.
6 Ameren Illinois (2013-2017): $17,650,424. Ameren Missouri (2013-2017): $17,014,026.

Examples of Ameren using charitable giving to manipulate policy:

Senate Bill 564 - 2018

For years the utility industry has lobbied the Missouri legislature to pass sweeping changes to the regulatory process that determines electricity rates. In 2018, Ameren, the state's largest utility was finally able to celebrate when SB 564 was signed into law. The bill allowed utilities to recover more through rates as long as the company doesn't hit self-imposed caps established in the bill.

"They've been pretty transparent with the reason they're doing it," Andy Smith, a utility analyst with Edward Jones, told the St. Louis Post-Dispatch at the time the legislature was debating the legislation. Jones explained that Ameren wanted to change the regulatory environment in the state and make it "more favorable" like Illinois and under the Federal Energy Regulatory Commission. For instance, legislation passed in Illinois in 2011 allowed Ameren's Illinois subsidiary to spend and earn profit from billions of dollars on grid investments.

Ameren said the new Missouri bill will allow it to invest and earn profits from $1 billion in new infrastructure in the next few years.

During an earnings call, Warner Baxter, Ameren Chairman, President and CEO, said the law "will support our ability to invest an incremental $1 billion in infrastructure through 2023 that will drive significant long-term benefits to customers and create good-paying jobs as well as earn fair returns on those investments."

Republican State Senator Doug Libla, who co-led a 25-hour filibuster of the legislation, said that the bill is a handout to the industry.

“This bill adopts ratemaking mechanisms that greatly benefit utilities with even higher profits and all classes of customers will experience much higher electric rates,” Sen. Libla wrote in a January 2018 op-ed.

After the legislation passed, Ameren lobbyist Rick Eastman gave a presentation to the Southern States Energy Board which revealed that the utility credits the passage of the legislation in 2018 in part to the stakeholders it got to support the legislation through a coalition called PowerForward.

Archived pages on the PowerFoward website show that the coalition wasn’t that diverse when Ameren began pushing for the legislation.

Photo: Ameren Corporation’s 2017 contribution to the Urban League of Metropolitan St. Louis. Source: Ameren News Release

In 2016, a list of entities in PowerFoward included various electric and construction companies, along with several cities and the St. Louis Regional Chamber of Commerce. The PowerForward coalition also included a 501(c)(4) advocacy group called Missourians For A Balanced Energy Future.

The coalition featured more organizations the following year. The new supporters were groups like local IBEW chapters, along with the Edison Electric Institute, which is the trade association for investor-owned utilities. A front group utilities occasionally use to portray a ‘consumer’ voice called the Consumer Energy Alliance was also a member of PowerFoward.

But in 2018 the PowerForward coalition presented itself as more racially diverse, with greater support from community groups.

It now included advocates for communities of color and charities like the Hispanic Chamber of Commerce of Metropolitan St. Louis, Rainbow Village, Pianos for People, St. Louis Art Works, St. Louis County NAACP, United Way of Greater St. Louis, and the Urban League of Metropolitan St. Louis. Several of these charities had been recipients of contributions from the Ameren Charitable Trust since 2013.

Ameren filed a $6.3 billion five-year grid modernization plan in February 2019.

Table: Ameren Corporation and Ameren Charitable Trust contributions to members of the PowerForward coalition (2013-2018)

Heat-Up St. Louis	$450,000
Missourians for a Balanced Energy Future	$64,835*
Missouri Chamber of Commerce and Industry + Missouri Chamber Foundation	$40,224* + $20,000
Rainbow Village	Board member - Ameren's Matthew Thayer
St. Louis Regional Chamber	$75,300*
Urban League of Metropolitan St. Louis	$700,000
United Way of Greater St. Louis	$8,174,144

*Amount of money disclosed by Ameren Corporation as the "lobbying portion"

Weakening Energy Efficiency Rules in Illinois

In December 2016, Republican Governor Bruce Rauner signed the Future Energy Jobs Act, with support from utilities, environmentalists, renewable energy advocates, and politicians from both sides of the aisle. The legislation preserved net metering, created a community solar program, fixed the state's renewable energy standard, subsidized two Exelon nuclear power plants, and required both large utilities in the state - ComEd and Ameren - to significantly expand their energy efficiency programs.

Months after the legislation became state law, Ameren told the Illinois Commerce Commission, the state's utility regulatory agency, that it could not realistically or cost-effectively meet the new efficiency targets for 2018.

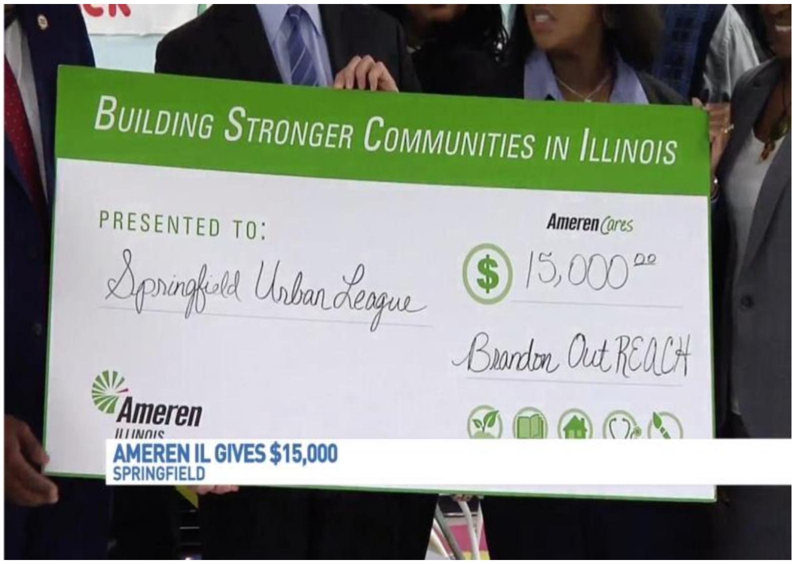
Environmentalists and the state's consumer advocacy organization, the Citizens Utility Board (CUB), filed testimony to prevent Ameren's plan from being adopted by the ICC. Ameren fought back.

"Chicago-based bureaucrats like CUB and the Clean Jobs Coalition don't have knowledge of or interest in downstate Illinois," Ameren spokesperson Marcelyn Love told Midwest Energy News. "In fact, they have likely never been to the southern region of the state. We know the needs of our customers best. We have designed programs to meet the needs of people living in central and southern Illinois, not Chicago."

NRDC energy efficiency expert Noah Garcia said at the time that Ameren's request "adjusts the goal posts so if Ameren's goals are lower it potentially makes it easier for them to receive a financial reward by going above those targets."

As Ameren and opposing groups exchanged barbs in the press and submitted testimony to support their positions in front of the ICC, Ameren mobilized politicians in its service territory as well as influential civil rights groups to write letters in support of the utility's plan.
Midwest Energy News reported that the president and vice president of the Illinois Black Chamber of Commerce, the president of the Springfield Urban League, and the state president of the Illinois NAACP all voiced support for the company's proposal.

Photo: Ameren Illinois' 2017 contribution to the Springfield Urban League.
Source: NewsChannel 20 - ABC affiliate.



The Illinois Black Chamber of Commerce, Springfield Urban League, and Illinois NAACP had either received money from the Ameren corporation between 2013 and 2018, or have an Ameren-sponsored program in which the funding isn't disclosed. Additionally, months before the Springfield Urban League's president wrote a letter to the ICC in support of Ameren's plan, the utility announced a partnership with the organization and presented a $15,000 grant to the League for an after-school program.

Table: Ameren Corporation and Ameren Charitable Trust contributions to supporters of the company's energy efficiency plan (2013-2018)

Illinois Black Chamber of Commerce	$3,750*
Illinois NAACP	Ameren listed as a corporate sponsor on the website
Springfield Urban League	$100,000**

*Amount of money disclosed by Ameren as the "lobbying portion"
**Reportedly over the past eight years

The ICC approved the utility' energy efficiency plan in September 2018.

American Electric Power

American Electric Power (AEP) is one of the nation's largest investor-owned utilities, with 5 million customers in eleven states, including Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Basic Facts:

1. **EPI estimate of AEP's total charitable giving in most recent 5 years (2013-2017):** $116,102,421[7]
2. **Name of Foundation:** American Electric Power Foundation
3. **American Electric Power Foundation Giving (2013-2017):** $46,372,387
    a. 2017: $12,719,479
    b. 2016: $7,445,412
    c. 2015: $8,504,012
    d. 2014: $8,705,491
    e. 2013: $8,997,993
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate and foundation giving in most recent 5 years, according to AEP's annual corporate accountability reports: $97,603,012
        i. 2017: $16,772,260
        ii. 2016: $20,889,921
        iii. 2015: $13,520,080
        iv. 2014: $25,292,691
        v. 2013: $21,128,060
    b. Sum of total donations in most recent 5 years, according to FERC Form 1 and Form 60 filings: $116,102,421[8]
        i. 2017: $5,501,233
        ii. 2016: $69,268,168
        iii. 2015: $7,854,038
        iv. 2014: $20,075,460
        v. 2013: $13,403,522
5. **American Electric Power Foundation Executive Director:**
    a. Teresa McWain. Also serves as Director of Corporate Communication for AEP.

[7] Estimate is based on total donations reported by AEP subsidiaries on annual reports to the Federal Energy Regulatory Commission for 2013-2017. See section 7.b. for details.

[8] Based on total "Donations" reported on FERC Form 1 or Form 60 reports filed by the following AEP subsidiaries, which are listed with their total donations for 2013-2017: Ohio Power ($38,665,472); AEP Appalachian Transmission Company ($1,749); AEP Generating Company ($822,194); AEP Generation Resources ($133,571); AEP Indiana Michigan Transmission ($1,036,573); AEP Kentucky Transmission Company ($67,388); AEP Ohio Transmission Company, Inc. ($2,021,009); AEP Oklahoma Transmission Company, Inc. ($648,113); AEP Southwestern Transmission Company, Inc. ($493); AEP Texas North ($1,897,322); AEP Texas Central ($7,396,083); AEP Texas ($552,067); AEP West Virginia Transmission Company, Inc. ($598,271); Appalachian Power Company ($19,716,830); Indiana Michigan Power Company ($16,304,574); Kentucky Power Company ($5,719,118); Kingsport Power Company ($292,224); Public Service Company of Oklahoma ($6,975,944); SWEPCO ($10,242,716); Wheeling Power Company ($319,050); AEP Service Company ($2,707,480)

i. Applicants for funding are instructed to contact representatives of their local AEP operating companies, most of whom work for the utility on community affairs, communications, or external affairs.

6. **American Electric Power Foundation Board of Directors:**
   a. Nicholas K. Akins, Chief Executive Officer of AEP and Chairman of the Foundation
   b. Dale E. Heydlauff, Senior Vice President of Corporate Communications for AEP and President of the Foundation
   c. Brian Tierney, Executive Vice President and CFO of AEP and Vice President of the Foundation
   d. Charles Patton, Executive Vice President of External Affairs for AEP
   e. Paul Chodak, Executive Vice President of Generation for AEP

Examples of AEP using charitable giving to manipulate policy:

2014 AEP Ohio Electric Security Plan and Power Purchase Agreement

"'Bribe' means offering (or accepting) anything of value for the purpose of influencing a business decision or securing any kind of improper advantage. A bribe is not just a suitcase of cash. Bribes may include… Charitable or political contributions." - AEP's Principles of Business Conduct.

Charitable contributions from AEP Ohio come with some strings attached.

"AEP Ohio contributions are awarded with the understanding that AEP Ohio, at any time, can make public its financial investment in your organization as we look to strengthen community-based relationships in our service territory," according to AEP Ohio's Contributions Application.

Beyond the public relations benefits that AEP seeks to derive from its charitable giving, some charitable organizations that have received contributions from AEP Ohio have supported the utility in regulatory cases before the Public Utilities Commission of Ohio (PUCO).

In 2014, two non-profit organizations that received financial support from AEP provided public testimony to the PUCO praising the utility as it sought approval for proposals that included consumer bailouts for coal-fired power plants.

Representatives of the United Way of Central Ohio (UWCO) and the YWCA Columbus, both tax-exempt 501(c)(3) organizations, lauded AEP as an "excellent corporate citizen" and a "community leader" during a public hearing on AEP Ohio's Electric Security Plan. At the time, Nicholas Akins, the CEO of AEP, was involved in leading fundraising campaigns for both organizations, as was noted in their testimony.

Table: AEP Foundation Contributions to United Way of Central Ohio and YWCA Columbus

	2017	2016	2015	2014	2013	Total
United Way of Central Ohio	$200,000	$100,000	$100,000	$100,000	$300,000	$800,000
YWCA Columbus	$100,000	$100,000	$100,000	$400,000	$325,000	$1,025,000

Dawn Tyler Lee testified on behalf of UWCO at a public hearing before the PUCO. Tyler Lee described how AEP supported her organization's work to "help people who are struggling to meet their basic needs, like housing and access to critical healthcare." Her testimony did not address the concerns of consumers who under AEP's plan would be forced to pay over $115 million to bail out the Ohio Valley Electric Corporation, which operates the coal-fired Clifty Creek and Kyger Creek power plants, according to estimates from the Ohio Consumers' Council. AEP is OVEC's largest shareholder.

At the start of her testimony, Tyler Lee said she spoke on behalf of the UWCO's president and CEO Janet Jackson, and thanked the commission for the opportunity "... to share some of the ways AEP has been an excellent corporate citizen and steadfast supporter of the work of the United Way of Central Ohio."

