

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	236754-11
<b>Document Title:</b>	San Jose - 2019 2 Public Comments 4
<b>Description:</b>	Letters from the Public regarding San Jose Local Ordinance - Group 4 of 7
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/12/2021 11:21:30 AM
<b>Docketed Date:</b>	2/12/2021

**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, November 30, 2020 5:17 PM  
**To:** Agendadesk  
**Subject:** Fw: Natural Gas Infrastructure Prohibition Ordinance  
**Attachments:** 2020.11.30- San Jose Natural Gas Future of Work.pdf

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**From:** Steve Flores <[REDACTED]>  
**Sent:** Monday, November 30, 2020 4:57 PM  
**To:** District1 <[REDACTED]> District2 <[REDACTED]> District3 <[REDACTED]>  
District4 <[REDACTED]> District5 <[REDACTED]> District 6 <[REDACTED]> District7  
<[REDACTED]> District8 <[REDACTED]> District9 <[REDACTED]> District 10  
<[REDACTED]> The Office of Mayor Sam Liccardo <[REDACTED]> City  
Clerk <[REDACTED]>  
**Subject:** Natural Gas Infrastructure Prohibition Ordinance

[External Email]

Dear Mayor & Council:

Thank you for your leadership and efforts to adopt responsible measures to address climate change. It will take the commitment of all stakeholders to ensure that these policies allow us to reach the overarching goals of a healthy environment and economic equity. UA Local Union 393 embraces the realities of the future of work in the 21st century. Transitioning to new energy infrastructures must include the allowable restrictions outlined in the November 16th supplemental memo. Adopting these recommendations allows the City of San Jose to reach its Green Vision Goals while proactively identifying solutions to mitigate job loss due to a ban on natural gas. Working together with labor, environmental, and business groups, we can identify responsible alternatives that align with Climate Smart San José strategies for future citywide implementation.

Sincerely,

**Steve Flores**

Business Manager UA Local Union 393  
Plumbers, Steamfitters, Pipefitters & HVACR Service Technicians

[REDACTED] | San Jose, CA 95123

Office: (408) [REDACTED] x15

[www.ualocal393.org](http://www.ualocal393.org)



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years and growing stronger  
(Chartered in January 1904)

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PLUMBERS, STEAMFITTERS, PIPEFITTERS  
&  
HVAC/R SERVICE TECHNICIANS  
UA LOCAL UNION 393

Steve Flores  
*Business Manager*

Eric Mussynski  
*Assistant Business Manager*

November 30, 2020

The Honorable Sam Liccardo and Council  
200 E Santa Clara Street  
San Jose, CA 95113

Dear Mayor and Council:

The United Association and Local Union 393 recognizes the need to reduce GHG emissions to address global climate change and has supported GHG reduction efforts nationally, statewide, and locally. The electrification of buildings is a difficult issue for the UA for a number of reasons, including that it eliminates a substantial chunk of UA work and will result in the loss of good paying, middle class blue-collar jobs in San Jose and Santa Clara County.

California faces the dual and related threats of global climate change and drought. New buildings must be designed to address both these challenges. It's critical that city staff work with us to find a path for creating replacement jobs by recognizing the need to ensure that new buildings are not just less GHG- intensive, but also are water efficient.

We hope you will adopt this compromise so that we can more effectively meet the needs of local union construction workers and the urgency of the climate crisis.

Direct staff to:

- 1) Include the recommended exemptions in the Staff Memorandum from Kerrie Romanow dated 11/16/2020 in the Natural Gas Infrastructure Prohibition Ordinance.
- 2) Convene a Future of Work Workshop with key stakeholders from labor, business, and the environmental community to guide the City of San Jose's implementation of the following by March 31<sup>st</sup>, 2021:
  - a. **A Path for Just Transition Exists that Aligns with the Cities' Energy and Water Efficiency Goals.**
  - b. **A Ban on Natural Gas in New Buildings Eliminates an Entire Sector of Skilled Construction Work and Requires Adoption of Measures to Mitigate this Job Loss.**
    - i. Plumbers are going to bear the brunt of lost jobs from this ordinance. For that reason, we have asked the City of San Jose to move the effective date of the all-electric ordinance from August 1, 2021 to December 1, 2021 in order to reduce the gap between lost jobs and the creation of replacement jobs. Delaying the effective date will have a significantly positive impact on workers by allowing the timely mitigation of job impacts on those workers affected by this policy change.

The Honorable Sam Liccardo and Council  
200 E Santa Clara Street  
San Jose, CA 95113  
November 30, 2020  
Page 2 of 2

**c. Just-Transition Alternative Water Source Requirements Must Be Adopted Concurrently with the Effective Date of the New Construction Natural Gas Ban**

- i. Develop expanded alternate water system requirements to be adopted by the time the all-electric ordinance goes into effect, including a plan that addresses alternate water systems for existing buildings such as:
  1. New construction projects subject to the ban on natural gas should be required to pre-plumb buildings for indoor use of alternative water sources – either recycled water or on-site treated graywater/rainwater depending on availability.
  2. New construction projects subject to the ban on natural gas should be required to install solar hot water systems or graywater heat recovery systems that preheat cold water with the heat from wastewater.
  3. Buildings subject to the ban on natural gas should have the option to instead use renewable gas where available, including approval of pilot programs.
  4. Certification – In order to ensure public health and safety, use of a “skilled and trained workforce” required for installation of graywater/rainwater systems over a certain size threshold, installation of plumbing for indoor use of recycled water/graywater/rainwater, and installation of onsite treatment systems.

Sincerely,



Steve Flores  
Business Manager  
UA Plumbers, Pipefitters and HVACR Service Technicians Local Union 393

SF:mg/opeiu29/afl-cio 

## Taber, Toni

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**From:** David Sacerdote <[REDACTED]>  
**Sent:** Monday, November 30, 2020 5:14 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

As a Santa Clara County resident, I urge you to pass the gas ban and reject Bloom Energy's request for an exemption. CO2 produced from burning fossil gas has the same climate impact as CO2 from any other source. Excluding it limits our ability to achieve net-zero greenhouse gas emissions, necessitating the use of expensive negative-emission technologies to remove the CO2 produced by equipment they sell.

If Bloom Energy wants to produce equipment using renewably-sourced fuels that would be fine, but the use of fossil gas should not be an option.

Thank you

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## Taber, Toni

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**From:** City Clerk  
**Sent:** Monday, November 30, 2020 4:49 PM  
**To:** Agendadesk  
**Subject:** FW: Microgrid Resources Coalition Support for Supplemental Staff Memo  
**Attachments:** MRC Letter to City of SJ 11-30-20.pdf

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

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**From:** Allie Detrio <[REDACTED]>  
**Sent:** Monday, November 30, 2020 4:29 PM  
**To:** City Clerk <[REDACTED]>  
**Cc:** Liccardo, Sam <[REDACTED]>; Jones, Chappie <[REDACTED]>; Jimenez, Sergio <[REDACTED]>;  
<[REDACTED]>; Diep, Lan <[REDACTED]>; Carrasco, Magdalena <[REDACTED]>;  
<[REDACTED]>; Davis, Dev <[REDACTED]>; Esparza, Maya <[REDACTED]>;  
<[REDACTED]>; Arenas, Sylvia <[REDACTED]>; Foley, Pam <[REDACTED]>;  
<[REDACTED]>; Hughey, Rosalynn <[REDACTED]>;  
<[REDACTED]>; Romanow, Kerrie <[REDACTED]>; Ortbal, Jim <[REDACTED]>  
**Subject:** Microgrid Resources Coalition Support for Supplemental Staff Memo

[External Email]

Dear City of San Jose,

Attached is a letter from the Microgrid Resources Coalition in support of the Supplemental Staff Memorandum regarding the use of natural gas in buildings. Please let me know if you have any questions or would like to further discuss how microgrids can play a role in increasing energy resilience in your communities while advancing the City's decarbonization and climate goals.

