

## DOCKETED

<b>Docket Number:</b>	16-OIR-01
<b>Project Title:</b>	General Rulemaking Proceeding for Developing Regulations, Guidelines and Policies for Implementing SB 350 and AB 802
<b>TN #:</b>	221886
<b>Document Title:</b>	Greenlining Comment Re SB350 Advisory Group Charter
<b>Description:</b>	N/A
<b>Filer:</b>	System
<b>Organization:</b>	The Greenlining Institute
<b>Submitter Role:</b>	Public
<b>Submission Date:</b>	12/1/2017 4:29:35 PM
<b>Docketed Date:</b>	12/1/2017

*Comment Received From: Lisa C. Hu*

*Submitted On: 12/1/2017*

*Docket Number: 16-OIR-01*

**Greenlining Comment Re SB350 Advisory Group Charter**

*Additional submitted attachment is included below.*

## **COMMENTS OF THE GREENLINING INSTITUTE ON THE CPUC/CEC JOINT STAFF DRAFT PROPOSAL FOR THE SB 350 DISADVANTAGED COMMUNITIES ADVISORY GROUP STRUCTURE AND FRAMEWORK**

The Greenlining Institute (Greenlining) welcomes the opportunity to provide additional comments on the California Public Utilities Commission's (CPUC) and California Energy Commission's (CEC) Joint Staff Draft Proposal for the structure, roles, and responsibilities of the Disadvantaged Communities Advisory Group (DCAG) established by Senate Bill 350 (De León, 2015). Greenlining's comments here focus on the eligibility and membership criteria, selection process, duties, and scope of the DCAG, in order to ensure the DCAG is set up to best represent the voices, interests, and experiences of those living in DACs as California achieves its ambitious energy goals.

### **Comments on Draft Proposal**

In response to the Commission's proposed charter for adoption on December 14, 2017, Greenlining offers the following recommendations:

#### **ARTICLE 2: PURPOSE**

##### **2.1 Purpose**

###### **Guiding Principles of DCAG**

Greenlining urges the Commission to amend the staff proposal outlining the DCAG purpose and guiding principles. While Greenlining agrees that the governing directive of the DCAG must be identifying impacts and benefits to DACs from a wide array of existing and proposed clean energy programs in response to SB 350, Greenlining wants to explicitly name the kinds of communities within DACs that DCAG members should highlight and represent.

Greenlining therefore recommends adding language to page 2, first paragraph, so it reads (recommended additions italicized): "In consideration of these principles, the Advisory Group shall review and advise the Commissions so that programs designed to benefit disadvantaged communities effectively reach low- *and moderate-income* households, *communities of color*, *limited-English proficient communities*, small businesses, and hard-to-reach customers (including rural and tribal communities) within disadvantaged communities."<sup>1</sup> Naming these groups explicitly ensures that DCAG members see each of these groups as their constituents within the wide DAC umbrella they have been selected to represent. Calling out these groups specifically also ensures the DCAG will consider the unique barriers each of these communities face, and best advise the CPUC and CEC in identifying and overcoming such barriers.

#### **ARTICLE 3: MEMBERSHIP**

##### **3.1 Members**

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<sup>1</sup> The Greenlining Institute. "Comments of the Greenlining Institute on the CPUC/CEC Joint Staff Draft Proposal for the SB 350 Disadvantaged Communities Advisory Group Structure and Framework." 15 Aug 2017. p.p.2.

### Eligibility Categories

Greenlining again recommends clearly articulating three qualification categories for DCAG candidates: (a) residents of a DAC; (b) employees of an organization representing a DAC; and (c) candidates who demonstrate clear expertise in environmental justice or economic justice issues but may neither reside in a DAC nor currently work for an organization representing a DAC. Candidates like retired academics, former elected officials or thought leaders could offer substantial relevant expertise that could greatly benefit residents of DACs and should qualify for the DCAG through a third category.