"Each year AEP conducts a strong United Way campaign." she said. "Through those campaigns, AEP employees have invested almost $19 million over the past ten years."

A Facebook post by AEP shows CEO Nick Akins playing drums at a United Way event

Tyler also said that AEP's CEO Nick Akins and his wife Donna served as co-chairs for the UWCO's 2014 fundraising campaign. The couple were later listed as trustees on UWCO's Form 990 report for 2014.

The Akins were not the only AEP executives involved in the UWCO.

"Pablo Vegas, president and COO of AEP Ohio, serves on our Board of Trustees," Tyler Lee continued. "Past AEP campaign chairs include: Former chairman, president and CEO, Mike Morris, and former vice chairman, Carl English."

Tyler Lee went on to list several other AEP employees involved in her organization, including "AEP manager of community affairs, Renee Shumate, who is with us today...," as she said at the public hearing.

Next, the commission heard similar testimony from Elfi Di Bella, the president and CEO of YWCA Columbus, an organization dedicated to eliminating racism and empowering women that provides shelter and other services to women and children.

“Recently AEP pledged $1 million to the YWCA campaign,” Di Bella said.

“... Nick and Donna Akins of AEP have stepped up as co-chairs of the campaign, along with Renee and Alex Shumate, once again representing community leaders, but also AEP's support, of course, ensuring our success during this process,” she also said.

Schumate was listed as the secretary of YWCA Columbus on the group’s 2014 Form 990 report.

Di Bella said the money raised would be used for HVAC improvements at the YWCA’s Griswold Building, and to support the services the organization provides to the community. She also said AEP’s energy efficiency programs would be useful for the newly renovated building.

“As a community leader, I urge you to be as supportive of AEP as they are a vital part of our community and as supportive as they are to our community at large,” she said as she concluded her remarks.

2014-15 AEP Ohio Power Purchase Agreement

Also before the PUCO in 2014 was a Power Purchase Agreement (PPA) proposed by AEP Ohio, which included bailouts for coal plants that the Ohio Consumers’ Counsel estimated would cost consumers as much as $1.8 billion.

Columbus Business First reported on how AEP provided form letters for local governments and business associations to use to voice their support for its proposal.

“The groups then send the letters – usually identical except for a change of letterhead and other minor personalizations – to the Public Utilities Commission of Ohio,” according to the article.

A later review of the associated docket by the Energy and Policy Institute identified form letters submitted in support of the PPA by nonprofit 501(c)(3) and 501(c)(6) economic development organizations with financial or other ties to AEP.

“It is not a bailout as others would suggest, but a plan that protects Ohio's economy and shields AEP Ohio's customers from market volatility,” one line in the form letters said.

One such letter was signed by Dean Monske, president and CEO of the Regional Growth Partnership (RGP), a 501(c)(6) organization. A list of “investors” found on an archived 2014 page of the RGP’s website included AEP. Tim Wells, an economic and business development manager at AEP Ohio, also served on the RGP’s board of directors, according to the group’s annual Form 990 report to the IRS for 2014.

Another letter was signed by Steve Waers, president of the Area Development Foundation of Knox County. AEP was included in a list of 2014 members and “investors” found on the group’s website. Paul Prater, an external affairs manager for AEP Ohio, served on its board of directors.

Dave Wheeler, a director of external affairs for AEP Ohio, served on the board of the Holmes County Economic Development Council, a 501(c)(3) organization that also signed one of the form letters. Wheeler was also involved with the Tuscarawas County Improvement Corporation, a 501(c)(6) organization that submitted a brief comment supporting the PPA.

Tracy Drake and Dale Hileman, the president and executive director of the Eastern Ohio Development Alliance, a 501(c)(3) nonprofit organization, submitted comments to the PUCO in support of AEP Ohio's PPA. The comments were worded differently than the form letters submitted by the Regional Growth Partnership and Area Development Foundation of Knox County.

In the group's 2014 Annual Report, Drake paid "special tribute to EODA's Major Sponsors," including AEP. A list of "major contributors" found on the membership page of the group's website that year also included several members of AEP Ohio's external affairs team.

Arizona Public Service (APS)

Arizona Public Service Company sells electricity to 1.2 million customers in Arizona. The company is a wholly-owned subsidiary of Pinnacle West, and provides "essentially all" of Pinnacle West's revenues and earnings.

Basic Facts:

1. **EPI estimate of APS' total charitable giving in most recent 5 years (2013-2017):** $38,919,576.00[9]
2. **Name of Foundation:** APS Foundation, Inc.
3. **APS Foundation Giving (2013-2017):** $12,957,625[10]
    a. 2017: $2,780,700
    b. 2016: $1,648,100
    c. 2015: $2,921,300
    d. 2014: $2,583,840
    e. 2013: $3,023,685
    *APS' figures are from filings to the Arizona Corporation Commission in response to a subpoena.
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate charitable giving in most recent 5-year period 2013-2017: $25,961,951
        i. APS spent $25,961,951 in grants to charitable organizations from 2013 - 2017, according to filings to the Arizona Corporation Commission in response to a subpoena.
    b. APS' FERC Form 1 filings to FERC report a total of $11,727,078 in donations from 2013-2017.[11] The reason for the discrepancy is not clear.
        i. 2017: $3,077,950
        ii. 2016: $2,099,141
        iii. 2015: $2,277,953
        iv. 2014: $1,998,442
        v. 2013: $2,273,592
5. **APS Foundation Executive Director:**
    a. Tina Marie Tentori. Also serves as the Director of Community Affairs for APS.
6. **APS Foundation Board of Directors:**
    a. Donald E. Brandt, APS CEO and Chairman of the Board
    b. Lindy R. Fisker, APS Director of Operations Support
    c. Daniel T. Froetscher, APS Executive Vice President of Operations
    d. Jeffrey B. Guldner, APS President
    e. John S. Hatfield, APS Vice President, Communications
    f. Mark A. Schiavoni, APS Executive Vice President

9 Based on filings to the Arizona Corporation Commission
10 APS Foundation gave $2,946,495 in 2018, according to filings with the Arizona Corporation Commission
11 APS Corporate charitable giving was $4,903,191 in 2018, according to filings with the Arizona Corporation Commission, and $5,829,004 according to FERC Form 1

Examples of APS using charitable giving to manipulate policy:

APS sought for years to hide its spending on political campaigns. Regulators compelled the utility this year to reveal the groups it has been secretly funding in recent years.

APS and its parent company Pinnacle West have spent tens of millions of dollars in recent years to influence Arizona politics and intervene in the elections of its regulator, the Arizona Corporation Commission. That spending has often been done in secret, by funding organizations to run public relations and political campaigns on APS' behalf, while hiding the utility's role in those efforts from voters, policymakers, and regulators.

In 2013, APS denied at first that it was funding conservative groups to run ads attacking rooftop solar companies, but later admitted that it was funding the groups - though it didn't disclose the amount. But the utility insisted that it wouldn't intervene in Commission elections, as the Arizona Republic reported in October 2013:

"Getting involved in commissioner elections? Unbelievably high risk," said Jeff Guldner, senior vice president of customers and regulation at APS. Guldner frequently testifies at the Corporation Commission for APS on regulatory matters. "We don't tell employees who to vote for or try to influence elections. If you do that and are wrong, you have to live with it for four to eight years."

But 501(c)(4) organizations like "Save Our Future" and "Arizona Free Enterprise Club" spent millions to influence the 2014 elections for the Arizona Corporation Commission. Those organizations wouldn't disclose their donors and APS would not confirm nor deny if it was funding them, leading the Secretary of State to question whether those groups were operating illegally. The FBI also launched an investigation of APS, including issuing a subpoena for APS CEO Don Brandt's communications.

Arizona Corporation Commission Commissioner Bob Burns issued a subpoena in 2016 to APS for information about the utility's spending to influence the 2014 Commission elections, but APS refused to comply, and the other commissioners wouldn't enforce the subpoena.

That changed this year, when Commissioners Boyd Dunn joined Bob Burns to request information from APS, while Commissioner Sandra Kennedy issued a subpoena to APS "regarding its spending on political races, lobbying, advertising, and contributions to 501(c)(3) and 501(c)(4) organizations for the calendar years 2013 through 2018."

In its initial response to the Commissioners' requests, APS admitted that it had in fact funded "Save Our Future" and "Arizona Free Enterprise Club," as well as other organizations that intervened in Commission elections, such as the Arizona Cattle Feeders Association. That response also showed that APS had spent more than expected, more than $10 million on organizations that worked to influence the 2014 Commission elections, and over $4 million in the 2016 Commission elections.

Overall, APS' responses to the Commissioners' requests show that from 2013-2017, APS itself spent $25,961,951 on "charitable donations" directly from its corporate entities, not including the more than $70 million it spent during those 5 years on groups for explicitly political purposes. That is more than twice the $12,957,625 that the affiliated APS Foundation spent on charitable donations in the same period.

Contributions that APS made directly, instead of through the APS Foundation, were not publicly known until the Commissioners requested the information this year. That means those financial connections were hidden when those groups intervened on APS' behalf, such as by supporting its rate increases before the Commission, opposing an increase in Arizona's renewable energy standard, and helping APS public relations efforts.

APS letter supporting its rate increase was signed by 15 organizations that received more than $1.6 million from APS

In May 2016, APS submitted a letter to the Arizona Corporation Commission to support the company's proposal to increase electricity rates. Several lawmakers and representatives of chambers of commerce and non-profit organizations signed the letter, which stated: "We, the undersigned, respectfully request that the Arizona Corporation Commission thoughtfully consider the proposals for change made by the utilities you regulate."

When the Arizona Capitol Times reached out to lawmakers that signed the letter, several said they were upset that APS had filed the letter in a way that suggested they supported APS' rate increase proposal, which they said was not their intention when they signed.

A review of the data that APS disclosed in response to a subpoena by Arizona Corporation Commission Commissioner Sandra Kennedy shows that 15 of the organizations whose representatives signed the letter had received contributions from APS. From 2013-2018, APS contributions to those organizations totaled $1,685,842.

Table: APS reported contributions from 2013-2018 to 15 organizations that signed a letter APS used to support a rate increase in 2016

Chicanos Por La Causa	$461,739.39
United Way of Yavapai County	$159,377.00
Valley Youth Theatre	$103,142.25
Great Phoenix Urban League	$125,112.60
MHA Foundation	$2,500.00
The Victoria Foundation	$123,460.00
Phoenix Indian Center	$110,000
Goodwill Industries of Northern Arizona[12]	$43,792.85
Leadership West	$28,009.35
Phoenix Revitalization Corporation	$64,000.00
Friendly House, Inc.	$184,602.51
Community Action Human Resources Agency (CAHRA)	$24,977.78

12 Signature on the letter was David Hirsch, President and CEO of Goodwill Industries of Arizona. David Hirsch was the President of Goodwill Industries of Northern Arizona in 2016, before it merged with Goodwill Industries of Central Arizona - which received $95,000.

Valle del Sol, Inc.	$250,628.41
NotMyKid Inc.	$4,500.00
Prosper[13]	unknown
Total	**$1,685,842.14**

Eight organizations that opposed increasing the renewable energy standard in Arizona received more than $10 million from APS

In 2018, APS spent nearly $40 million funding "Arizonans for Affordable Electricity," a group focused on opposing a ballot initiative that would have established a 50% renewable portfolio standard in Arizona. As part of Arizonans for Affordable Electricity's efforts, elected officials and representatives of organizations submitted arguments against the ballot initiative. At least eight of the organizations that submitted arguments against the ballot initiative received funding from APS. From 2013-2018, those eight organizations received more than $10 million from APS.

Table: APS reported contributions from 2013-2018 to eight organizations that submitted arguments against a ballot initiative establishing a 50% renewable energy standard in Arizona

Arizona Free Enterprise Club	$5,945,000.00
Arizona Cattle Feeders' Association	$2,537,800.00
Arizona Republican Party	$1,037,000.00
Goldwater Institute	$71,000.00
Greater Phoenix Urban League	$125,112.60
Diana Gregory Outreach Services	$13,449.93
Chicanos Por La Causa	$461,739.39
Prosper	unknown
Total	**$10,191,101.92**

Legislator with ties to APS grantee sided with APS on ballot initiative

Sen. Robert Meza, an Arizona legislator, was one of the few Democrats who came out against the renewable energy initiative in 2018. An EPI investigation showed that Meza had received thousands of dollars in personal income for jobs he'd done for multiple organizations that receive charitable funding from APS. Meza's financial disclosures showed that he received income from Chicanos Por La Causa. Meza also received income from The Armory, a tech startup incubator for veterans which APS lists as a grantee, and the PSA Behavioral Health Agency, a service agency for people with behavioral illnesses. Chad Guzman, one of APS's top lobbyists, sits on that organization's board. Meza said that the relationships created "no conflict of interest."

13 Prosper is not listed in APS disclosures to the ACC of its spending on charitable groups or political spending, but an October 2013 Arizona Republic article reported that APS admitted it gave money to Prosper to run ads supporting APS' efforts to increase fees on residential solar projects

Cindy McCain defends APS - without mentioning the $500,000 APS gave to her Institute

In July 2019, the Arizona Republic published an op-ed by Cindy McCain to defend APS from criticism of its recent rate increase and of shutting off electricity of people behind on their bills, leading to deaths. The op-ed compared APS CEO Don Brandt to her late husband, Senator John McCain. Cindy McCain is the chair of the board of trustees of the McCain Institute for International Leadership at Arizona State University, which expected to receive $500,000 from APS Foundation in 2018, according to APS Foundation's 990 tax form for 2017.