Thank you for your time and consideration.

Best regards,

**Allie Detrio**

*Senior Advisor*

*Microgrid Resources Coalition*



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November 30, 2020

Mayor Sam Liccardo & Council Members  
City of San Jose  
200 E Santa Clara Street  
San Jose, CA 95110



**Re: Support for the supplemental memorandum for ordinance of the City of San Jose to prohibit natural gas infrastructure in newly constructed buildings**

Dear Mayor Liccardo and Council Members,

Thank you for your leadership in climate and clean energy development in California. Formed in 2013, the Microgrid Resources Coalition (MRC) is a non-profit organization comprised of owners, operators, developers, suppliers and investors in the microgrid industry working together to promote the widespread implementation of microgrids through laws, regulations, and tariffs that support microgrid access to the market, compensation for services, and a level playing field for deployment and operation.

The MRC supports modification to the San Jose ordinance called for in the Supplemental Staff Memorandum from November 16, 2020 because it balances the state's admirable environmental policies while also providing technologies, like microgrids, the ability to continue advancing energy resilience and security for customers and communities.

**Microgrids are the swiss army knife for California's energy sector, serving as a powerful, multifaceted tool to solve the numerous challenges facing the state today.**

Microgrids can provide a number of benefits to electricity customers and the grid during "blue sky" conditions when the grid is operating normally, as well as during "black sky" conditions when the grid is stressed from extreme conditions. Microgrids with a mix of renewables and clean fuel resources can provide dispatchable capacity to serve load with clean, efficient, local generation that reduces the amount of load needed to be served by faraway power plants and vulnerable transmission lines that may be de-energized in hazardous conditions. Local microgrids will ensure the constituents of San Jose have reliable power and communities are made more resilient in the face of outages and climate change.

As technology continues to evolve and develop, low and zero emission fuels, such as hydrogen and bioenergy resources, will supplant the use of fossil fuels that are used today to help integrate higher penetrations of intermittent renewables. The strategic decentralization of the state's power system through the proliferation of microgrids with clean energy and flexible fuel resources will allow California to make forward progress on its aggressive decarbonization goals, instead of going backwards by continuing to keep older centralized gas plants online in the name of maintaining reliability and ensuring sufficient capacity to meet grid needs. It is possible to achieve deep decarbonization and meet the state's 2045 clean energy goals while ensuring grid reliability and resiliency today.

Utilizing the already existing gas infrastructure for cleaner fuels in the future will enable the development of always-on, cost-effective, reliable generation that microgrids can provide to complement renewables. Leveraging the existing infrastructure by integrating cleaner fuels will enable the constituents of San Jose

to meet their energy needs and help the city achieve its climate goals without the cost burden of stranded assets. The path forward for California and the City of San Jose requires a diverse set of technologies to enable a clean, reliable and affordable transition.

**Reliable power is a central tenet of economic certainty and a necessity for a successful and equitable recovery from the Pandemic**

Microgrids provide energy resilience that ensure our critical facilities and essential services maintain power in times of disruption. Energy savings generated from onsite power generation allows these facilities to reinvest those savings in their core operations and enable them to recover more quickly from the Pandemic's economic devastation. Microgrids can also provide economic resilience to our local businesses. Without reliable power, businesses do not have economic certainty that they will be able to maintain operations despite the grid instabilities that are becoming all too common across the state. Reliable power allows the City to keep jobs local, attract new businesses, and foster local economic development. It is a central component of the economy necessary for stability, growth and recovery from the Pandemic.

Microgrids provide an opportunity for California to make progress on its equity goals by expanding the options for investment in clean, resilient energy resources that meet local needs so that we can meaningfully reduce the pollution burdens currently being faced by disadvantaged communities. The longer we extend the life of our large, centralized power plants, the farther we fall behind in achieving an equitable economy recovery with frontline communities continuing to bear the largest burden. The development of localized energy resources like microgrids must be prioritized to achieve equity goals and environmental justice promises.

**Microgrid development will be enabled through the supplemental staff memorandum**

California is the world leader in innovation. We have more cleantech companies, new energy technologies, and more venture capital flowing through Silicon Valley alone than any other state. The challenges with our electric grid and the energy sector are solvable problems for the state. The microgrid industry stands ready to serve the people, businesses, and local communities of California, including San Jose, by providing reliable and resilient energy solutions that meet the immediate grid needs and longer term decarbonization goals. We look forward to the opportunity to collaborate with you and encourage your support of the supplemental staff memorandum from November 16, 2020.

Sincerely,



Allie Detrio  
Senior Advisor  
Microgrid Resources Coalition

Cc: Mayor Sam Liccardo, [REDACTED]  
Vice Mayor Chappie Jones, [REDACTED]  
Councilmember Sergio Jimenez, [REDACTED]  
Councilmember Lan Diep, [REDACTED]  
Councilmember Magdalena Carrasco, [REDACTED]  
Councilmember Dev Davis, [REDACTED]  
Councilmember Maya Esparza, [REDACTED]  
Councilmember Sylvia Arenas, [REDACTED]  
Councilmember Pam Foley, [REDACTED]  
Councilmember Johnny Khamis, [REDACTED]  
David Sykes, City Manager, [REDACTED]  
Rosalynn Hughey, Director, Planning, Building, and Code Enforcement,  
[REDACTED]  
Kerrie Romanow, Director, Environmental Services, [REDACTED]  
Jim Ortbal, City Manager's Office [REDACTED]

**Taber, Toni**

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**From:** Brian Heger <[REDACTED]>  
**Sent:** Monday, November 30, 2020 4:44 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

**Sincerely,  
Brian K Heger  
27th District**

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**Taber, Toni**

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**From:** Lindi Ramsden <[REDACTED]>  
**Sent:** Monday, November 30, 2020 3:37 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

*"Solving the climate crisis requires bringing political reality in line with scientific reality. If aggressive decarbonization doesn't begin soon, climate scientists see little chance of preventing permanent ecological catastrophe. "*  
*- Emily Atkin*

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Peralez, Jimenez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

Please add my name to those who are strongly urging you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance. San Jose should not water down our climate policies. We will need every tool in our tool box to meet our climate goals. This is not the moment to create exceptions.

By holding the line of our decarbonization policies, not only can we more rapidly lower our own carbon emissions, San Jose will demonstrate political leadership, and send important signals to the market that the climate emergency requires significant investments in a decarbonized future.

We moved to San Jose in 1985, where I served as Senior Minister at the First Unitarian Church of San Jose. In 2005 we left San Jose to work in Sacramento, where I directed the statewide justice organization for California's Unitarian Universalist congregations, returning to our home in San Jose nine years later. From both a local and statewide viewpoint, I have seen how important San Jose's policies and Silicon Valley's leadership are to the state of California and how important California policies are to our country.