Greenlining therefore recommends changing the language on page 2, paragraph 3 to read (amendments italicized): “The Advisory Group shall be composed of 11 members from or representing disadvantaged communities. *Members must fulfill one of three qualification categories: (a) residency in a DAC; (b) employment by an organization representing a DAC; or (c) demonstrated experience and expertise on environmental justice or economic justice issues.*”

### Factors of DAC Diversity

Greenlining also recommends inclusion of other factors to best represent the diversity of California’s DACs. By specifically naming factors that typically translate into heightened vulnerability or barriers to entry into decision-making or advisory spaces, the Commissions can best ensure that DCAG members are equipped to anticipate, articulate, and problem-solve around barriers facing their communities. The criteria listed typically represent barriers of access for DACs; therefore, since the DCAG’s defined purpose is to represent and advocate for DACs, these criteria should be critical avenues to welcome underrepresented voices at the table. When selecting DCAG members, Greenlining urges the agencies ensure representation across the eligibility categories recommended above and the diversity factors recommended below.

Greenlining therefore offers the following additions to page 2, paragraph 3 (amendments italicized): “Members should represent the diverse nature of disadvantaged communities of the state and reflect the rural and urban, cultural and ethnic, and geographic regions of the state. *Members should also reflect the gender identity, racial identity, and linguistic diversity of the state.*”

## **3.3 Selection of Members**

### Application Materials

Greenlining supports the invitation for DCAG candidates to provide letters of support from organizations and constituencies. This documentation can demonstrate to the Commissions the nature and depth of a candidate’s engagement with and within a DAC; their ability to represent that community; and their accountability to residents of that community. Greenlining sees community trust and engagement as key factors for an impactful DCAG member.

### Additional Criteria for Selection

Greenlining recommends that the Commissions select a balance of DCAG members who are individual community members and residents, and DCAG members from organizations representing DACs. Both types of perspectives are critical for the DCAG to navigate lived experiences, on-the-ground impacts, implementation challenges, histories of oppression and exclusion in DACs, and the interconnected ways that policies and programs marginalize DACs, both in and outside the clean energy arena. Selected organizations should demonstrate the ability to effectively and authentically represent low and moderate-income households, communities of color, small businesses, and environmental justice and/or economic justice issues.

Greenlining also recommends the Commissions consider an applicant's length of residency in that DAC. Given the rampant gentrification and displacement hitting many urban DACs across California, Greenlining hopes that the Commissions will prioritize native or longer-term DAC residents in the DCAG selection process. Especially since many of the challenges facing DACs are intergenerational, cyclical, or systemic issues, Greenlining submits that longer-term DAC residents will offer more geographically-specific knowledge that can best benefit the DCAG as an advisory body. Native or longer-term residents of that DAC will also likely possess greater community trust, greater eye towards barriers and patterns, and innovative ideas for community engagement and community voice. Greenlining does not recommend length of residency as a specific eligibility criteria, but urges the Commissions to weigh this factor in their selection process.

### **3.4 Qualifications of Members**

#### Level of Technical Expertise

Greenlining reiterates that the purpose of the DCAG is to identify and articulate how various clean energy programs, initiatives, and investments will impact and benefit residents of DACs. Countless channels already exist for technical knowledge and legal expertise in this process. Requiring specific technical fluency or expertise in state energy policy, the utility industry, and/or state energy programs creates clear barriers to entry for already underrepresented voices. Particularly in light of the Commission's proposal for agency staff liaisons and legal liaisons from the CPUC's Legal Division and the Energy Commission's Chief Counsel's Office, who will both offer the legal expertise and knowledge of the state's energy programs, *technical or legal expertise should be neither an eligibility criteria nor a prioritized factor in selection of DCAG members.*

The advantage of the DCAG is to specifically capture the interests of DACs: therefore, Greenlining strongly recommends that *understanding of and ability to advocate for the perspective of the DACs they represent should outweigh technical expertise and knowledge as selection criteria.* This ability to represent the perspectives of DACs can stem from lived experiences, professional work, or both. The Commissions must explicitly state that technical and/or legal expertise are *not* expectations for DCAG members in order to invite and encourage DCAG residents and advocate to apply in the first place. Requiring, or even requesting, that DCAG members bring technical and/or legal expertise will prevent potential candidates from applying, even if they possess the kind of community engagement and lived experiences that would powerfully equip the DCAG. The top qualification for DCAG candidates must be their ability to represent DACs.