Dominion Energy

Dominion is a utility company that serves more than 5 million utility and retail energy customers, providing electric service in Virginia and North Carolina and natural gas distribution across Utah, West Virginia, Ohio, Wyoming, and Idaho.

Basic Facts:

1. **EPI estimate of Dominion's total charitable giving in most recent 5 years (2013-2017):** $105,972,472[14]
2. **Name of Foundation:** Dominion Energy Charitable Foundation, aka Dominion Charitable Foundation or Dominion Foundation
3. **Dominion Energy Charitable Foundation Giving (2013-2017):** $75,129,860[15]
    a. Dominion Energy Charitable Foundation: $39,512,928
        i. 2017: $16,406,964
        ii. 2016: $14,957,606
        iii. 2015: $8,148,358
    b. Dominion Foundation: $35,616,932
        i. 2015: $5,969,156
        ii. 2014: $14,675,540
        iii. 2013: $14,972,236
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate charitable giving according to Corporate Responsibility Reports (2013-2017): Not available[16]
        i. 2017-2018: $10,000,000[17]
        ii. 2016-2017: None reported[18]
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings (2013-2017): $30,842,612[19]
        i. 2017: $8,917,004[20]

14 Estimate based on Dominion's foundation tax returns (Form 990) and corporate charitable giving reported to federal energy regulators (FERC Forms 1 and 60).
15 In 2015, Dominion's charitable arm re-incorporated from an IL trust to a VA non-profit corporation. Functionally, the organizations did not overlap in operation and have nearly identical Boards. Giving by each entity is broken out by the now-defunct Dominion Foundation (EIN 13-6077762) from 2013-2015, and the active Dominion Energy Charitable Foundation (EIN 47-2746460) from 2015-2017.
16 Dominion's earliest available Sustainability and Corporate Responsibility Report is for 2016-2017.
17 In its 2017-2018 Sustainability and Corporate Responsibility Report, Dominion discloses $30 million in total charitable giving, including $20 million through its foundation. This foundation figure differs from the total recorded by the charity's 990 tax form, which is ~$16.5 million per 990. The reason for the discrepancy is unknown. The Dominion report indicates the utility spent $8.8 million on energy assistance programs, which is included in the $10 million non-foundation figure.
18 In its 2016-2017 Sustainability and Corporate Responsibility Report, Dominion discloses $20 million in charitable giving through the utility's foundation, but does not report any direct corporate charitable giving.
19 Includes Virginia Electric and Power Company ($22,019,057) and Dominion Resources Services, Inc. ($8,823,555)
20 Includes Virginia Electric and Power Company ($6,636,470) and Dominion Resources Services, Inc. ($2,280,534)

ii. 2016: $7,299,310[21]
iii. 2015: $7,528,486[22]
iv. 2014: $3,158,487[23]
v. 2013: $3,939,325[24]

5. **Dominion Energy Charitable Foundation Leadership:**
   a. Hunter A. Applewhite, President of the Dominion Energy Charitable Foundation. He is also Dominion Energy's Director of Community Engagement.
   b. Katharine Bond, Executive Director of the Dominion Energy Charitable Foundation. She is also Senior Policy Director for Dominion Energy and a registered lobbyist for the company.
6. **Dominion Energy Charitable Foundation Board of Directors:**
   a. Robert M. Blue, Dominion Energy Executive Vice President and Co-COO (effective December 1, 2019). Previously, President and CEO of Power Delivery.
   b. David A. Christian, Dominion Energy ex-Executive Vice President and Chief Innovation Officer
   c. Paul D. Koonce, Dominion Energy Executive Vice President and President and CEO of Power Generation. Previously, CEO of Dominion Energy, Chair of the Interstate Natural Gas Association, and the Southern Gas Association.
   d. Diane Leopold, Dominion Energy Executive Vice President and Co-COO (effective December 1, 2019). Previously, CEO of Gas Infrastructure. Also, a Board and Executive Committee Member of the American Gas Association. Previously, Chair of the Interstate Natural Gas Association of America.
   e. Mark F. McGettrick, Dominion Energy ex-Executive Vice President and Chief Financial Officer.
   f. Carter M. Reid, Dominion Energy Executive Vice President and Chief of Staff, and Dominion Energy Services President (effective December 1, 2019). Previously, Dominion Energy Chief Administrative and Compliance Officer, and Dominion Energy Services Corporate Secretary.
   g. Daniel A. Weekley, Dominion Energy Vice President of Energy Innovation Policy and Implementation. Previously, Vice President of Government Affairs, and Vice President and General Manager of South Carolina Pipeline Operations.
   h. Cindy Balderson, Dominion Energy Manager of Philanthropy and Community Partnerships, and Dominion Energy Charitable Foundation Secretary.
   i. Mark O. Webb, Dominion Energy Senior Vice President of Corporate Affairs and Chief Innovation Officer.

21 Includes Virginia Electric and Power Company ($5,560,352) and Dominion Resources Services, Inc. ($1,738,958)
22 Includes Virginia Electric and Power Company ($5,305,814) and Dominion Resources Services, Inc. ($2,222,672)
23 Includes Virginia Electric and Power Company ($1,977,450) and Dominion Resources Services, Inc. ($1,181,037)
24 Includes Virginia Electric and Power Company ($2,538,971) and Dominion Resources Services, Inc. ($1,400,354)

Examples of Dominion using charitable giving to manipulate policy:

2015 "Rate Freeze" Bill

In 2015, Dominion successfully lobbied for Virginia legislation to freeze base rates and suspend biennial reviews of company profits by the State Corporation Commission (SCC) through 2022. The utility argued this measure would provide a "transition period" to prepare for implementation of emissions reductions mandated by the Clean Power Plan. The SCC found that the law generated at least $365 million in utility over-earnings in a 2018 Commission report.

A slate of Dominion-supported non-profits lined up behind the bill, providing supportive comments at legislative hearings. One such group was Senior Connections, a local organization that supports seniors to remain in their homes and received $90,000 from Dominion's foundation between 2013-2016. A Dominion community affairs liaison also sits on the group's Board, and Senior Connections has received a Dominion-funded award from the Virginia Office for Aging Services. Senior Connections has also been selected by Dominion as an EnergyShare bill assistance partner agency. As reported by the Richmond Times-Dispatch, providing comments in support of the legislation, a community relations specialist with Senior Connections said utility bills present a challenge for many of their clients, and "[w]hat [Senior Connections is] interested in is anything that stabilizes rates in a volatile environment."

Better Housing Coalition, Richmond's largest non-profit community development corporation, also testified in favor of the rate freeze. The organization received $47,000 from Dominion's foundation between 2013-2015.

Table: Dominion Foundation Contributions to Select Rate Freeze Supporters, 2013-2017

American Red Cross	$548,500
Better Housing Coalition	$47,000
Senior Connections	$90,000
Virginia Hispanic Chamber of Commerce/Foundation	$100,000
Total	**$785,500**

In addition to local community groups, Dominion shored up support for its rate freeze bill from large and influential statewide non-profits, including the American Red Cross. Dominion's foundation donated $548,500 to the Red Cross nationally between 2013-2017. Red Cross regional CEO Reginald E. Gordon spoke in support of the Dominion-friendly legislation before the Virginia Senate Commerce and Labor Committee, arguing a rate freeze would benefit struggling ratepayers and households on fixed incomes. The Richmond Times-Dispatch reported that Gordon has praised the utility as "a good corporate friend."

The Virginia Chamber of Commerce likewise supported the bill, per the Associated Press – according to CEO Michel Zajur, on its own merits. Dominion is a highest-tier "Pinnacle" investor in the Chamber, and between 2013-2017, the utility's foundation gave at least $25,000 a year to the Virginia Hispanic Chamber of Commerce or to the Chamber's own foundation.

Atlantic Coast Pipeline

Dominion is the largest percentage owner of the Atlantic Coast Pipeline, which would transport fracked gas from West Virginia to Virginia and North Carolina, and possibly further south. The utility is responsible for its construction, operation, and a massive outreach program to build public support. Fraught with permitting obstacles and well-organized opposition, Dominion's largest-ever capital project has ballooned in cost to over $7 billion.

In an unprecedented outreach bid reported by the Associated Press, Dominion has distributed $2 million in grants to communities along the proposed path of the Atlantic Coast Pipeline through its Community Investment Program, in concert with project partners Duke Energy and Southern Company. At least four of the grants have been awarded to groups publicly favoring the pipeline or affiliated with its supporters. In North Carolina, economic development director of Northampton County Gary Brown testified in support of the pipeline during public hearings in Jackson and Rocky Mount. Brown is the Board President of The North Carolina Center for Automotive Research, which was at the same time under consideration for a program grant from Dominion's Community Investment Program and ultimately received $1,680, as reported by NC Policy Watch, a news and commentary project of the North Carolina Justice Center. In March 2016, Brown told the Roanoke-Chowan News-Herald that "Atlantic's decision to place its operations center in Northampton County is impressive and certainly welcomed. The project is critically important in serving the energy needs of residents, business and industry in the state and region, present and future. We appreciate the opportunity to be a part of that, and the trust they have placed in us.".

Similarly, the Boys and Girls Club of Lumberton was awarded $10,000 by the program, earmarked for hurricane repairs. At a North Carolina Department of Environmental Quality meeting, Executive Director Ron Ross testified in favor of the Atlantic Coast Pipeline. "We didn't ask them if they wanted to give us money – they asked us," he told the Associated Press.

Meanwhile, Dominion closely coordinated the optics of its non-profit giving to maximize impact. Correspondence obtained by the Associated Press from Brown to a pipeline public relations manager working on the grant program suggests bundling several smaller gifts to the county – about $5,000-$10,000 each – for a photo opportunity: "As it is a show piece, how about a prop check written to 'Northampton County' for the total of all grants --- larger total – bigger image – greater perceived impact." In a 2017 presentation to the American Gas Association, Dominion's Senior Energy Policy Director Bruce McKay expounded on this strategy, explaining that the utility "[m]ust create and maintain a political environment which allows permitting agencies to do their work," and "[i]f you want fair media coverage, you need to pay for it." In an interview with the Washington Post, McKay further defended the utility's capture of community groups as a response to opponents' grassroots environmental organizing: "On the other side, the Sierra Club, on any given day you can go to their web site and find 10 or 12 take-action boxes."

The Peter Paul Development Center: Charitable Giving Connected to Legislator Favors

A small charity, whose senior leadership includes a Virginia state legislator sponsoring a Dominion-backed rate bill, received hundreds of thousands of dollars in donations – both from Dominion's foundation and its CEO Tom Farrell. Delegate Lamont Bagby (D-Henrico) is Director of Operations for the Peter Paul Development Center, which runs programs for disadvantaged children and community members on the east side of Richmond. Bagby also chairs the Virginia Legislative Black Caucus. In 2016, Farrell made a $100,000 gift to the center, with Dominion's foundation also donating $25,000, as reported by the Richmond-Times Dispatch. Both have made previous donations to the group, but they were under $5,000. A former Dominion senior executive sits on the Peter Paul Development Center Board, and says she encouraged the utility's foundation to increase their largesse to the organization.

In the 2018 General Assembly session, Bagby co-patroned a bill with Del. Terry Kilgore (R-Scott) that Dominion had helped to author. Bagby has not otherwise patroned or co-patroned any energy legislation since his election to the office in 2015. An analysis by the State Corporation Commission concluded that "The legislation allows the utilities to keep future excess earnings (i.e. customer overpayments) and, rather than return them to customers, use them for capital projects chosen by the utility." The legislature passed the bill into law in 2018.

Union Hill Compressor Station: Influence-Seeking with Virginia NAACP

Since 2014, Dominion has sought to rally local leaders in support of a gas compressor station key to its Atlantic Coast Pipeline in Virginia's historically Black Union Hill community, which was settled by the formerly enslaved. The Virginia state conference (VSC) of the National Association for the Advancement of Colored People (NAACP) initially opposed the project. In comments to the Virginia Department of Environmental Quality filed in May 2018, VSC NAACP then-President Kevin Chandler wrote that the ACP "grossly neglect[ed] the magnitude of...massive disruptions to surrounding communities," and called for an immediate stop to construction.

On November 21 of the same year, however, Chandler wrote Governor Ralph Northam that his organization was "satisfied with the progress and efforts Dominion Energy has made to work with the key stakeholders and residents in the Union Hill community." This letter came less than two weeks after Dominion proposed to tie a set of $5.1 million "community enhancement" investments in Union Hill to its receipt of a pending air permit for the compressor station. Chandler's letter touted additional partnerships between the VSC NAACP and Dominion, including "STEM workforce development in the minority community and increasing community awareness on energy, sustainability and environmental justice issues." Figures for Dominion's giving to the VSC NAACP are not reported in the utility's foundation tax filings or corporate political disclosures, but a Dominion spokesman told the Richmond Times-Dispatch in October 2019 that it has supported the group for "nearly 30 years".

Facing criticism for its muddled stance, the VSC NAACP issued a November 30, 2018 clarification letter casting media representations of Chandler's letter as "incorrectly suggest[ing] that the VSC NAACP had modified its longstanding and unequivocal opposition to both the Union Hill Compressor Station and the ACP." Chandler blasted Dominion for invoking the NAACP as a "political pawn". Speaking to Blue Virginia, a pair of prominent VSC members alleged The Washington Post's breaking coverage of the letter bore "Dominion's fingerprints":

"What we're seeing here is a blatant attempt by Dominion Energy to co-opt the NAACP into a narrative that benefits their shareholders at the cost of the health and lives of black people. We often talk about how Dominion misinforms legislators, and misdirects them with carrots that look good on paper. They also do this to organizations, and they're currently trying to do it to one of the longest-standing civil rights organizations in our nation's history."