As Emily Atkins writes, "solving the climate crisis requires bringing political reality in line with scientific reality. "

None of this is easy. Please take this next best step and support the Updated Natural Gas Infrastructure Prohibition Ordinance without exemptions for Bloom Energy. Time is exceedingly short to decarbonize and prevent permanent ecological catastrophe. All our children deserve a livable planet.

Thank you for your service to our community.

Sincerely,

Rev. Lindi Ramsden



San Jose, CA 95112

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**Taber, Toni**

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**From:** City Clerk  
**Sent:** Monday, November 30, 2020 3:29 PM  
**To:** Agendadesk  
**Subject:** FW: Support without exemption: 6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance  
**Attachments:** E2 San Jose all-electric ext\_2020 Final.pdf

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Wunder, Andy E2 <[REDACTED]>  
**Sent:** Monday, November 30, 2020 3:03 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Support without exemption: 6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance

[External Email]

Hello,

I am pleased to submit E2's letter of strong support – without fuel cell exemption - for the expansion of the all-electric new buildings code. Please see attached. **6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance**

Best,  
Andy

**ANDY WUNDER**  
Western States Advocate  
[E2](#) | [Environmental Entrepreneurs](#)  
[REDACTED]



Good for the Economy.  
Good for the Environment.

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Good for the Economy.  
Good for the Environment.

Nov 30, 2020

Honorable Mayor and Councilmembers  
City of San Jose  
200 E. Santa Clara Street  
San José, CA 95113

**RE: Expansion of All-Electric New Buildings Code – STRONG SUPPORT WITHOUT FUEL CELL EXEMPTION**

Dear Mayor Liccardo and Councilmembers:

On behalf of E2 (Environmental Entrepreneurs) and our more than 2,500 members and supporters in California—including more than 30 who live and work in San Jose—I am writing in support of a strong expansion of the all-electric new construction ordinance to include mid-and high-rise buildings and commercial buildings;<sup>1</sup> however, we urge you to **remove the exemption for gas-powered fuel cells.**

E2 is a national, nonpartisan group of business leaders, investors, and professionals from every sector of the economy who advocate for smart policies that are good for the economy and good for the environment. Our members have founded or funded more than 2,500 companies, created more than 600,000 jobs, and manage more than \$100 billion in venture and private equity capital.

Passing a strong all-electric new building code—without exemptions for technologies that burn fossil fuels other than for limited backup purposes— offers the opportunity for the City to invest in a sustainable, affordable future and continue its critical national leadership role in building decarbonization. Climate change presents both an enormous business risk, and in addressing it, an enormous economic opportunity. Passing this ordinance will further position San Jose as a cleantech leader, drive smart building investments, and lower building and energy costs for developers and residents. However, the leadership, climate, and economic opportunities become significantly diminished with fossil fuel loopholes via the last-minute fuel cell exemption.

The inclusion of the last-minute exemption undermines the climate and air pollution benefits of the ordinance and risk creating a bad precedent for other cities. This exemption was proposed under the guise of providing pathways for backup energy – however, gas powered fuel cells are built and priced to run as a full-time energy source, and this backdoor exemption could allow for fossil fuel usage far beyond backup needs. Current gas-powered fuel cell technology used for behind-the-meter baseload generation has recognized limitations in a low-carbon energy future; a Forbes article from February 2020 on Bloom Energy states that these fuel cells are “highly unlikely to transform the grid in California” because the “technology is too dirty and too costly.”<sup>2</sup> Furthermore, by allowing this exemption, San Jose will fail to pass policy that creates the market structures that can spur homegrown innovation and the resulting job creation and investment in clean backup technology.

<sup>1</sup> <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4683887&GUID=3EE6BB59-5A81-47F5-A4F3-A6D5A780B0BC>

<sup>2</sup> <https://www.forbes.com/sites/christopherhelman/2020/02/13/the-forbes-investigation-how-bloom-energy-blew-through-billions-promising-cheap-green-tech-that-falls-short/?sh=7075e7403e5f>

According to E2's Clean Jobs California 2020<sup>3</sup> report, Santa Clara County - with more than 51,710 clean energy jobs at the end of 2019 - has realized the job creation benefits of public policy leadership that catalyzes and drives investments in clean energy economy. An expansion of the all-electric new building code to include all building classes will also bolster San Jose's clean energy economy by driving immediate economic development opportunities for electricians and other professions that will be employed to construct and maintain the electric buildings and grid of the future. Additionally, this ordinance, without exemptions for fuel cells, will place San Jose at the vanguard of building decarbonization efforts; San Jose has the opportunity to become a hot bed in the development of clean energy backup systems and benefit from the resulting job creation. As other jurisdictions transition to all-electric buildings, San Jose will be able to capitalize on its first mover advantage facilitating development of truly renewable backup power technology and export this innovation and product to other cities, states and countries. But with the fossil fuel cell exemption, this policy direction is undermined, and the economic development potential is diminished.

This ordinance will also create cost savings to San Jose businesses and residents. Constructing an all-electric building avoids the costly trenching, plumbing and combustion safety expenses necessary with gas infrastructure, lowering capital costs for developers. And as all-electric buildings become standard practice, design and construction costs will decrease. Furthermore, the savings to San Jose residents resulting from investment in all-electric buildings will be amplified as renewable energy grows increasingly cheaper and the cost of gas service is expected to increase significantly. According to a study commissioned by the California Energy Commission, building electrification presents the lowest-cost and lowest-risk pathway for buildings to contribute to the state's decarbonization goals—particularly when compared to **renewable natural gas, whose availability is too low and cost is too high to present a viable alternative at scale.**<sup>4</sup> With the City's utility (San Jose Clean Energy) close to providing all-renewable energy, this ensures that all-electric buildings will also be zero-emission, preventing an estimated 600,000 tons of carbon annually. This will be a remarkable accomplishment for one of the nation's largest cities.

The opportunity is clear. The all-electric new building extension is San Jose's chance to continue to lead the effort to decarbonize our cities and reap the economic benefits of that leadership. But allowing unfettered use of gas-powered fuel cells undermines these gains and E2 urges you to remove this exemption. San Jose's citizens and businesses rely on city leaders to implement policies that spur economic development and increase affordability. In service of these goals, the city must not tie itself to a high-emission energy technology. E2 and our community of business leaders call on you to support, without fossil fuel loopholes, a strong extension of the all-electric new building ordinance.

We appreciate the opportunity to comment. Please contact me at [REDACTED] if you have any questions.

Respectfully,

[REDACTED]

Andy Wunder  
E2 Western States Advocate

Cc: Scott Green, Policy Advisor to Mayor Liccardo

<sup>3</sup> <https://e2.org/wp-content/uploads/2020/06/E2-Clean-Jobs-California-2020.pdf>

<sup>4</sup> [https://ww2.energy.ca.gov/2019publications/CEC-\[REDACTED\]055/CEC-\[REDACTED\]055-F.pdf](https://ww2.energy.ca.gov/2019publications/CEC-[REDACTED]055/CEC-[REDACTED]055-F.pdf)

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**Taber, Toni**

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**From:** Margaret T. <[REDACTED]>  
**Sent:** Monday, November 30, 2020 3:18 PM  
**To:** Peralez, Raul  
**Cc:** Agendadesk; City Clerk  
**Subject:** Expansion of the gas ban ordinance

[External Email]

Dear Council Member Peralez,

As a San Jose [resident.in](#) your district I am concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas. Natural gas is mostly methane, a greenhouse gas up to \*84 times\* more potent than CO2.**

Allowing an exemption for fuel cells is unnecessary and would:

- 
- Violate the goals of the
- gas ban prohibition, allowing gas to be used in new buildings.
- 
- Harm the climate and make
- it harder to achieve our climate goals.
- 
- Set a bad precedent for
- other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.
- 

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year, yet businesses would likely only need diesel back-up for less than a dozen hours per year.*

If new buildings are allowed to use Bloom Boxes, San Jose’s use of fossil gas will increase, not decrease. **This is destabilizing to the climate and threatens San Jose’s ability to achieve our climate smart goals.** Bloom should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

*Margaret Tritton, District 3*

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## Taber, Toni

---

**From:** Linda Hutchins-Knowles <[REDACTED]>  
**Sent:** Monday, November 30, 2020 3:18 PM  
**To:** Kathryn Funk  
**Cc:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny; Agendadesk; City Clerk  
**Subject:** Re: Natural Gas Infrastructure Prohibition Ordinance

[External Email]

Thank you, Kathryn!!