To this end, Greenlining recommends the following additions to the language on page 2, last paragraph: *"Members must demonstrate understanding of and a strong commitment to advocating for the DACs they represent.* Members must have interest or expertise sufficient to effectively discuss environmental, health,

and economic issues that arise in connection with advising the CPUC and the Energy Commission about clean energy programs. *Members are not required to offer technical knowledge or legal expertise.*”

#### **ARTICLE 4: DUTIES AND RESPONSIBILITIES**

##### **4.1 Duties**

###### **Scope of Work**

Greenlining agrees that the DCAG should review and advise on both proposed programs *and* existing programs, as noted on page 1, paragraph 2. For instance, existing energy efficiency programs accomplish SB 350 goals and carry clear impacts on DACs, but would not fall under the DCAG’s scope of work as set forth in the draft charter. The overarching goal of the DCAG is to communicate the interests of and impacts on DACs as California pursues its ambitious clean energy goals from SB 350 and other key legislation. The state will employ both new and existing programs to reach these goals; therefore, both should fall within the DCAG’s scope.

Therefore Greenlining recommends the following language change on page 5, item c (additions italicized): “Advise the commissions on key issues related to the design and implementation of *proposed and existing* Clean Energy programs, with respect to benefits and impacts in disadvantaged communities.”

While this amendment broadens the scope of the DCAG’s purview, Greenlining entrusts the prioritization of specific clean energy issues to the actual DCAG members, who can best advocate for their communities’ most pressing concerns.

#### **ARTICLE 5: MEETINGS AND RECORDS**

##### **5.1 General**

Since DCAG members will represent the diversity of California’s DACs, including geographic distribution, Greenlining again recommends that DCAG meetings rotate throughout the state each year. Even with the Commissions’ allocations for DCAG members’ transportation costs and per diems, inequities will otherwise likely arise in the distance each member must travel to attend meetings in-person. These inequities would likely most impact members from rural DACs, adding to the historical marginalization for these underrepresented voices—the very underrepresented voices that could contribute the most to the DCAG. Greenlining hopes that by rotating meeting locations, DCAG can meet three goals: (1) equitize travel expectations for Advisory Group members; (2) ensure DCAG members, agency staff, advocates, and other meeting attendees visit other communities across the state; and (3) invite in-person attendance and participation from community members throughout the state.

Greenlining therefore provides the following recommended language for page 6, paragraph 3: “The place, time, and location of each meeting shall be scheduled at the preceding meeting. *Meeting locations will rotate throughout the state, with the goal of holding at least one meeting each year within reasonable driving distance of all DAC residents.*”

Greenlining recommends the Commissions offer an option for DCAG members to participate remotely at most once a year. While Greenlining believes in the necessity of in-person meetings for the DCAG, allowing for remote participation will increase accessibility for DCAG members and ensure maximum participation from DCAG members. Ultimately, stronger and more consistent participation from DCAG members benefits both the CPUC and CEC, as well as the effectiveness of the DCAG as a body.

Greenlining therefore recommends this addition to page 6, paragraph 3: *“Advisory Group members are permitted to participate remotely at most once a year. Each meeting will accommodate this option.”*

#### **5.4 Proxies**

Greenlining recommends that the Commissions permit proxies to represent DCAG members in the event that a member cannot attend a meeting. Greenlining is concerned that foregoing proxies altogether deprives the Commissions from a critical voice for DACs and also short-changes DACs from an in-person report-back. These pieces are critical for accountability, community trust, and the ability of the DCAG to fulfill its purpose. For instance, if the DCAG tribal representative cannot attend a DCAG meeting, that member should send a proxy to ensure that tribal voices and perspectives are captured in the DCAG meeting and given the opportunity to vote. To deny that perspective from the DCAG meeting defeats much of the purpose of the Advisory Group in the first place and inhibits the DCAG’s ability to effectively advise the CPUC and CEC.

Greenlining therefore proposes changing the language on page 7, paragraph 3 to read: *“Members may be represented by a proxy at Advisory Group meetings. Members should propose an appropriate proxy upon application to the Advisory Group. Proxies should demonstrate knowledge of the same DAC population of the DCAG member they are representing. Proxies are afforded voting power.”*

Greenlining appreciates the tremendous work various staff members, advocates, and agency representatives have put into these draft materials. Greenlining appreciates the opportunity to offer these comments to the CPUC and CEC, and looks forward to the Commissions’ final resolution and charter for the Disadvantaged Communities Advisory Group.

Respectfully submitted,

    /s/      
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Dated: December 1, 2017