Following this incident, the VSC NAACP has consistently rejected the compressor station and pipeline in its statements. However, the group has abided - or according to a utility spokesman, invited - repeat Dominion sponsorship of its annual state conference. The company gave $50,000 to sponsor a co-branded pre-conference event in October 2019, which was picketed by environmental justice advocates and Union Hill community leaders. In a petition with over 300 signatures, letters from VSC members to leadership, and a series of Richmond Times-Dispatch reports, they called the partnership "a slap in the face to Union Hill and people of color," "sacrilegious," and "completely counterproductive to the NAACP's purported commitment to environmental justice and civil rights". In response to the outcry, VSC NAACP President Robert Barnette acknowledged Dominion's "dismal record in environmental justice," but claimed accepting utility money "is not a reason for us not to hold them accountable for things that they do that are not to our benefit."

Ratepayers Bear Cost of Charitable Capture

In Virginia, Dominion customers have subsidized hundreds of corporate charitable contributions made by the utility, independent of its foundation. Between 2011-2012, the State Corporation Commission approved Dominion's request to charge ratepayers $1.37 million, pre-tax, for donations made by Dominion as part of the utility's "cost of service," as reported by the Associated Press. This sum included $4,000 of a $10,000 donation to the Appalachian College of Pharmacy in 2012, where Dominion legislative champion Del. Terry Kilgore (R-Gate City) was a paid fundraiser. Kilgore's annual salary from the school around the time of the donation was $126,000.

Another lawmaker, Del. Matthew James (D-Portsmouth), was CEO of the Peninsula Council for Workforce Development, a regular recipient of Dominion giving. The utility attempted to charge ratepayers for a $7,500 donation that Dominion made to the Peninsula Council, which ultimately funded a Walt Disney Company workforce development seminar. In 2015, James patroned additional rate freeze legislation that would have benefited the utility, which was also his largest campaign contributor.

The Virginia Alliance for Tort Reform received a $40,000 donation from Dominion in 2012 - $16,000 of which was paid for by Dominion customers. The now-defunct group lobbied for pro-business policies, with long-time Dominion lobbyist Bill Thomas among its ranks.

In 2015, SCC staff filed testimony arguing against Dominion's recovery from customers of $3.3 million of its 2013-2014 corporate charitable donations, finding "many of the donations made by the company were to organizations that conduct political or lobbying efforts," in addition to being inconsistently and opaquely reported. Due to the rate review freeze legislation championed by Dominion, this review would be the SCC's last such opportunity for seven years. With the matter under SCC review, Dominion announced in September 2015 that it would no longer seek to recover corporate charitable giving through ratepayer bills. In filed testimony, Dominion Virginia Power President Paul D. Koonce explained, "Some have cynically suggested that certain charitable organizations to which we have contributed are motivated not by the civic good but instead by political considerations. We do not agree with those suggestions or that our charitable giving practices are anything other than well-intentioned."

DTE Energy

DTE Energy is a utility holding company with natural gas, electric, and pipeline business segments. The company serves 2.2 million electric customers and 1.3 million natural gas customers in Michigan.

Basic Facts:

1. **EPI estimate of DTE's total charitable giving in most recent 5 years (2013-2017):** $78,420,180[25]
2. **Name of Foundation:** DTE Energy Foundation
3. **DTE Energy Foundation Giving (2013-2017):** $66,248,118
    a. 2017: $15,397,171
    b. 2016: $14,928,082
    c. 2015: $14,351,630
    d. 2014: $11,288,231
    e. 2013: $10,283,004
4. **Corporate Charitable Giving (2013-2017):**[26]
    a. Sum of total corporate charitable giving according to annual Corporate Citizenship report: at least $70,000,000.[27]
        i. 2017: Not reported
        ii. 2016: $15,000,000
        iii. 2015: $18,000,000
        iv. 2014: $27,000,000
        v. 2013: $10,000,000
    b. Sum of total charitable giving in most recent 5 years according to filings with the Michigan Public Service Commission: $12,172,062.[28]
        i. 2017: $1,986,893
        ii. 2016: $3,905,494
        iii. 2015: $2,017,096
        iv. 2014: $1,502,397
        v. 2013: $2,760,182
5. **DTE Energy Foundation President:**
    a. Lynette M. Dowler. Dowler reports to Nancy Moody, Vice President of Public Affairs for the utility. Dowler previously served as Director of Corporate Safety, Plant Director for Fossil Generation, and director of Enterprise Performance Management.
6. **DTE Energy Foundation Board of Directors:**
    a. Nancy Moody, Chair and Director, DTE Energy Vice President of Public Affairs

25 Estimate based on DTE Energy Foundation's 990 giving and the DTE's reporting to the Michigan Public Service Commission.

26 This amount of money is in addition to the money DTE Energy allocates to the DTE Energy Foundation.

27 The CCR reports do not provide specific amounts. The CCR reports also not specify Foundation or corporate charitable giving.

28 FERC Form 1 filings show a total of $40,957,058 during this time period, but this total includes money allocated towards corporate sponsorships with Palace Sports and Entertainment, according to the more detailed reports filed with the Michigan Public Service Commission. EPI analyzed the PSC reports and found $12,172,062 in corporate charitable giving, which excludes the sponsorships for entertainment events and money allocated to the DTE Foundation, between 2013-2017 (2017: $1,986,893; 2016: $3,905,494; 2015: $2,017,096; 2014: $1,502,397; 2013: $2,760,182).

b. Lynette Dowler, President and Director
c. Mark Rolling, Treasurer and Director, DTE Energy Vice President and Chief Accounting Officer
d. Joann Chavez, Director, DTE Energy Senior Vice President, Deputy General Counsel and Chief Tax Officer
e. Trevor Lauer, Director, DTE Energy President and Chief Operating Officer
f. David Meador, Director, DTE Energy Vice Chairman and Chief Administrative Officer
g. Lisa Muschong, Director, DTE Energy Vice President, Corporate Secretary and Chief of Staff
h. Bruce Peterson, Director, DTE Energy Senior Vice President and General Counsel
i. David Ruud, Director, DTE Energy Senior Vice President, Corporate Strategy and Development
j. Mark Stiers, Director, DTE Energy President and Chief Operating Officer DTE Power and Industrial and Energy Trading

Examples of DTE using charitable giving to manipulate policy:

2019 Integrated Resource Plan

On June 20, dozens of people gathered in a community room at the Wayne County Community College downtown campus for over four hours. Nearly everyone in the room was there to voice their displeasure with their electric utility company, DTE Energy, and its recently filed Integrated Resource Plan.

Ratepayers and citizens of Detroit told DTE Energy's regulators on the Public Service Commission that they wanted their power company to move more aggressively towards solar energy, stop planning to build more power plants that burn fracked gas, open up bidding for third parties to construct cheaper renewable energy projects, and allow more homeowners to install rooftop solar.

Yet several individuals who made public comments voiced their support for the company and its IRP.

The first speaker at the public hearing was Jane Garcia of Latin Americans for Social and Economic Development.

"Climate change must be combated, but we need to make it transparent for everyone, and that's why we need to stress the most vulnerable population and how they're going to service them. I appreciate DTE's focus in this area," stated Garcia. "I'm not sure how solar is going to come out, we only had 78 days of sunshine last year…"

Later in the evening, Reverend Horace Sheffield, a pastor at New Destiny Christian Fellowship and a leader with the Detroit Association of Black Organizations (DABO) told the commissioners, "As climate change fuels the needs for cleaner energy resources, the need for affordable energy bills remains an important factor for DTE as ever. The plan provides a communal solution to the problem of making strategic investments in renewable energy. DTE's plans gets us where we need to be in mitigating climate change without burdening our community with unreasonable electric bills."

Months later, Rev. Sheffield authored a letter to the editor in Michigan Chronicle in which he echoed is remarks at the event:

"Reliable and affordable energy fuels the engine of progress, which is why New Destiny Christian Fellowship supports DTE's commitment to clean energy as outlined in its Integrated Resource Plan, and encourages others to do the same … DTE's plan gets us where we need to be in mitigating climate change without burdening our community with unreasonable electric bills."

Rev. Deidic Tupper of New Faith Temple Church of God in Christ said, "I am 100 percent in agreement with the proposal that DTE Energy has provided. We must understand that there should be a diversity of energy. We can not always depend on wind turbines, nor can we always depend on solar energy, but natural gas stabilizes the system and allows us to be able to depend upon an institution that we have to depend upon."

Of the 50 individuals who provided public comments, nine voiced support for DTE Energy. However, almost every DTE supporter was in some way connected to the company, including five speakers who represented charities or churches that collectively had received at least $578,500 from the DTE Energy Foundation since 2013.

Table: DTE Energy Foundation contributions (2013-2017) to organizations and individuals who have voiced support for the company's 2019 Integrated Resource Plan

Arab Chaldean Council	$258,000
Detroit Association of Black Organizations, Rev. Horace Sheffield	$112,500
Detroit Chamber of Commerce/Detroit Chamber Foundation	$48,000
Latin Americans for Social and Economic Development	$130,000
New Faith Temple Church of God in Christ, Deidric Tupper	$30,000

Photo: DTE Energy Chairman Gerry Anderson (left) and Reverend Deidric I. Tupper (right). Source: New Faith Temple Facebook Page, June 5, 2019.

One audience member caught on to DTE's relationship to those speakers that were voicing their support for the IRP. Antonio Cosme, an educational coordinator for the National Wildlife Federation, was one of the last members to speak in front of the commissioners and said, "It's pretty obvious that DTE funds a lot of stuff in the city, so I think you're going to get a lot of folks speaking for our monopoly energy provider. But generally speaking, most citizens of the city and of Wayne County aren't going to speak up for DTE."

The PSC will rule on DTE's IRP in early 2020.

2018-2019 Rate Case and Rooftop Solar Proposals

Acting in accordance with new legislation, the rate increase that DTE Energy submitted in 2018 included a proposal to replace net metering with a new compensation program for solar customers. The proposal would have significantly reduced the rate at which a customer would be compensated for the electricity their solar panels send back to the grid, and added a fee on customers who install rooftop solar.

As with utility rate cases, intervenors provided testimony and commission hearings occurred throughout the rest of 2018 and 2019.

The public also weighed in.

Commissioner Sally Talberg said the thousands of comments urging the PSC to reject DTE's proposed fee and reduced rate for solar compensation were "unprecedented" during her time at the agency.

In response, the utility mobilized non-profit organizations to create the perception of public support for the anti-rooftop solar proposals.

Midwest Energy News reported that a group called Michigan Energy Promise emerged in January 2019 to back DTE Energy's position on net metering and other issues before the PSC.

On February 26, Bishop W.L. Starghill, Jr, a member of the new group and the Michigan Democratic Black Caucus, authored an opinion piece in Bridge Magazine attacking the solar industry with various utility industry talking points. Starghill said Michigan Energy Promise was created to defend the state's energy policies.

The allies listed on Michigan Energy Promise's website are mostly churches, chambers of commerce, and nonprofits that advocate for communities of color. However, many of the groups have either received thousands of dollars from the DTE Energy Foundation over the past five years, list the utility as a corporate sponsor on organization websites, or include a utility employee as a member of the board.

Table: DTE Energy Foundation (2013-2017) contributions to member organizations and individuals of the Michigan Energy Promise coalition

Amandla Community Development/Fellowship Chapel	$100,000
Arab Community Center for Economic and Social Services	$150,000
Black Family Development	$47,500
Council of Asian Pacific Americans	Four members of its advisory board are DTE Energy employees
Detroit Association of Black Organizations, Rev. Horace Sheffield	$112,500
Detroit Cristo Rey High School	$29,000
Latin Americans for Social and Economic Development	$130,000
New Faith Temple Church of God in Christ, Deidric Tupper	$30,000
Urban League of Detroit and Southeast Michigan	$31,500

Michigan Energy Promise's advocacy did not result in a victory. The PSC listened to the public and rejected DTE's proposal to raise fees on solar customers, and the PSC did not agree with the inflow/outflow method

DTE proposed. Instead, solar customers will see a larger bill credit for their excess solar energy than DTE's proposal would have allowed.

Duke Energy

Duke is a utility company that serves more than 7.7 million retail electric customers across North Carolina, South Carolina, Florida, Ohio, Indiana, and Kentucky. Its gas subsidiary, Piedmont, provides natural gas distribution to over a million customers in North Carolina, South Carolina, and Tennessee.

Basic Facts:

1. **EPI estimate of Duke's total charitable giving in most recent 5 years (2013-2017):** $306,482,338.00[29]
2. **Name of Foundation:** Duke Energy Foundation
3. **Duke Energy Foundation Giving (2013-2017):** $153,182,338
    a. 2017: $33,635,027
    b. 2016: $32,640,472
    c. 2015: $31,182,284
    d. 2014: $29,670,388
    e. 2013: $26,054,167
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate charitable giving according to Corporate Responsibility Reports: $153,300,000
        i. 2017: $19,200,000[30]
        ii. 2016: $20,100,000[31]
        iii. 2015: $17,600,000[32]
        iv. 2014: $46,900,000[33]
        v. 2013: $49,500,000[34]

        * The data from Duke's sustainability reports are disaggregated in the corresponding footnotes. These totals include "other company cash contributions and in-kind gifts and services," and employee/retiree contributions and volunteer hours, which contributes to differences from the reported figures on the FERC Form 1s. Other reasons for the discrepancies are not clear.