On Nov 30, 2020, at 1:46 PM, Kathryn Funk <[REDACTED]> wrote:

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis, [SEP]

As a San Jose resident and concerned citizen, and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

Mothers Out Front have compiled the following case for which I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would: [SEP]

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings. [SEP]
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not

acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.

In 2019, San Jose’s use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City’s use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose’s ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

Kathryn Funk



San Jose, CA 95112

Linda Hutchins-Knowles  
California Senior Organizer  
**Mothers Out Front**  
Pronouns: She/her/hers  
[www.mothersoutfront.org](http://www.mothersoutfront.org)

Live in San José? Join the [Climate Smart Challenge!](#) Connect with friends & neighbors to learn easy ways to save energy, lower your bills, and get fit—all while helping to preserve a livable climate. Learn how [you can help us make this program a big success!](#) Let’s do this!

\*\*\*\*\*

“When you see something that is not right, you must say something.  
You must do something.”

-John Lewis

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**Taber, Toni**

---

**From:** Deborah Kennedy <[REDACTED]>  
**Sent:** Monday, November 30, 2020 2:19 PM  
**To:** Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny; Liccardo, Sam  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose [or South Bay] resident, as a [mother/grandmother/concerned citizen], and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E**. If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

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San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. Please do the right thing tonight, time is running out for our children and the larger natural world.

Sincerely,

*Deborah Kennedy*



*SJ, CA 95126*

--

Deborah Kennedy  
Eco artist, educator, lecturer  
[www.deborahkennedyart.com](http://www.deborahkennedyart.com)

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## Taber, Toni

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**From:** City Clerk  
**Sent:** Monday, November 30, 2020 2:14 PM  
**To:** Agendadesk  
**Subject:** FW: COALITION SUPPORT FOR THE SUPPLEMENTAL MEMORANDUM FOR ORDINANCE OF THE CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS  
**Attachments:** San Jose Natural Gas Letter-Final.pdf

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Esparza, Maya <[REDACTED]>  
**Sent:** Monday, November 30, 2020 2:04 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Fwd: COALITION SUPPORT FOR THE SUPPLEMENTAL MEMORANDUM FOR ORDINANCE OF THE CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

FYI- we all got this letter

Get [Outlook for iOS](#)

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**From:** Brooke Armour <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:26:02 AM  
**To:** Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Carrasco, Magdalena <[REDACTED]>  
<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>  
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> <[REDACTED]> <[REDACTED]>  
<[REDACTED]> Hughey, Rosalynn <[REDACTED]>  
Romanow, Kerrie <[REDACTED]> Ortbal, Jim <[REDACTED]>  
**Subject:** COALITION SUPPORT FOR THE SUPPLEMENTAL MEMORANDUM FOR ORDINANCE OF THE CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

[External Email]

November 30, 2020

The Honorable Sam Liccardo

City Council Members

Mayor, City of San Jose  
200 E Santa Clara Street  
San Jose, California 95110

City of San Jose  
200 E Santa Clara Street  
San Jose, California 95110

**RE: SUPPORT FOR THE NOVEMBER 16, 2020 SUPPLEMENTAL MEMORANDUM FOR ORDINANCE OF THE CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS**

**Delivered via email**

Dear Mayor Liccardo and City Council Members:

We are writing to add our support for the November 16, 2020 supplemental staff memorandum regarding a critical exemption to the proposed prohibition of natural gas infrastructure in newly constructed commercial and industrial buildings.

We support efforts to reduce greenhouse gas emissions and the state's climate change goals. But, as the governor and leading scientists have repeatedly stated, climate change is also adding significant stresses to the state's electricity grid. Between public safety power shutoffs and rolling blackouts during peak usage, the state's electricity grid is not currently reliable. Essential operations must have a reliable back up energy sources to keep operations afloat. Today, those choose new and clean technology. But that could be limited to old, dirty diesel backup generators if gas infrastructure is halted or abandoned.

Using gas infrastructure to deliver low- to no-carbon fuels will cost-effectively enable the transition to cleaner fuels de-carbonize the gas system and aid the state in achieving its climate goals. Achieving these goals will require a variety of policies and technologies to enable a clean, reliable and affordable transition while ensuring we have the infrastructure in place.

The Supplemental Staff Memorandum deftly balances the need to address near term energy resilience with the need to move to cleaner and greener energy infrastructure.

The modifications called for in the Supplemental Staff Memorandum balance the environmental integrity of the underlying ordinance by ensuring that our climate goals are reached while also providing short-term resiliency needs. Therefore, we support the Supplemental Staff Memorandum from November 16, 2020 and strongly encourage its adoption at the December 1, 2020 meeting.

Sincerely,

California Business Roundtable  
California Business Properties Association  
California Manufacturers & Technology Association  
California Natural Gas Producers Association  
Building Owners and Managers Association (BOMA)  
Western Manufactured Housing Communities Association

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November 30, 2020

The Honorable Sam Liccardo  
Mayor, City of San Jose  
200 E Santa Clara Street  
San Jose, California 95110

City Council Members  
City of San Jose  
200 E Santa Clara Street  
San Jose, California 95110

**RE: SUPPORT FOR THE NOVEMBER 16, 2020 SUPPLEMENTAL MEMORANDUM FOR ORDINANCE OF THE CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS**

**Delivered via email**

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We support efforts to reduce greenhouse gas emissions and the state's climate change goals. But, as the governor and leading scientists have repeatedly stated, climate change is also adding significant stresses to the state's electricity grid. Between public safety power shutoffs and rolling blackouts during peak usage, the state's electricity grid is not currently reliable. Essential operations must have a reliable back up energy sources to keep operations afloat. Today, those choose new and clean technology. But that could be limited to old, dirty diesel backup generators if gas infrastructure is halted or abandoned.

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Sincerely,

California Business Roundtable  
California Business Properties Association  
California Manufacturers & Technology Association  
California Natural Gas Producers Association  
Building Owners and Managers Association (BOMA)  
Western Manufactured Housing Communities Association



I was the Facility Director of major Silicon Valley corporations for 20+ years and I am a past President of Silicon Valley's Chapter of the International Facility Management's (IFMA) and its several hundred members. In addition to being an Instructor for 12 years in UC Berkeley Extension's nationally recognized Facility Management Certificate program, I was certified by IFMA as a "Certified Facility Manager" or CFM, qualified to run very large, very complex building operations. In those positions, I always recommended against gimmicks such as "distributed energy resource."