29 Estimate based on Duke's foundation tax returns (Form 990) and all non-foundation charitable giving disclosed in its annual CSR reports.
30 Includes $6,900,000 in "other company contributions and in-kind gifts and services," $9,500,000 in "cash contributions from employees and retirees," and $2,800,000 in "estimated value of volunteers' time", according to Duke's 2017 Sustainability Report.
31 Includes $7,800,000 in "other company contributions and in-kind gifts and services," $10,000,000 in "cash contributions from employees and retirees," and $2,200,000 in "estimated value of volunteers' time", according to Duke's 2016 Sustainability Report.
32 Includes $7,800,000 in "other company contributions and in-kind gifts and services," $7,200,000 in "cash contributions from employees and retirees," and $2,600,000 in "estimated value of volunteers' time", according to Duke's 2015 Sustainability Report.
33 Includes $35,200,000 in "other company contributions and in-kind gifts and services," $6,800,000 in "cash contributions from employees and retirees," and $4,800,000 in "estimated value of volunteers' time", according to Duke's 2014 Sustainability Report.
34 Includes $12,200,000 in "other company contributions and in-kind gifts and services," $28,200,000 in "merger-related giving," $5,200,000 in "cash contributions from employees and retirees," and $3,900,000 in "estimated value of volunteers' time", according to Duke's 2013 Sustainability Report.

b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings: $218,120,957[35] [36]
   i. 2017: $17,172,488[37]
   ii. 2016: $112,681,870[38]
   iii. 2015: $18,992,342[39]
   iv. 2014: $17,926,805[40]
   v. 2013: $51,347,452[41]

5. **Duke Energy Foundation Leadership:**
   a. Shawn Heath is the President of Duke Energy Foundation. Heath also serves as Vice President and Chief of Staff to Duke Energy CEO Lynn Good.
   b. Cari Boyce is the immediate past President of Duke Energy Foundation, whose terminal role at Duke Energy during her Foundation tenure was Senior Vice President of Strategy and Sustainability.[42] Boyce is now Duke Energy's Senior Vice President of Enterprise Strategy and Planning.
6. **Duke Energy Foundation Board of Directors:**
   a. Jennifer DeWitt, Duke Energy Director of Foundation Programs and Community Affairs
   b. Charles M. Taft, Duke Energy Director of Program Performance
   c. Richard G. Beach, Duke Energy Assistant General Counsel
   d. Kris C. Duffy, Duke Energy Director of Corporate Business Support for Financial Planning and Analysis
   e. Melissa H. Anderson, Duke Energy Executive Vice President for Administration and Chief Human Resources Officer

35 Includes unusually large sums from Duke Energy Carolinas and Duke Energy Progress in both 2016 and 2013, likely owing to several settlements. Examples include agreements with the North Carolina Utilities Commission to devote an additional $20 million to bill assistance for low income customers and workforce development training, and a settlement with the EPA over potential violations of the Clean Air Act.
36 Includes Duke's six electric subsidiaries ($186,572,292), Duke Energy Business Services LLC ($31,526,694), and Progress Energy Service Company LLC ($21,971)
37 Includes the following subtotals for Duke's subsidiaries: Duke Energy Carolinas ($4,083,062), Duke Energy Florida ($3,227,350), Duke Energy Indiana ($922,578), Duke Energy Kentucky ($450,291), Duke Energy Ohio ($819,630), Duke Energy Progress ($2,301,970), and Duke Energy Business Services LLC ($5,367,607)
38 Includes the following subtotals for Duke's subsidiaries: Duke Energy Carolinas ($62,553,334), Duke Energy Florida ($2,480,480), Duke Energy Indiana ($895,734), Duke Energy Kentucky ($418,773), Duke Energy Ohio ($1,221,441), Duke Energy Progress ($37,429,332), and Duke Energy Business Services LLC ($7,682,776)
39 Includes the following subtotals for Duke's subsidiaries: Duke Energy Carolinas ($5,228,172), Duke Energy Florida ($2,312,503), Duke Energy Indiana ($1,229,455), Duke Energy Kentucky ($489,274), Duke Energy Ohio ($1,128,128), Duke Energy Progress ($2,593,653), Duke Energy Business Services LLC ($6,011,157), and Progress Energy Service Company LLC ($0)
40 Includes the following subtotals for Duke's subsidiaries: Duke Energy Carolinas ($5,269,971), Duke Energy Florida ($2,076,921), Duke Energy Indiana ($1,125,442), Duke Energy Kentucky ($377,876), Duke Energy Ohio ($1,383,589), Duke Energy Progress ($495,685), Duke Energy Business Services LLC ($7,197,321), and Progress Energy Service Company LLC ($0)
41 Includes the following subtotals for Duke's subsidiaries: Duke Energy Carolinas ($17,477,006), Duke Energy Florida ($2,080,507), Duke Energy Indiana ($887,972), Duke Energy Kentucky ($184,579), Duke Energy Ohio ($2,868,727), Duke Energy Progress ($22,558,857), Duke Energy Business Services LLC ($5,267,833), and Progress Energy Service Company LLC ($21,971)
42 Boyce's tenure as the President of Duke Energy Foundation concluded on October 1, 2019, as announced by Duke Energy in August 2019.

f. Doug F. Esamann, Duke Energy Executive Vice President of Energy Solutions for the Midwest and Florida Regions
g. Dhiaa M. Jamil, Duke Energy Executive Vice President and Chief Operating Officer
h. Julie S. Janson, Duke Energy Executive Vice President for External Affairs and Chief Legal Officer
i. Lloyd M. Yates, Duke Energy Executive Vice President for Customer and Delivery Operations and President for the Carolinas Region
j. Franklin H. Yoho, Duke Energy Executive Vice President and President for Natural Gas Business
k. Steven K. Young, Duke Energy Executive Vice President and Chief Financial Officer

Examples of Duke using charitable giving to manipulate policy:

Attempted co-option of Black churches and community groups

Duke has been accused of seeking to co-opt Black churches and community groups in Greensboro, NC and elsewhere as part of its campaigns against rooftop solar, which the utility views as a threat to its business model. Rev. Nelson Johnson, minister to a majority-Black congregation at the Faith Community Church and Executive Director of the Beloved Community Center, reported visits from "three different individuals selling Duke's 'solar power hurts the poor' message" in the span of several months in 2015, as covered by Facing South.

In a letter to Duke CEO Lynn Good, co-authored by Jim Warren, Executive Director of the Durham-based environmental non-profit NC WARN, Johnson wrote:

"It appears evident that this 'solar hurts the poor' strategy has been coordinated by Duke and its cohorts in the corporate electric power industry and used in many states recently. Fortunately, the scheme has been rejected by the NAACP's national board, by various state NAACP chapters, and by the Congressional Black Caucus, among others. Nevertheless, Duke Energy is vigorously pursuing this same deception in North Carolina. This cynical corporate activity is an affront to the people of this state, and it is your personal responsibility to stop it."

Duke's aggressive approach to Black community leaders in North Carolina came amid its campaign against the Energy Freedom Act, which would have allowed third-party solar in North Carolina outside of the utility's monopoly. Johnson called out Duke's tactics as a "cynical corporate effort" to divide North Carolinians while the state's poor remain burdened by Duke's business model. "There is a profound irony in your vigorous opposition to the Energy Freedom Act," they wrote in their letter to Good. "Because your customers are increasingly choosing rooftop solar, you say you will try to force other captive customers to pay more for dirty power plants. Then, from the other side of your corporate mouth, you're trying to block the very avenue for those other customers to go solar."

Duke's coordinated philanthropic giving to North Carolinian Black community institutions totaled more than $200,000 in 2015.

Table: Select Duke Philanthropic Contributions to NC Black Community Organizations, 2015

American Association of Blacks in Energy (NC)	$2,000
The Black Girls Corner, Inc.	$500
The Harvey B. Gantt Center for African-American Arts+Culture[43]	$180,000
National Association of Black Accountants (NC)	$3,500
National Coalition of 100 Black Women (NC)	$1,000
National Society of Black Engineers (NC)	$2,000
North Carolina Black Repertory Company	$5,000
United Negro College Fund, Inc. (NC)	$35,000
Total	**$229,000**

Greenwashing air pollution and solar opposition

In September 2016, Duke announced it would spend $300,000 to install solar panels on up to 10 schools in North Carolina and provide related educational programming, in partnership with NC GreenPower. The Raleigh-based non-profit is focused on renewable energy and carbon offset projects, including K-12 solar installations.

Duke's investment was part of a $5.4 million settlement with the U.S. Environmental Protection Agency and other environmental groups in response to potential violations of the Clean Air Act - mandating that the utility spend "up to $600,000 for clean energy and energy efficiency projects in economically distressed counties in North Carolina and South Carolina," as reported by DeSmog. Greenpeace USA field organizer Caroline Hansley called the solar schools program "a flashy way to dress up a penalty for pollution," while Duke's own spokesperson Randy Wheeless said the solar panels would "handle a small portion of the school's [overall energy] load" resulting in "rather modest" bill savings.

Duke held considerable influence over both NC GreenPower and its parent non-profit, Advanced Energy, which continued to administer NC GreenPower at the time of the latter's selection to execute Duke's solar schools grants. Duke executives wielded a strong presence on the Boards of both charities. The North Carolina Utilities Commission (NCUC), which selects NC GreenPower's Board, appointed Duke Vice President of Efficiency and Innovative Technology, Robert Caldwell.

Similarly deeply connected to regulators and utility leadership, Advanced Energy was founded by the NCUC to explore and deploy new grid and renewables technologies. Its Board President at the time of the Duke schools program was Tony Almeida, a more than 30-year Vice President at Duke Energy and advocate for offshore drilling as an adviser to then-governor Pat McCrory, himself a 29-year Duke veteran,

43 Formerly known as "Afro-American Cultural Center, Inc.," the organization name reported on Duke Energy Foundation's 2015 990 tax form.

as reported by The News & Observer. The following Duke executives or well-documented allies held at least five more Board positions at the organization:

- Robert Caldwell - Duke Energy Vice President of Efficiency and Innovative Technology
- Kendal Bowman - Duke Energy Vice President of Regulatory Affairs and Policy
- Henry Campen, Jr. - partner and energy team lead at Parker, Poe Adams, and Bernstein, a frequent legal representative for Duke
- Nancy Temple - former Vice President of Corporate Communications at Duke-merged company Progress Energy
- Chris Ferell - former Duke Energy engineer

Duke's dominance of both NC GreenPower and Advanced Energy not only provided a measure of control over how its penalty money was spent, but granted Duke the veneer of a commitment to renewables - all while it has actively impeded solar development in North Carolina and doubled down on gas expansion. In the year prior, the utility opposed the Energy Freedom Act, a bipartisan bill to lift a ban on third-party solar in North Carolina, and took a neutral stance as the state's solar tax credit expired. Just months before the solar program announcement, Duke completed its acquisition of Piedmont Natural Gas, and nearly half of the 600-mile Atlantic Coast Pipeline, which will transport fracked gas from West Virginia to Virginia, North Carolina, and potentially further south.

2013 Ohio Rate Case Comments

At least six Ohio organizations receiving contributions from Duke Energy Foundation filed comments in favor of a rate increase for the utility in January 2013. In its rate cases, which it filed in July 2012, Duke Energy Ohio sought a 24% increase over previous electric distribution revenues and an 18% increase over previous gas distribution revenues, according to the Ohio Public Utilities Commission.

Butler County United Way, the Greater Cincinnati-Dayton Region American Red Cross, Cincinnati Museum Center, the Cincinnati USA Regional Chamber Foundation, and the Fairfield City School District each filed comments in both rate case dockets in support of Duke Energy as a valued community partner. Some letters, like that from the Fairfield City School District, praised Duke for providing "superior level of [gas and electric] service," and calling on the Public Utilities Commission of Ohio to "please consider the importance of the investments made and to be made by Duke Energy in order to maintain its excellent service to its customers." The Fairfield City School District received $6,000 from Duke Energy's foundation in 2013.

Other comments extolled Duke's monetary contributions to the authoring organizations. A letter from American Red Cross of the Greater Cincinnati-Dayton Region CEO Patricia M. Smitson credited Duke with "provid[ing] much needed funds to enable our work" - according to tax disclosures, to the tune of $20,000 during the rate case period between 2012-2013. Butler County United Way President and CEO Bruce E. Jewett wrote that Duke and its employees gave more than a million dollars to United Ways in Greater Cincinnati in 2012, and that "[w]ithout partners such as Duke Energy, our ability to positively impact our community would be significantly decreased.

Cincinnati Museum Center Superintendent Paul Otten remarked on the utility's "substantial grant to support an initiative known as the Duke Energy E-Squares Project Established [sic] in October 2011...to promote the '4-Es': Education, Environment, Energy Efficiency and Economic Development. Specifically, the funding supports exhibit signage and special programming to promote our visitors' exposure to and understanding of these key concepts." Cincinnati Museum Center's letter also detailed Duke's gift of the

"Duke Energy Holiday Trains exhibit" two years prior, an extension of a tradition of Duke largesse in support of a model train system stemming back to 1946. The organization received at least $102,000 from Duke between 2012-2013.

Table: Duke Foundation Contributions to Select OH Rate Case Supporters, 2012-2013

Butler County United Way[44]	$4,851
Cincinnati Area Chapter of the American Red Cross	$20,000
Cincinnati Museum Center	$102,000
Cincinnati USA Regional Chamber Foundation	$660,000
Fairfield City School District	$6,000
Total	**$792,851**

Many of the letters of support, like that from Cincinnati USA Regional Chamber President and CEO Ellen G. van der Horst, note Duke Energy leadership's participation on the organizations' boards. On top of the $660,000 the organization received in the rate case period, the Chamber comment referenced the "active" Board membership of Duke Energy Ohio and Kentucky President Jim Henning. It likewise notes that Duke Energy's Julie S. Janson served as Board Chair of the Chamber during the period of the rate case; Janson is on the Board of the Duke Energy Foundation and was also President of Duke Energy in Ohio and Kentucky while chairing the Chamber Board. The Red Cross letter describes Duke Energy Vice President James Mehring's participation on the chapter's Board, and as its Vice Chair of Volunteer Resources and Youth, as "an honor". United Way's comment includes mention of one of Duke's Regional Managers chairing the charity's 2013 fundraising campaign.

Photo: Photo: Duke Energy Foundation awarded the Harvey B. Gantt Center for African-American Arts+Culture a $100,000 challenge grant in February 2015. Source: Harvey B. Gantt Center

44 Butler County United Way's letter of support also referenced Duke Energy's giving to United Way of Greater Cincinnati, which amounted to $352,210 between 2012-2013.

Entergy

Entergy is a utility company that serves 2.9 million electric customers across Arkansas, Louisiana, Mississippi and Texas.

Basic Facts:

1. **EPI estimate of Entergy's total charitable giving in most recent 5 years (2013-2017):** $69,514,279[45]
2. **Name of Foundation:** Entergy Charitable Foundation
3. **Entergy Charitable Foundation (2013-2017):** $14,869,106
    a. 2017 - $3,999,374
    b. 2016 - $5,158,685
    c. 2015 - $2,172,647
    d. 2014 - $2,467,147
    e. 2013 - $3,538,400
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate giving in most recent 5 years according to Corporate Social Responsibility reports:[46] $53,202,147
        i. 2017: $13,000,626
        ii. 2016: $13,841,315
        iii. 2015: $12,827,353
        iv. 2014: $13,532,853
        v. 2013: Did not produce
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings (including all subsidiaries): $69,514,279
        i. 2017: $11,485,653
        ii. 2016: $13,774,461
        iii. 2015: $15,315,720
        iv. 2014: $12,991,272
        v. 2013: $15,947,173
5. **Entergy Charitable Foundation President:**
    a. Kim Despeaux, ex-Senior Vice President, Federal Policy, Regulatory & Governmental Affairs, Entergy
6. **Entergy Charitable Foundation Board of Directors:**
    a. Kim Despeaux, ex-Senior Vice President, Federal Policy, Regulatory & Governmental Affairs, Entergy
    b. Drew Marsh, Executive Vice President and Chief Financial Officer, Entergy
    c. Donald Vinci, Executive Vice President and Chief Administrative Officer, Entergy
    d. Chris Bakken, Executive Vice President, Nuclear Operations and Chief Nuclear Officer, Entergy Nuclear

45 Estimate based on Entergy's reporting to federal regulators as it includes both Entergy's corporate giving directly to organizations and the utility's contributions to the Entergy Charitable Foundation, which is then donated to organizations.
46 Entergy charitable giving reported on IRS Form 990s was subtracted from amounts included in CSR reports to avoid double counting, leaving corporate giving remaining.

e. Rick Riley, Senior Vice President of Distribution Operations and Asset Management. Ex-President and CEO, Entergy Arkansas
f. Phillip May, President and CEO of Entergy Louisiana
g. Sallie Rainer, President and CEO, Entergy Texas
h. Charles Rice, ex-President and CEO, Entergy New Orleans
i. Rod K West, Group President, Utility Operations, Entergy
j. Marcus Brown, Executive Vice President and General Counsel, Entergy

Examples of Entergy using charitable giving to manipulate policy:

Entergy came under fire in May 2018 when the Lens revealed that many of the people who testified on behalf of Entergy's proposed gas-fired power plant in New Orleans were paid actors.

Photo: Paid actors testify at a New Orleans City Council hearing. Source: WWLTV YouTube

But the paid actors weren't the only people testifying on behalf of Entergy or the gas plant. A host of others, including directors of dozens of locally respected non-profits, also testified on behalf of Energy and its gas plant.

At least six of the organizations that testified at the New Orleans City Council's hearing on the gas plant on Entergy's behalf on October 16, 2017 received charitable donations from the Entergy Charitable Foundation, according to the foundation's tax returns and acknowledgements by the organizations themselves.

Some of those organizations disclosed the donations by Entergy at the gas plant hearings, but others did not.

Howard Rodgers of the New Orleans Council on Aging said that "gas is an energy that we use that does not have any kind of additional effects." Burning natural gas, a fossil fuel, contributes to climate change, which leads to more extreme weather and storm surges that have inundated New Orleans. Last year, Rodgers received a $300,000 novelty check from Charles Rice, the Entergy CEO, to administer the utility's "Power to Care" program.

Richard Arnold, the director of communications and development at Covenant House New Orleans, said that he was speaking on the youth center's behalf and also as a city resident.

“I’d like to echo the prior comments about Entergy’s commitment to our community but also just add personally that I am very much in favor of investing in renewables, but I don’t think it’s an either-or. I think it’s a both-and. I think natural gas is an ideal bridge fuel that will help us get to our long-term renewable goals because it’s clean, and it’s cheap, and its regionally abundant, so I support the plant, thank you.”

Arnold did not disclose that Covenant House was a 2016 grantee of Entergy for an unknown sum of money. The charity also received $10,000 from Entergy in 2011.

The CEO of the YMCA of Greater New Orleans, Gordon Wadge, said that “Entergy is a faithful corporate partner and puts great thought into all of the efforts that they get behind in our community, and so I think that same great thought translates into the work that they will put into this new power plant, and I’m grateful to have Entergy in this community.”

The Entergy Charitable Foundation gave the YMCA of Greater New Orleans $25,000 for adult education services in 2016 and again in 2017, according to its tax filings.

Other organizations simply lavished praise on the utility itself, without mentioning the gas plant. Michael Williamson, the President and CEO of the United Way of Southeastern Louisiana, talked about Entergy’s donations to its efforts:

“Thank you Council Members and thank you to Charles Rice for inviting me to speak on behalf of Entergy’s long-standing commitment to our community.” Rice was CEO of Entergy New Orleans at the time.

“On last Thursday, Entergy dedicated another $1 million to the new Prosperity Center and its mission to lift individuals and families out of poverty and into financial stability,” Williamson continued, referring to the J. Wayne Leonard Prosperity Center, which is named after Entergy’s previous CEO. “The bottom line is Entergy is committed to creating a stronger, more prosperous and more equitable New Orleans. United Way is grateful to Entergy — to call Entergy a partner in our fight to build better and brighter futures for all.”

FirstEnergy

FirstEnergy Corporation's regulated electric distribution companies provide service to 6 million customers in Maryland, Ohio, New Jersey, Pennsylvania, and West Virginia. FirstEnergy Solutions, a bankrupt subsidiary, is a competitive electricity supplier that also serves millions of customers in those same states and Michigan.

Basic Facts:

1. **EPI estimate of FirstEnergy's total charitable giving in most recent 5 years:** $28,312,221[47]
2. **Name of Foundation:** FirstEnergy Foundation
3. **FirstEnergy Foundation Giving (2013-2017):** $28,312,221
    a. 2017: $6,361,732
    b. 2016: $5,388,098
    c. 2015: $5,904,445
    d. 2014: $5,556,543
    e. 2013: $5,101,403
4. **Corporate Charitable Giving (2013-2017):**
    a. FirstEnergy recently published its first Corporate Responsibility Report in a number of years. The FirstEnergy Foundation "awarded $54 million in grants over the past decade," according to the report. The report also said the foundation gave "$6.6 million in 2017 and $5.8 million in 2017," but did not list total grants for 2013-2015.
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings: $13,268,156[48]
        i. 2017: $1,905,650
        ii. 2016: $1,778,027
        iii. 2015: $1,374,226
        iv. 2014: $1,250,679
        v. 2013: $6,965,151
    c. While outside of the 2013-2017 scope of this report, FirstEnergy subsidiaries' reporting of donations to FERC rose to $27,239,980 in 2018, of which more than $15 million was donated by the Ohio Edison Company.

       The FirstEnergy Foundation reported making just over $8 million in grants and contributions on its annual Form 990 report to the IRS.
5. **FirstEnergy Foundation President:**
    a. Dolores "Dee" J. Lowery, vice president of corporate affairs and community involvement, FirstEnergy Corp.

47 Estimate based on the total giving reported by the FirstEnergy Foundation on its annual Form 990 reports to the IRS for 2013-2019

48 Based on total "Donations" reported on FERC Form 1 or Form 60 reports filed by the following FirstEnergy subsidiaries, which are listed with their total donations for 2013-2017: American Transmission Systems, Incorporated ($316,451); Cleveland Electric Illuminating Company ($659,866); Jersey Central Power & Light Company ($792,616); Monongahela Power Company ($4,990,214); Metropolitan Edison Company ($855,398); Ohio Edison Company ($246,538); Pennsylvania Electric Company ($795,320); Pennsylvania Power Company ($234,015); Potamac Edison Company ($1,834,445); Toledo Edison Company ($110,026); Trans-Allegheny Interstate Line Company ($37,556); West Penn Power Company ($771,948); FirstEnergy Service Company ($1,623,763)

6. **FirstEnergy Foundation Board of Directors:**
   a. Leila L. Vespoli, Executive Vice President of Corporate Strategy, Regulatory Affairs, and Chief Legal Officer, FirstEnergy Corp. (Retired in 2019)
   b. Ebony L. Yeboah-Amankwah, Vice President, Deputy Chief Counsel, Corporate Secretary, and Chief Ethics Officer, FirstEnergy Corp. Previously vice president and executive director of state and federal regulatory legal affairs
   c. Steven E. Strah, Senior Vice President and Chief Financial Officer, FirstEnergy Corp.
   d. Steven R. Staub, Vice President and Treasurer, FirstEnergy Corp. Treasurer, FirstEnergy Corp. Political Action Committee
   e. Daniel M. Dunlap, Assistant Corporate Secretary, FirstEnergy Corp.
   f. Jennifer L. Geyer, Director of Administrative Services, Firstenergy Corp.
   g. Samuel Belcher, Senior Vice President and President, FirstEnergy Utilities

Examples of FirstEnergy using charitable giving to manipulate policy:

United Way:

"Since 2001, the FirstEnergy Foundation, employees and retirees have contributed nearly $35 million to United Way campaigns in Ohio, Pennsylvania and New Jersey - helping to ensure the safety and health of the communities we serve," according to FirstEnergy Corp.'s website.

Charles E. Jones, the CEO of FirstEnergy Corp., pointed to his company's support for United Way in 2017, when he asked state lawmakers to support a bill to bail out FirstEnergy's nuclear power plants in Ohio.

"I believe it's important to understand what's at stake, so let me share just a few of the many benefits that Ohio's two nuclear facilities – Davis-Besse and Perry – bring to our customers, communities and the environment," Jones said.

"Over the past 10 years, support provided by Davis-Besse and Perry employees and the FirstEnergy Foundation totaled more than $24 million to local United Way chapters and more than $2.1 million to the Harvest for Hunger campaign," he said.

That bill failed, but it would have cost Ohio consumers $300 million per year to bail out the two nuclear power plants, far more than the amount FirstEnergy donated to United Way over a decade. A later Ohio bill, HB 6, that became law in 2019, will force the state's consumers to pay around a billion dollars to bail out the same plants between 2021 and 2027.

Some United Way chapters that have received funding from FirstEnergy have supported proposals to bail out the utility's coal and nuclear power plants. In doing so, they have generally focused on the benefits made possible by FirstEnergy's financial contributions to their organizations, which are small compared to the costs consumers would pay to bail out the plants.

In 2017, the Pennsylvania-based United Way of Beaver County (UWBC) submitted comments to the Federal Energy Regulatory Commission (FERC) in support of Secretary of Energy Rick Perry's proposal to bail out coal and nuclear power plants.

"The employees and corporate donations of the First Energy Nuclear Power Plant and the Bruce Mansfield Coal Generation Plant make up almost 15% of the annual donations of the United Way of Beaver County," Michael J. Rubino, executive director of UWBC said in the comments. "In dollars that is approximately $120,000 annually to help provide aid to thousands of people in Beaver County PA."

A Beaver County Times news article included a similar quote from Rubino, and cited a spokesperson for FirstEnergy who said the utility and it employees gave around $653,000 to the UWBC over five years.

Robi Lombardo, FirstEnergy's external affairs manager for Beaver County, serves on the UWBC's board of directors. The FirstEnergy Foundation gave the UWBC $43,805 in 2017.

FERC later rejected Perry's proposal, which according to one analysis by the Brattle Group could have cost consumers as much as $34 billion.

United Way of Jefferson County (UWJC), located in Ohio, submitted similar comments supporting the same proposal in 2017, and received $6,889 from the FirstEnergy Foundation that same year. FirstEnergy's Sammis coal-fired power plant is located in the county.

"The continued operation of baseload coal and nuclear power plants translates into safer and more prosperous communities," UWBC and UWJC both said in their comments to FERC.

Coal-fired power plants are a top source of harmful air pollution and greenhouse gas emissions. The Bruce Mansfield and Sammis coal-fired power plants are included in a list of "super polluters" compiled by the Center for Public Integrity.

The United Way of Lawrence County (UWLC) also filed comments backing Perry's 2017 proposal to bail out coal and nuclear plants, and received $16,107 from the FirstEnergy Foundation that year. John Greenwood, FirstEnergy's external affairs manager for Lawrence County, serves on UWLC's board.