As you know, "distributed energy resource" is code for hydrogen created by burning significant amounts of methane - a fuel elsely branded as "natural" gas. At best, hydrogen production and use will always be a remote polluter. While hydrogen might burn clean where it is used to produce electricity, it is most certainly not clean in the production chain.

Some proponents of distributed energy have been known to claim that hydrogen "could" be produced on a large scale via electrolysis powered by solar photovoltaic panels, or wind. As in, someday, somehow. give us enough time to work some sort of impossible voodoo magic to create "clean" hydrogen production.

There are no known large scale hydrogen production sites using only solar and wind, or any non-carbon creating fuel, and certainly not in the bay area. And also despite some press coverage to the contrary, natural gas used in hydrogen production is not clean and is not a transition fuel. Almost all natural gas produced in California is produced by hydraulic fracturing of rock using high pressure water and cancer causing chemicals – "fracking."

Facility Directors in Silicon Valley know that installing 24/7 backup power is much more complicated than merely connecting a large power source. Clean rooms, data centers, and manufacturing plants work economically and efficiently when their expensive and complex electronic controls create a balanced flow of electricity, air and water, and when running as intended by the designer. Such facilities also operate best when the Facility Director and their staff find a way to store energy, in the form of electricity, chilled water or hot water during the day and night. Falling back on a dirty source of electricity created by methane-created hydrogen runs counter to good professional practice.

Allowing an exemption to continue until December 2024, and then copping out to provide the opportunity for so called hardship exemptions, leaves four years during which these additional "natural" gas based stranded assets will be manufactured and installed in larger numbers.

Why wait four years to make a decision that will become ever more difficult?

Please vote **NOT** to allow the distributed energy resource exemption.

Thank you

Robert Whitehair

San Mateo, CA

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**Taber, Toni**

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**From:** LB Nelson <[REDACTED]>  
**Sent:** Monday, November 30, 2020 1:51 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Re: Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose [or South Bay] resident, as a [mother/grandmother/concerned citizen], and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E**. If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much

better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

*LB Nelson*

*Resident of Santa Clara County*

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## Taber, Toni

---

**From:** Marita Grudzen <[REDACTED]>  
**Sent:** Monday, November 30, 2020 1:49 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny; Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a [San Jose/South Bay/Bay Area] resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

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However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It

would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

*Marita Grudzen*



*San Jose, CA 95123*

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**Taber, Toni**

---

**From:** Kathryn Funk <[REDACTED]>  
**Sent:** Monday, November 30, 2020 1:47 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Natural Gas Infrastructure Prohibition Ordinance

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis, [REDACTED]

As a San Jose resident and concerned citizen, and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

Mothers Out Front have compiled the following case for which I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would: [REDACTED]

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings. [REDACTED]
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E**. If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

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**ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

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We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

Kathryn Funk



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**Taber, Toni**

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**From:** Jean Farrell <[REDACTED]>  
**Sent:** Monday, November 30, 2020 1:20 PM  
**To:** Davis, Dev; Agendadesk; [REDACTED]  
**Subject:** Reject Bloom Energy's request for an Exemption

[External Email]

I urge you not to approve exemptions to the gas ban. San Jose wants to be on the right side of progress and weakening the ban would not support our goal of lowering gas emissions for a better climate. Thank you for listening.

Jean Farrell

Dev Davis's constituent.

Sent from my iPhone

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**Taber, Toni**

---

**From:** Cristin Boyd <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:40 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident, as a parent, and as a supporter of a better climate for future generations (and Mothers Out Front), I strongly urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not amended, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption allowing for the use of fuel cells powered by liquified "natural" gas.**

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable. However, Bloom Boxes are not economically feasible if used only to provide back-up power.

On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom

Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all our children.

Sincerely,

*Cristin A. Boyd*



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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 12:38 PM  
**To:** Agendadesk  
**Subject:** FW: Eliminating household natural gas

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Ratana, Christopher <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:44 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Fw: Eliminating household natural gas

---

**From:** Timothy Resudek <[REDACTED]>  
**Sent:** Saturday, November 28, 2020 6:55 PM  
**To:** The Office of Mayor Sam Liccardo <[REDACTED]>  
**Subject:** Eliminating household natural gas

[External Email]

Anyone notice how the state of california can't manage to keep electricity running during the summer, or when there may be high winds? Do we really think it's smart to further invest ourselves in the sub-standard electric grid?

This plan is absurd.

TR

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 12:38 PM  
**To:** Agendadesk  
**Subject:** FW: Natural Gas Ban

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Ratana, Christopher <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:32 AM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Fw: Natural Gas Ban

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**From:** John Lipka <[REDACTED]>  
**Sent:** Saturday, November 28, 2020 9:07 PM  
**To:** The Office of Mayor Sam Liccardo <[REDACTED]>  
**Subject:** Natural Gas Ban

[External Email]

As a resident of San Jose for my entire 66 year life, I am appalled at this decision being made without the residents of this city being given the opportunity to vote on it, and definitely feel as though the San Jose City Council is grossly overstepping it's authority. The City Council meeting isn't even open for us to come complain! Stop this vote until the people have had a chance to speak.

If this bill is passes without people being given due process I will make it my personal goal to see every one of our city Council members voted out of their chairs.

John Lipka  
Resident  
Homeowner  
Taxpayer

Voter

John Lipka

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 12:37 PM  
**To:** Agendadesk  
**Subject:** FW: In Favor of a Simple Gas Ban (Item 6.1)

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Kevin Ma <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:01 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** City Clerk <[REDACTED]>  
**Subject:** In Favor of a Simple Gas Ban (Item 6.1)

[External Email]

Dear San Jose City Council,

As a Santa Clara County resident, I look up to San Jose's decisions as ones that can lead the other cities. With the provided Infrastructure Prohibition Ordinance, we have an opportunity to demonstrate our shared recognition that climate change is an existential issue that must be addressed aggressively.

I have heard reports that there have been some businesses clamoring for exemptions. I believe this is too short-sighted for the problem at hand, and has a risk of unduly benefiting some businesses over others. SB 375 targets are aggressive, and failing to reach those may lead to RHNA-like requirements in the future. Also, additional exemptions require staff time to research and review, when they could be enforcing and educating. And there will be future costs to convert cases where exemptions have been granted, just as we see currently with the replacement of gas infrastructure to electric.

Sincerely,  
Kevin Ma

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## Taber, Toni

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**From:** City Clerk  
**Sent:** Monday, November 30, 2020 12:37 PM  
**To:** Agendadesk  
**Subject:** FW: Public Comment on 6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance  
**Attachments:** NRDC San Jose all-electric new buildings ordinance support letter\_11.30.docx

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Walker, Olivia <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:12 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** Public Comment on 6.1 20-1566 Updated Natural Gas Infrastructure Prohibition Ordinance

[External Email]

Hello!

I would like to submit the attached public comment letter in support of the updated natural gas infrastructure prohibition ordinance for tomorrow's council meeting. I've also included my comments below if you have any issues accessing the attachment. Thank you very much!

November 30, 2020

The Honorable Mayor Liccardo and City Councilmembers  
San José City Council  
200 E. Santa Clara St.  
San Jose, CA 95113

Re: Support for the Updated Natural Gas Infrastructure Prohibition Ordinance

Dear Mayor Liccardo and City Councilmembers:

**NRDC (Natural Resources Defense Council) is writing to support the proposed updates to the Natural Gas Infrastructure Prohibition Ordinance** to expand the current ordinance to cover virtually all new construction in San José

with limited exceptions. This expansion will ensure the future of your city’s building stock is cleaner, healthier, and more affordable for local residents and businesses.