United Ways have supported other proposals to bail out FirstEnergy's power plants.

UWBC is currently listed as a member of Nuclear Powers Pennsylvania, a group backed by FirstEnergy Solutions that supports state legislation to bail out nuclear power plants in Pennsylvania.

In 2014, UWJC supported FirstEnergy's Electric Security Plan in comments to Ohio Governor John Kasich and the Public Utilities Commission of Ohio. UWJC said the plan would "help ensure the continued operation" of the Sammis coal plant, and voiced appreciation for FirstEnergy's investments in the community.

The Greater Abyssinia Baptist Church

The Greater Abyssinia Baptist Church, located in Cleveland, received $100,000 each year from the FirstEnergy Foundation in 2016 and 2017. Rev. E. Theopolis Caviness, the church's pastor, has gone to bat for FirstEnergy on a number of occasions.

In 2016, Caviness was the lead signer on a letter from the Cleveland Clergy Council to Governor Kasich supporting FirstEnergy's Electric Security Plan.

“Dating back to May of 2015, our coalition of urban ministers had various concerns regarding FirstEnergy’s Electric Security Plan,” Caviness wrote in the letter. “In fact, several of our members marched in protest at FirstEnergy's Annual Shareholders Meeting.”

They decided to support the utility’s plan only after meeting with FirstEnergy’s CEO, according to the letter, which listed Caviness as the Cleveland Clergy Council’s chair.

“FirstEnergy's CEO Chuck Jones graciously invited our leadership to the company's Akron headquarters and laid out all the specifics of its proposal, including generous support for low income customers, a strong commitment to environmental justice, and protection for thousands of Ohio jobs,” Jones wrote.

Cleveland Scene later reported that, “Caviness said in an interview that Kasich responded by mail expressing surprise that an anti-poverty group was backing a corporate giant, and said he had forwarded Caviness' concerns to the PUCO.”

The Ohio Consumers’ Counsel called the plan a “bailout” for FirstEnergy, and estimated it would cost consumers $3.9 billion over eight years. Environmental groups also opposed the plan, because it put consumers on the hook for bailing out uncompetitive coal plants owned by FirstEnergy.

Another rider included in the plan was eliminated by the Ohio Supreme Court in 2019, but not before it cost FirstEnergy customers $168-$200 million per year - money that will not be refunded due to a loophole in Ohio law that benefits the state’s utilities.

In 2017, another member of the Cleveland Clergy Council supported a state bill to bail out FirstEnergy’s nuclear plants with testimony before the Ohio House Public Utilities Committee. The testimony was delivered to the committee’s chair before the hearing by Ty Pine, a lobbyist for FirstEnergy, along with other proponent testimony. Caviness’s name was listed on the testimony as the group’s dean of ministries.

The Cleveland Clergy Council was also listed as a member of Ohioans for Clean Energy, a front group that supported bailouts for FirstEnergy’s nuclear plants.

Caviness was also the president of the Greater Cleveland Chapter of the Southern Christian Leadership Conference in 2017, when he invited FirstEnergy’s CEO to speak at the group’s annual Martin Luther King, Jr. Gala held at Caviness’s church.

At the event, Jones recalled the rocky start to his relationship with the audience.

“It started out, I’m in this job for four months,” Jones said. “I have an annual meeting of shareholders down in Akron, where you have to stand up and do this and talk to all the owners of your company, and as I was walking into the building, there were a couple busloads of maybe some of you, getting out on the sidewalk, with signs.”

Jones chalked up the mending of that rocky relationship to the kind of meetings Caviness had mentioned in his 2016 letter to Governor Kasich. Jones also said that when he was invited to speak at the event, Caviness told him that “you don’t have to bring money.”

Photo: FirstEnergy CEO Chuck Jones presents a check to Rev. E. Theopolis Caviness. Source: The Greater Abyssinia Baptist Church YouTube.

"That was the humbling part for me, because I get invited to a lot of things that I'm getting invited only because I am the CEO of FirstEnergy, and only because FirstEnergy has a foundation that supports a lot of different things, and only because FirstEnergy can write checks, and if they can get to me they usually can get a check," Jones said.

"In the House of the Lord here, I am going to need a little forgiveness here because I didn't listen to you," Jones continued, before presenting Caviness with a $25,000 check for the SCLC's scholarship fund.

Cleveland NAACP reverses support for FirstEnergy

In 2015, the Cleveland branch of the NAACP announced its support for FirstEnergy's Electric Security Plan. Rev. Caviness was quoted in the press release, which was posted on PR Newswire by FirstEnergy.

Two years later, the Cleveland branch of the NAACP supported Rick Perry's proposal to bail out coal and nuclear power plants in comments to FERC.

"First Energy contributes $25,000 each year to our organization, and also supports other organizations like the United Way, Salvation Army, Habitat for Humanity and Red Cross," Danielle Syndor, then chair of the Cleveland NAACP Branch's economic development committee, wrote in the group's comments to FERC.

"The continued operation of baseload coal and nuclear power plants translates into safer and more prosperous communities," the Cleveland NAACP Branch comments also said, the exact same line found in comments filed by the United Way chapters, as mentioned earlier.

Kent Whitley, the environmental justice chair for the Cleveland NAACP, later reversed course on the comments supporting Perry's proposal in an interview with the Energy News Network. He said the comments would not reflect the branch's position "moving forward."

"Smoke goes somewhere," Whitley said. "You've got problems with asthma. You've got problems with heart disease. You have a whole bunch of issues that come from a coal plant."

In 2019, the national NAACP released a report, "Fossil Fueled Foolery," that exposed how fossil fuel and utility "companies target the NAACP for manipulation and co-optation."

"... if you do take fossil fuel company money, don't allow it to sway you for standing up for justice for your community and don't allow them to use your name or reputation as a cover or legitimization for their deeds," the report recommended.

The list goes on...

Other non-profit organizations have also received funding from FirstEnergy and backed proposals to bail out the utility's coal and nuclear power plants.

In 2019, Laura Jones, the executive director of Leadership Ashtabula, provided testimony in support of the bill that bailed out the Davis-Besse and Perry nuclear power plants in Ohio, which are now operated by the bankrupt FirstEnergy Solutions.

Leadership Ashtabula also submitted comments to FERC supporting Perry's 2017 bailout proposal. The group received $4,000 from the FirstEnergy Foundation in 2017.

Beth Hannam, executive director of the Sandusky County Economic Development Corporation (SCEDC), testified in support of the 2019 bailout bill. The SCEDC received $3,000 from FirstEnergy Foundation in 2017.

A metadata analysis found the name of an outside lobbyist for FirstEnergy Solutions at the Dewey Square Group listed as the "author" of Hannam's testimony.

Hans Rosebrook, for FirstEnergy Corp., serves on the SCEDC's board of directors and capital campaign and strategic plan committee.

Applicants for grants from the FirstEnergy Foundations are encouraged to contact the local external affairs manager for FirstEnergy for their community. The company's external affairs managers serve in leadership roles in some of the nonprofits the foundation funds.

NextEra Energy

NextEra Energy is an international utility company based in Florida. It serves approximately 4.9 million customer accounts in Florida via its retail utility, Florida Power and Light.

Basic Facts:

1. **EPI estimate of NextEra Energy's total charitable giving in most recent 5 years (2013-2017):** $44,020,196[49]
2. **Name of Foundation:** NextEra Energy Foundation
3. **NextEra Energy Foundation Giving (2013-2017):** $10,007,430
    a. 2017 - $3,407,214
    b. 2016 - $1,907,431
    c. 2015 - $1,706,528
    d. 2014 - $1,563,367
    e. 2013 - $1,492,890
4. **Corporate Charitable Giving (2013-2017):***
    a. Sum of total giving according to NextEra's annual Corporate Responsibility Executive Digest: $42,900,000
        i. 2017: $13,000,000[50]
        ii. 2016: $15,000,000[51]
        iii. 2015: $8,900,000[52]
        iv. 2014: $6,000,000[53]
        v. 2013: Unknown
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 filings: $19,669,170
        i. 2017: $8,062,925
        ii. 2016: $1,964,397
        iii. 2015: $4,575,751
        iv. 2014: $2,945,901
        v. 2013: $2,120,196
5. **NextEra Energy Foundation Executive Director:**
    a. None listed
6. **NextEra Energy Foundation Board of Directors:**
    a. John W. Ketchum, President, NextEra Energy Partners
    b. Rebecca J. Kujawa, Chief Financial Officer and Executive Vice President of Finance, NextEra Energy
    c. James L. Robo, President and CEO, NextEra Energy
    d. Charles E. Sieving. Executive Vice President and General Counsel, NextEra Energy
    e. Eric Silagy, President and CEO, Florida Power & Light

49 Estimate based on 990s and CSR reports 2014 - 2017 (CSR methodology for totals is not clear but may include Foundation giving, so the total range would be between 44,020,196 - 54,027,626, depending on whether foundation giving is included or not); FERC Form 1 for 2013
50 NextEra disclosed "more than $13 million"
51 NextEra disclosed "$15 million", did not indicate if this is rounded figure
52 NextEra disclosed $8.9 million in "sponsorships and donations" in its "Global Reporting Initiative Index"
53 NextEra disclosed "Almost $6 million"

*NextEra's giving totals from corporate responsibility reports differ from giving reported to FERC as well as information currently posted on its website (screenshot below). For example, the 2016 Corporate Sustainability Report stated that employees and the company donated $15 million in 2016; NextEra's website states the figure is just over $12 million, and its FERC Form 1 donations are listed at nearly $2 million. The reason for the discrepancies is not clear, although some of the reported totals seemed to also include donations made through NextEra's employee donation program.

NEXTera ENERGY

OUR COMPANY | SUSTAINABILITY | INVESTOR RELATIONS | NEWSROOM | CAREERS

Profile | Environment | Customers | **Communities** | Employees

Communities	2014	2015	2016	2017	2018
Volunteer hours	54,075	70,000	85,112	88,790	85,000
Total contribution (donations, sponsorships and employee contributions)	$10,981,356	$12,774,801	$12,308,826	$13,830,536	$13,755,679

Examples of NextEra using charitable giving to manipulate policy:

Energy Efficiency

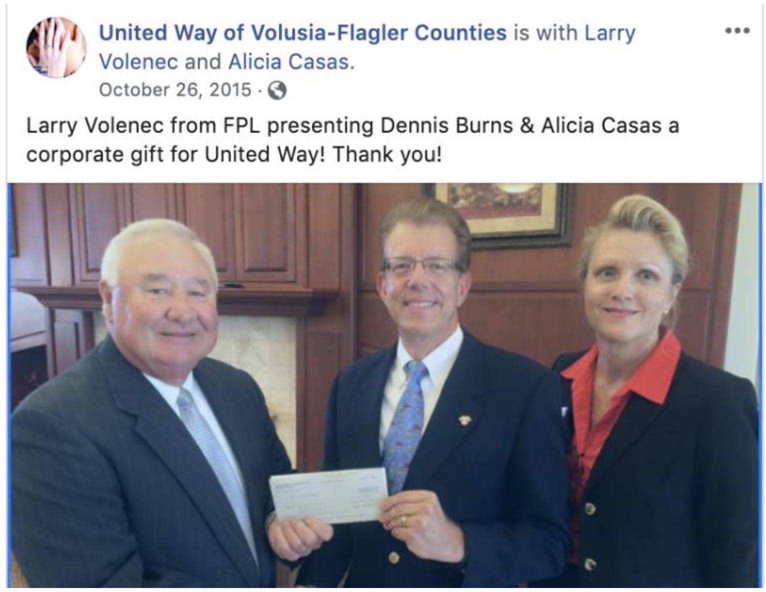
In June of 2019, Broward County was considering a resolution that would recommend that the Public Service Commission (PSC) set meaningful energy efficiency goals for the investor-owned utilities in Florida, which would include Florida Power and Light (FPL). The resolution was in relation to the 2019 Florida Energy Efficiency and Conservation Act (FEECA) proceedings which were currently underway, and in which FPL had proposed a goal of nearly zero. FPL was not supportive of higher efficiency goals, such as the ones suggested in the resolution. When the item was presented for public comment and discussion at the County Commission meeting, the majority of the speakers who signed up to speak on the topic were either employed by FPL or connected to organizations that receive some form of support from FPL, including Broward Legal Aid and the Broward Urban League.

Picture from Broward County Commission Video shows Broward Urban League President and CEO Germaine Smith-Baugh speaking out against the energy efficiency resolution.

Those speakers stated that energy efficiency goals would make electric rates go up, and so asked the board not to approve the resolution. As a result, the resolution was voted to be deferred until the next meeting two months later before the sponsor of the resolution, Commissioner Nan Rich (Former Senator), was allowed to present her thoughts on the merits of energy efficiency goals. FPL external affairs manager Jouliet Rhoulac argued that energy efficiency programs as outlined in the resolution would especially harm low-income customers, despite section four of the resolution specifically addressing this concern, stating that programs should be designed in a manner that assist low- to moderate-income households. The resolution did ultimately pass two months later, with one no vote.

2016 Rate Increase

In 2016, Florida Power and Light came before the Public Service Commission (PSC) requesting a $1.3 billion dollar rate increase. As part of the rate case process, the PSC held a series of public hearings around the state to receive public comment for its consideration. All public comments at these hearings become part of the official case docket and had to be considered by the PSC. Several FPL customers connected to community and charity groups that receive support from the NextEra Energy Foundation and from FPL itself lined up at each hearing to speak out in support of FPL, while the vast majority of the public comments, as well as the comments submitted to the docket in writing from customers, spoke out explicitly against the increase. The majority of customers who spoke in favor of the rate increase also indicated that they were asked by FPL, or by a friend or family member who worked at FPL, to attend and share their comments. At the Fort Lauderdale hearing, Marlene Santos, a Vice President of Customer Service at FPL, opened the hearing with a statement explaining the $1.3 billion dollar rate increase. In her comments, she emphasized the vast amount of work that FPL does in the community, citing partnerships with local public schools, a non-profit called Young At Art Museum, and local libraries.



At the Fort Myers hearing, Carrie Blackwell Hussey, a United Way employee, was careful to include the phrase “I can’t speak to any rate hikes” but shared that United Way and FPL enjoyed a “terrific partnership.” According to the 990 forms for the NextEra Foundation alone, not counting any direct contributions from NextEra Energy, that partnership involved nearly $2 million dollars in contributions to United Way chapters over the five year period of 2013-2017. The bulk of the contributions went to the Palm Beach and Broward County chapters, with their annual amount consistently being reported as $100,000 to Palm Beach and $85,000 to Broward. NextEra Foundation president and FPL CEO Eric Silagy is also a regular speaker at United Way galas and events.

Table: Contributions from NextEra Foundation to multiple Florida United Way chapters, 2013 - 2017, as reported in NextEra Foundation 990 forms

Year	Amount
2013	$432,000
2014	$359,000
2015	$351,800
2016	$365,200
2017	$352,000
5 Year Total to United Way from Foundation	*$1,860,500*

There are many additional examples of charities and non-profit organizations who have received monetary support from FPL attending the rate hearings and providing supportive comments. The Office of Public Counsel often asked speakers to identify if they received support from FPL and if they were asked to attend by FPL, although those questions were not asked with 100% consistency. Thanks to the questions from the Office of Public Counsel, the public was able to hear that many organizations present in support of FPL received some form of funding or support from FPL.

Several Chamber of Commerce chapters were well represented, mostly present to remind the PSC of the charitable work that FPL does, while declining to explicitly state their support of the rate increase. FPL CEO Eric Silagy is a board member of the Florida Chamber of Commerce Foundation, and FPL made a $150,000 commitment to the organization in addition to $100,000 contributions in 2016 and 2017, as reported on the NextEra Foundation 990. Dennis Grady, CEO of the Chamber of Commerce of Palm Beaches, stated his support of FPL and thanked FPL for its support while noting that many of the leadership roles on the chamber are filled by FPL employees. When the rate hearing took place in Miami, the Coral Gables chapter president Mark Towbridge thanked FPL for its sponsorship of the annual Commerce Education Breakfast and stated that FPL supported more than 1,500 non-profits, donating $5.7 million to these efforts, as well as an additional $3.9 million from employees.

FPL received additional supportive testimony from smaller, local charitable efforts that receive financial support from the utility throughout the rate hearings. Seafarers House is one example. Ron Perkins, Chaplain at the Seafarer's House, a non-profit ministry that works with seafarers in the port area, stated that he had been made aware of the rate increase hearing by FPL employees and that he was there to share his support of the proposed rate increase. Perkins verified that FPL directly supports their organization financially in his testimony. In Lee County, non-profit Community Cooperative is another example. Community Cooperative Director of Development Stefanie Ink spoke out in support of the rate increase explicitly, stating that she was providing comment on behalf of the non-profit. She stated that FPL has been a great supporter of theirs. She clarified that this included financial support.

Southern Company

Southern Company is a utility company that serves 4.68 million electric customers and 4.248 million gas customers across Alabama, Georgia, Mississippi, Tennessee, Virginia, and Illinois.

Basic Facts:

1. **EPI estimate of Southern's total charitable giving in most recent 5 years (2013-2017):** $209,214,246.45[54]
2. **Names of Foundations:**
    a. Alabama Power Foundation
    b. Georgia Power Foundation
    c. Mississippi Power Foundation
    d. Southern Company Gas Foundation
    e. Southern Company Foundation
3. **Southern Company-Affiliated Foundation Giving (2013-2017):** $140,150,574.93
    a. 2017: $26,828,283.18
    b. 2016: $31,623,572.48
    c. 2015: $33,814,025.27
    d. 2014: $26,559,737.00
    e. 2013: $21,324,957.00
4. **Corporate Charitable Giving (2013-2017):**
    a. Sum of total corporate giving in most recent 5 years according to Corporate Social Responsibility reports: $69,063,671.52
        i. 2017: $51,687,244.00[55]
        ii. 2016: $17,376,427.52[56]
        iii. 2015: Did not report
        iv. 2014: Did not report
        v. 2013: Did not report
    b. Sum of total charitable giving in most recent 5 years according to FERC Form 1 and Form 60 filings (including all subsidiaries): $133,992,895.00
        i. 2017: $32,059,222
        ii. 2016: $17,548,034
        iii. 2015: $26,866,136
        iv. 2014: $32,177,867
        v. 2013: $25,341,636
5. **Southern Company-Affiliated Foundation Leadership:**
    a. Alabama Power Foundation: Myla Calhoun, Vice President of Charitable Giving, Alabama Power
    b. Georgia Power Foundation: Michael K Anderson, Senior Vice President, Georgia Power

54 EPI estimate based on a combination of Southern's corporate sustainability reports and Form 990s filed with the IRS. In some cases, EPI subtracted IRS Form 990 data from corporate sustainability reports because the CSR reports contained both charitable and corporate giving and in some cases the CSR reports contained only corporate giving.

55 Southern Company's 2017 CSR report only cites corporate giving and not charitable giving.

56 Southern Company charitable giving reported on IRS Form 990s was subtracted from the amount included in its 2016 CSR report to leave corporate giving remaining.

c. Mississippi Power Foundation: Rodger Meinzinger, Manager Community Affairs, Mississippi Power
d. Southern Company Gas Foundation: Elizabeth W Reese, Executive Vice President of Southern Company Services Shared Services
e. Southern Company Foundation: Michael K Anderson, Senior Vice President, Georgia Power

6. **Southern Company-Affiliated Foundation Boards of Directors:**
    a. Alabama Power Foundation:
        i. Myla Calhoun, President, Alabama Power Foundation
        ii. Celia Shorts, Assistant Secretary, Alabama Power
        iii. Kimberly Jackson, Assistant Corporate Secretary, Alabama Power
        iv. Christopher Blake, Assistant Treasurer, Alabama Power
        v. Richard King (separated), Director of Charitable Giving, Alabama Power
        vi. Zeke Smith, Executive Vice President of External Affairs, Alabama Power
        vii. Anita Alicorn-Walker, Vice President and Comptroller, Alabama Power
        viii. Gregory Barker, Executive Vice President, Customer Services, Alabama Power
        ix. Alexia Borden, Senior Vice President and General Counsel, Alabama Power
        x. Matt Bowden (deceased), ex-Senior Vice President and General Counsel, Alabama Power
        xi. Susan Comensky, Vice President, Environmental Affairs, Alabama Power
        xii. Stephanie Cooper, Vice President of Public Relations, Alabama Power
        xiii. Mark Crews, Vice President Western Division, Alabama Power
        xiv. Mark Crosswhite, Chairman, President and CEO, Alabama Power
        xv. John Hudson III, Executive Vice President, Chief External and Public Affairs Officer, Southern Company Gas
        xvi. Gordon Martin, Senior Vice President of Corporate and Administrative Services, Alabama Power
        xvii. Jeff Peoples, Senior Vice President Employee Services and Labor Relations, Alabama Power
        xviii. Jonathan Porter, Senior Vice President, Customer Operations, Alabama Power
        xix. Phillip Raymond, Executive Vice President, CFO and Treasurer, Alabama Power
    b. Georgia Power Foundation:
        i. Rita Breen, Customer Satisfaction Manager, Georgia Power
        ii. Roger Steffens, Director of Trust Finance, Southern Company
        iii. Valerie Searcy, Associate Executive Director, Georgia Power
        iv. Brad Gates, Director of Private Markets, Southern Company
        v. W. Craig Barrs, Executive Vice President, Operations, Georgia Power
        vi. Pedro Cherry, Executive Vice President, Customer Service and Operations, Georgia Power
    c. Mississippi Power Foundation:
        i. Nicole Faulk, Vice President of Customer Service and Operations, Mississippi Power
        ii. Sherry Wescovich, Community Affairs Specialist, Mississippi Power
        iii. John Atherton, Vice President of Public Relations (ret.), Mississippi Power
        iv. Rodger Meinzinger, Manager, Community Affairs, Mississippi Power
        v. Moses Feagin, Vice President, Treasurer, and Chief Financial Officer, Mississippi Power
        vi. Vicki Pierce, Corporate Secretary and Assistant Treasurer, Mississippi Power

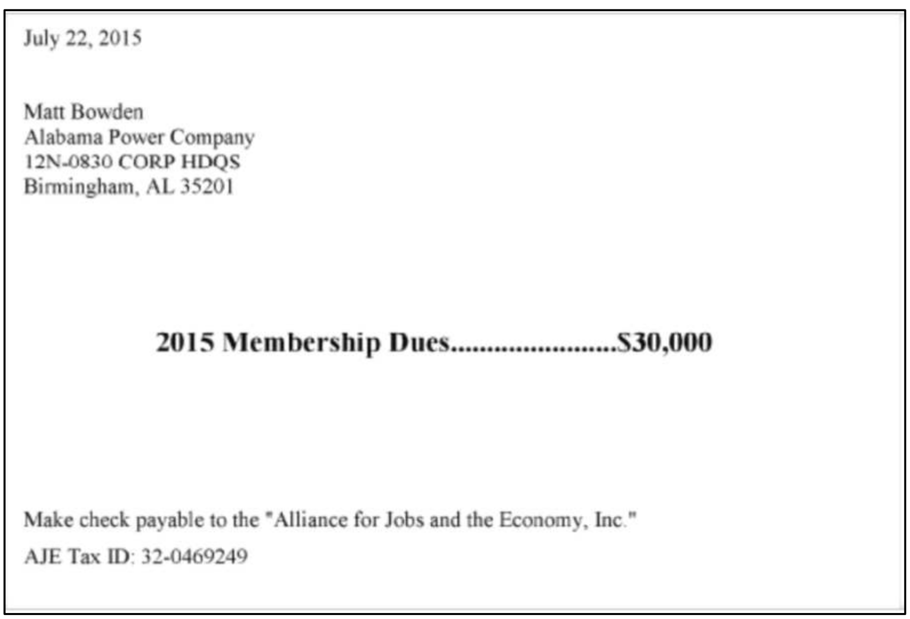
vii. Billy Thornton, Vice President of External Affairs and Shared Services, Mississippi Power

d. Southern Company Foundation:
   - i. Michael K Anderson, Senior Vice President, Georgia Power Foundation & Charitable Giving, Georgia Power
   - ii. Christopher C Womack, Executive Vice President and President, External Affairs, Southern Company
   - iii. Mark S Lantrip, President & Chief Executive Officer, Southern Company Services
   - iv. Arthur M Beattie, ex-Chief Financial Officer, Southern Company

e. Southern Company Gas Foundation:
   - i. Elizabeth W. Reese, Executive Vice President and Chief Financial Officer, Southern Company Gas
   - ii. Myra C. Bierria, Vice President, Corporate Secretary, and Securities Counsel, Southern Company Gas

Examples of Southern Company using charitable giving to manipulate policy:

In 2015, the Alliance for Jobs and the Economy (AJE) and Oliver Robinson, through the Oliver Robinson Foundation, waged a public disinformation campaign to convince residents of Tarrant and Inglenook, Alabama not to have their soil tested by the EPA for toxins related to a Drummond Coal Company facility. Robinson is a former Alabama representative who was convicted of felony bribery charges over the affair.


July 22, 2015

Matt Bowden
Alabama Power Company
12N-0830 CORP HDQS
Birmingham, AL 35201

2015 Membership Dues.......................$30,000

Make check payable to the "Alliance for Jobs and the Economy, Inc."
AJE Tax ID: 32-0469249

AJE, a 501(c)(6) non-profit organization, was funded by Alabama Power, among others, according to federal court documents. Alabama Power's Matt Bowden, now deceased, was invoiced $30,000 for the utility's 2015 AJE membership dues. Alabama Power, Drummond Coal Company, and other polluters fought the EPA's soil testing fearing the results would lead to corporate liability for contamination.

Balch and Bingham partner Joel Gilbert was later convicted on six federal charges including conspiracy, bribery, three counts of honest services wire fraud, and money laundering. Balch and Bingham is the lead law firm for Alabama Power. Current Alabama Power CEO Mark Crosswhite previously spent 17 years working for Balch and Bingham, eventually becoming a partner.

Southern Company has used its various charitable arms to endow professors at universities throughout its service territory, such as a "Georgia Power Professor of Environmental Remediation & Soil Chemistry" at the University of Georgia, and the "Mississippi Power Professorship in Electrical and Computer Engineering" at Mississippi State University. The University of Southern Mississippi offers the "Mississippi Power Endowed Scholarship" to undergraduate students pursuing degrees in the marketing and public relations fields, as opposed to energy or engineering fields. Similar tactics have been used by the Koch Brothers in order to "inculcate the next generation with a philosophy like their own," according to a report by the Center for Public Integrity.

Alabama Power received a "2019 Stars of Energy Efficiency" award from the Alliance to Save Energy. In the company's news release touting the award, it did not disclose Chris Womack's position on the board of directors. Alabama Power ranks as the worst utility in the southeast for energy efficiency performance, according to a report from the Southern Alliance for Clean Energy.