**Your approval of these updates will reinforce San José’s reputation as a U.S. leader on climate action.**

**However, NRDC opposes the exemption added in the November 25 supplemental memo for “facilities with a distributed energy resource.” This eleventh-hour exemption for fuel cells—which will be powered by fracked gas for the foreseeable future—is not needed and it considerably weakens your action.**

NRDC is the implementing partner of the Bloomberg Philanthropies American Cities Climate Challenge. The City of San José was one of 25 cities to be awarded participation in the Climate Challenge due to its ambitious vision and commitment to execute upon carbon-reducing policies and programs, including taking aggressive action to remove fossil (a.k.a. “natural”) gas from newly constructed homes and buildings.

Expanding the Gas Infrastructure Prohibition Ordinance to cover buildings of all types and sizes is a key step included in both these climate goals to which this Council has already committed:

- [Climate Smart San José](#), the City’s ambitious climate action plan adopted by this Council in 2018, lays out the City’s roadmap for reaching the targets set by the Paris Agreement.
- The [Climate Emergency Resolution](#) this Council signed in 2019 emphasizing the urgent need for transformative climate action and laying out specific steps for the City to act upon.

Across California, we have seen [nearly 40 other cities](#) approve electrification codes. San José will stand out as the largest city in the United States with a clean energy new construction code.

- **Again, we urge you to model an ordinance without a gas fuel cell loophole.** Other cities have not included such a loophole. We urge you to model a strong ordinance.

**Making all of San José’s new construction all-electric will benefit the community in several ways:**

- Improving indoor air quality by avoiding dangerous chemicals emitted by gas appliances, including carbon monoxide, formaldehyde, and nitrous oxide – chemicals tied to an increased likelihood of childhood asthma and poor respiratory health.
- Avoiding GHG emissions and improving outdoor air quality, mitigating urban heat island effects and reducing San José’s contribution to the dangers of climate change like wildfires and droughts.
- Saving San José residents money as fossil gas prices are projected to rise steeply in coming years, shielding tenants and developers alike from higher gas bills and costs to retrofit buildings later.

The California Statewide Codes and Standards Program has already found that with the appropriate design, fully electrified low-, mid-, and high-rise buildings can be lower-cost to build and operate than those with gas infrastructure. San José City staff and technical partners are already ensuring the development community has support to build all-electric in the most cost-effective way through educational resources and targeted technical assistance.

**Expanding the gas infrastructure ban will make the city more resilient.** Removing gas infrastructure from new construction projects minimizes the risks of explosion or fire caused by damage to gas piping due to a potential severe seismic event, a not uncommon occurrence in Californian cities.

**Again, we oppose the fourth exemption category added in the November 25 supplemental memo for “facilities with a distributed energy resource.”** The exemption, which allows the use of fuel cells powered by fossil gas, directly counteracts the purpose of the ordinance.

While the exemption implies it should only be used for backup power sources in the case of a grid outage, it **creates a loophole permitting perpetual use of dirty fossil gas at a significant scale — not just during outages but 24/7, 365 days/year.** This perpetual use of such fuel cells would compromise the local and global benefits of San José’s

increasingly clean fuel mix, and even create demand for new fossil-gas infrastructure: exactly what the expanded ordinance is seeking to prevent.

**We urge you to remove this exemption entirely, but if you must allow fuel cells as backup power during outages, we urge you to contain this exemption as follows:**

- Fuel cells should be allowed to run only for a limited time per year, such as 200 hours/year, or 50 hours/year for maintenance and testing, and as needed during outages, like diesel generators.
- If they run for more than that, they should be required to meet the same standards for renewable energy that the State of California requires for utilities.

**This eleventh-hour exemption for fuel cells—which will be powered by fracked gas for the foreseeable future—weakens the ordinance and is not needed. We urge you to oppose the fourth exemption to keep San José’s climate leadership strong.**

NRDC urges this Council to take this necessary step toward making San José a more resilient, affordable and sustainable city for all its residents.

Thank you for your consideration.

Sincerely,

Olivia Walker  
Research Associate, Buildings and Energy  
Bloomberg Philanthropies American Cities Climate Challenge  
Natural Resources Defense Council (NRDC)

Best,

Olivia

**OLIVIA WALKER**

*Research Associate, American Cities Climate Challenge  
Healthy People & Thriving Communities Program*

NATURAL RESOURCES DEFENSE COUNCIL

██████████  
SANTA MONICA, CA 90401

T ██████████  
[OWALKER@NRDC.ORG](mailto:OWALKER@NRDC.ORG)

[NRDC.ORG](http://NRDC.ORG)

[CALENDLY LINK](#)

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## Taber, Toni

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**From:** Bret Andersen <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:18 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Reject Bloom Energy's request for an exemption form (Natural Gas Infrastructure Prohibition Ordinance: Agenda Item 6.1)

[External Email]

Dear Honorable Mayor and Council Members,

As a member of Carbon Free Palo Alto and South Bay Area resident, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

There is no compelling reason to compromise the integrity and fairness of the proposed ordinance by granting an exception for Bloom Energy's natural gas powered systems. Bloom's systems offer no advantage over renewable grid electricity with emergency backup power provided by traditional diesel generators that run for only a few days a year or the solar / battery and microgrid backup solutions that are becoming more common.

A special exception for natural gas powered fuel cell systems is also unfair and counterproductive. It runs directly counter to the ordinance's goal of stopping further expansion of the gas network and the associated long term carbon emissions from connected fossil fuel based devices. It would tilt the market unfairly back toward one fossil fuel energy provider which will weaken the market incentives for the competitive, low cost beneficial electric solutions we all want and need.

San Jose's natural gas infrastructure prohibition ordinance represents an important step forward on climate action by a major city in the U.S. It will serve as a highly visible example for many other cities in our area and beyond. I hope you see no other reasonable decision but to reject the proposed exception which appears to be a blatant corporate interest carve out in an otherwise very solid and impactful climate protection policy effort.

Thank You,  
Bret Andersen, Carbon Free Palo Alto

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**Taber, Toni**

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**From:** AR Bancroft <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:15 PM  
**To:** Foley, Pam  
**Cc:** City Clerk; Agendadesk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption

[External Email]

Dear Council Member Foley,

As a San Jose resident and leader of the 350 SV San Jose Chapter, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO<sub>2</sub>e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom

Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

*Amanda Bancroft*

[REDACTED]  
*San Jose, CA 95125*

--

*A.R. Bancroft*

*San Jose City Team Lead*

[REDACTED]  
<https://www.350siliconvalley.org/>

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**Taber, Toni**

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**From:** AR Bancroft <[REDACTED]>  
**Sent:** Monday, November 30, 2020 12:13 PM  
**To:** Liccardo, Sam  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption

[External Email]

Dear Mayor Liccardo,

As a San Jose resident and leader of the 350 SV San Jose Chapter, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO<sub>2</sub>e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom

Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

*Amanda Bancroft*

[REDACTED]  
*San Jose, CA 95125*

--

*A.R. Bancroft*

*San Jose City Team Lead*

[REDACTED]  
<https://www.350siliconvalley.org/>

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## Taber, Toni

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**From:** Mary Helen Doherty <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:50 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass Gas Ban; Reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident, as a mother, and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cell powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.

- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

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In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it

should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

*Mary Helen Doherty*

████████████████████

Mothers Out Front Silicon Valley

[www.mothersoutfront.org/team/california/siliconvalley](http://www.mothersoutfront.org/team/california/siliconvalley)

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## Taber, Toni

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**From:** Kate Schafer <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:35 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Please reject exemption to Gas Ban

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members,

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

### Allowing the exemption would:

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

### Before approving an exemption, we need to have answers to these and other questions:

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject the exemption for distributed energy resource, gas based fuel cell, as identified in the Supplemental Memos, dated 11/25 and 11/17.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

Sincerely,  
Kate Schafer

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**Taber, Toni**

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**From:** Bob Ruff <[REDACTED]>  
**Sent:** Monday, November 30, 2020 11:21 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** December 1st City Council 11/24 Agenda. Item 6.3: Supplemental Memo's recommendation #4, Dated 11/17/20 and City Council 12/01/20 Agenda Supplemental Memo item 6.1, dated 11/25/20

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones and Council Members,

As the former Assistant Director of Project Management for the San Jose Redevelopment Agency (1985 to 2011) and a resident of San Jose since 1983, I keep up to date on issues facing City Council. You all have made great progress in leading the way for big cities to combat the effect of climate changes due to human actions and inactions, and I applaud all of you for those past actions.

Before you on Tuesday is another major action that would demonstrate San Jose's leadership in addressing the negative aspects of continuing using gas fuel in our community as we continue to grow. You have previously taken positive actions regarding electric-only new residential construction. The current action is to extend prohibiting gas in virtually all future construction. This next step to reduce emissions for new buildings being constructed is a very important step by San Jose to help create a safe, livable community and planet. **I support your adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance, but excluding the embedded revisions that allow exemptions for Distributed Energy Resource - gas fuel cells described in the two supplemental amendment memos.**

The original report and the two amendments and the revised ordinance are confusing - and it is now unclear exactly what you are considering for adoption. Since the purpose of this action is to prohibit gas in new construction, exempting industries that use gas to make electricity is counterproductive. If my memory serves me, Bloom Energy long ago introduced new fuel cells based on hydrogen, not gas, as their new innovative method. It was praised at the time. The press articles indicate their hydrogen technology will take years before being market ready. Given the effective and lower emitting alternatives to have 24/7 electric power during emergencies, including power shut-offs, exempting selling or using gas fuel cells technology is not acceptable. Continued use of gas powered fuel cells will increase GHG emissions rather than lower them, counterproductive to your goals.

**I ask you to REJECT the language used to revise the draft ordinance from Supplemental Memo dated 11/24/20 and/or from the Supplemental Memo #4, dated 11/16/20 which allow exemptions for use of fuel cells powered by liquefied natural gas. Please vote NO on the distributed energy resource exemptions.**

**Let San Jose be the leader on this issue and be an example to other cities that are considering similar climate positive actions.**

**Thank you,**

**Robert Ruff**

**[REDACTED]**

**San Jose, CA 95125**

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## **Taber, Toni**

---

**From:** Ferguson, Jerad  
**Sent:** Monday, November 30, 2020 11:11 AM  
**To:** Agendadesk; Rules and Open Government Committee Agendas  
**Cc:** Taber, Toni  
**Subject:** Letters for Rules item G. 4  
**Attachments:** LET re San Jose Rules Committee Mtg. 12.2.20.pdf; Memorandum - CalCHA Catalyst Response.pdf

Two letters for item G.4. for Wednesday.

Thanks!

### **Jerad Ferguson**

Housing Catalyst  
Office of Economic Development  
City of San Jose  
[REDACTED]

## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 11:09 AM  
**To:** Agendadesk  
**Subject:** FW: SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS  
**Attachments:** Sam Liccardo - Natural Gas 11.24.2020.pdf

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Garcia, Kymm <[REDACTED]>  
**Sent:** Monday, November 30, 2020 10:25 AM  
**To:** Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Carrasco, Magdalena <[REDACTED]>  
<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>  
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Romanow, Kerrie <[REDACTED]> Hughey, Rosalynn <[REDACTED]>  
<[REDACTED]> Ortbal, Jim <[REDACTED]>  
**Cc:** City Clerk <[REDACTED]> Kropelnicki, Marty <[REDACTED]>  
**Subject:** RE: SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

[External Email]

Please see the attached letter sent from Marty Kropelnicki last week.

We received notes that you may not have been able to open the original attachment.

Thank you,  
Kymm

**Kymm Garcia**

Executive Assistant to the President & CEO  
CALIFORNIA WATER SERVICE  
[REDACTED]



**Quality. Service. Value.**

[calwater.com](http://calwater.com)

---

**From:** Kropelnicki, Marty <[REDACTED]>

**Sent:** Tuesday, November 24, 2020 2:13 PM

**To:** [REDACTED]

**Cc:** Garcia, Kymm <[REDACTED]>

**Subject:** SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

Please see the attached letter of support for the above noted subject from Cal Water.

Thank you,

Marty Kropelnicki

Sent from my iPad

**Martin Kropelnicki**

President & Chief Exec Officer

**CALIFORNIA WATER SERVICE**

+1 (408) 3678215



**Quality. Service. Value.**

[calwater.com](http://calwater.com)

This e-mail and any of its attachments may contain California Water Service Group proprietary information and is confidential. This e-mail is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient of this e-mail, please notify the sender immediately by replying to this e-mail and then deleting it from your system.

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CALIFORNIA  
**WATER SERVICE GROUP**  
INVESTING FOR LIFE

1720 North First Street, San Jose, CA 95112 - [REDACTED]

**Martin A. Kropelnicki**  
President & CEO

**VIA ELECTRONIC MAIL AND U.S. MAIL**

November 24, 2020

Mayor Sam Liccardo & Council Members  
City of San Jose  
200 E Santa Clara Street  
San Jose, CA 95110

**Re:** Support of the November 16, 2020 Supplemental Staff Memorandum for Ordinance of City of San Jose to Prohibit Natural Gas Infrastructure in Newly Constructed Buildings

Dear Mayor Liccardo & Councilmembers:

California Water Service (Cal Water) supports the Supplemental Staff Memorandum (memo) from November 16, 2020, "to allow for exemptions for facilities with distributed energy resources that meet Section 94203 of Title 17 California Code of Regulation requirements and are necessary for the public health, safety or economic welfare in the event of the ever-increasing electric grid outages facing our state, until December 31, 2023, or until low- or zero-carbon fuels are commercially available for the supply pipeline. The Director will report to Council no later than December 31, 2023, on low- and zero-carbon fuel availability." This amendment in the memo will allow companies like mine to continue making investments in their own energy resilience while aiding the city in meeting our collective climate change goals.

Cal Water appreciates the San Jose City Council (Council) for recognizing the need for resilience, due to the changing climate and impacts from public safety power shutoffs (PSPS), and the ability for customers to ensure reliable energy. While Cal Water is headquartered in San Jose, we serve approximately 2 million customers throughout the state and know firsthand the effects climate change and PSPS events have on our customers and us. Our company was founded in 1926 and has deep roots in the communities we serve including San Jose and our employees who live here.

Ensuring a steady supply of energy is critical to our daily operations. We are also interested in clean, reliable energy solutions to maintain operations and want to have



the options to make these investments in the future for our employees, communities and the state as a whole. By allowing infrastructure to be installed and maintained into the future, we are allowing for a green energy future to be powered by near-zero and zero emissions fuels. This will take time, investment, and of course a well thought out plan.

Businesses need the ability to invest in technologies that provide clean and consistent power. San Jose can and should be a leader in utilizing clean technology solutions to increase energy resiliency. We encourage the Council to support the memo from November 16, 2020 to enable businesses to ensure they can operate reliably.

Sincerely,

Martin A. Kropelnicki  
President & CEO  
California Water Service Group

Cc: Mayor Sam Liccardo, [REDACTED]  
Vice Mayor Chappie Jones, [REDACTED]  
Councilmember Sergio Jimenez, [REDACTED]  
Councilmember Lan Diep, [REDACTED]  
Councilmember Magdalena Carrasco, [REDACTED]  
Councilmember Dev Davis, [REDACTED]  
Councilmember Maya Esparza, [REDACTED]  
Councilmember Sylvia Arenas, [REDACTED]  
Councilmember Pam Foley, [REDACTED]  
Councilmember Johnny Khamis, [REDACTED]  
David Sykes, City Manager, [REDACTED]  
Rosalynn Hughey, Director, Planning, Building, and Code Enforcement,  
[REDACTED]  
Kerrie Romanow, Director, Environmental Services,  
[REDACTED]  
Jim Ortbal, City Manager's Office, [REDACTED]

## Taber, Toni

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**From:** Rani Fischer <[REDACTED]>  
**Sent:** Monday, November 30, 2020 10:07 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis:

As a South Bay resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- 
- Violate the goals of the
  - gas ban prohibition, allowing gas to be used in new buildings.
  - 
  - 
  - Harm the climate and make
    - it harder to achieve our climate goals.
    - 
    -
  - Set a bad precedent for
    - other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.
- 

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

We need you to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Yours,

*Rani Fischer*

*Sunnyvale, CA*

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**Taber, Toni**

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**From:** prelich.k <[REDACTED]>  
**Sent:** Monday, November 30, 2020 9:56 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions for Distributed Energy from Gas-Fuel Cells as identified in either of the two Supplemental Memos

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment. However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject the exemption for distributed energy resource, gas based fuel cell, as identified in the Supplemental Memos, dated 11/25 and 11/17.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

**Kristine Prelich**

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## Taber, Toni

---

**From:** Lauren Weston <[REDACTED]>  
**Sent:** Monday, November 30, 2020 9:52 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

On September 17, 2019, the San Jose City Council adopted Resolution No. 79251 declaring a Climate Emergency. I applaud you for considering a ban on natural gas for ALL new construction which is in alignment with the adopted resolution. I strongly encourage you keep our collective climate emergency top of mind and reject Bloom Energy's requested exemption to require Bloom to meet California's RPS. Currently, Bloom's business model relies on using cheap fracked natural gas (methane) rather than renewable methane (from dairies or landfills) and this cannot be acceptable if we are to protect our neighbors, families and communities. Bold action by our elected officials is necessary. Acterra is here to support your progress: We cannot do this work alone. Thank you so much for your time and consideration.

Lauren

Lauren Weston

Executive Director

Acterra: Action for a Healthy Planet

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## Taber, Toni

---

**From:** Logan Spalding <[REDACTED]>  
**Sent:** Monday, November 30, 2020 9:12 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- 
- Violate the goals of
  - the gas ban prohibition, allowing gas to be used in new buildings.
  - 
  - Harm the climate and make
    - it harder to achieve our climate goals.
    - 
    -
  - Set a bad precedent for
    - other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.
- 

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload**

**energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose’s use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City’s use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose’s ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

Logan Spalding

--

**Logan Spalding (he/his)**

AmeriCorps Beneficial Electrification Fellow

Acterra: Action for a Healthy Planet

[REDACTED]

Palo Alto, CA 94303-4303

[REDACTED] x342

[acterra.org](http://acterra.org)

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:35 AM  
**To:** Agendadesk  
**Subject:** FW: 12/1 Item 6.1 Comment

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Carl Salas <[REDACTED]>  
**Sent:** Friday, November 27, 2020 11:58 AM  
**To:** City Clerk <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** 12/1 Item 6.1 Comment

[External Email]

When I heard about exemption in Item 6.1, my initial reaction, was “the exemption is a mistake. It’s hypocritical”. After reviewing the details, I want to explain the basis for my initial reaction, so Council can better understand why, after review, I encourage you to vote in favor of the exemption.

There were 2 specific reasons why my “gut” feels (felt) that the exemption was a mistake:

- 1) I strongly believe that the City is making a mistake as regards an immediate decision excluding a natural gas infrastructure from new commercial buildings. If you had the time for me to show you “the numbers” you would understand. The financial burden being placed on the consumer and business sector, by this decision, would give you pause. In addition, particularly during these changing times, the most prudent action is always: “diversify your portfolio”. So what better time to pause on the whole electrification issue than when Council is handing out exemptions anyway?
- 2) When I first heard about the exemption, it was in context of “the Bloom exemption”. The Bloom technology is a subset of two technology categories; (1) DG, or Distributed Generation (often referred to as” part of the micro-grid”); and (2) Fuel Cell. Along with 100’s of DG projects, my firm has been involved with over 25 fuel cell installations in California, most recently 20 Bloom installations. Within the broad categories of DG, Fuel Cells, or micro-grids, my personal feeling about Bloom’s market share is that it is primarily “marketing based”. As an engineer, in the energy business for over 45 years, I’ve witnessed much long-term disappointment with marketing-based, “green” technologies. I know that Carl Guardino is a Bloom lobbyist AND is Sam’s friend. Because I am painfully aware that much of the reason to rush towards electrification is politically based, I felt that Sam (and Council) was setting themselves up to be chastised by the press and environmental groups for granting this exemption. In short: Bloom uses natural gas. Every Bloom installation requires a

permit from the Air Quality Management District. That's because making a kilowatt-hour of power using a "Bloom-box" will dramatically raise the carbon footprint, and local emissions, of any facility.

Why, on reflection and analysis, I feel that you should vote for the exemption:

- 1) I read the supplement that you are voting on. It specifically refers to Section 94203 of Title 17 California Code of Regulation; which I'm familiar with and understand. But as written, the exemption is for the broad category of Distributed Generation (DG). I'm a proponent of DG... BECAUSE of "the numbers"; especially as relates to consumer choice based on both efficiency and cost. So this exemption is not a "Bloom Exemption", rather it is a "Distributed Generation Exemption".
- 2) The reason I'm so against electrification is because, the CSU, UC, and State exclude DG from their long term planning. DG certainly increases the local carbon footprint. But because DG is so efficient, I argue that the overall carbon footprint (of the state, for instance) will get smaller as more DG is deployed. Hence with your focus on a "DG exemption" (not specific to the Bloom technology) it's a practical and defensible exemption.
- 3) The other benefit of the exemption is that there is some probability that a truly green "hydrogen conversion process" will evolve over the next few years or decade. There is also some probability that hydrogen could be used in the existing natural gas infrastructure. So by allowing the gas infrastructure to be extended to, and within, new commercial buildings, this exemption will may a future zero-carbon economy.

I remain hopeful that the City will consider delaying the electrification ordinance. But, if that isn't possible. The exemption in Item 6.1 provides a practical compromise.

Carl Salas is a registered Professional engineer. He graduated with honors, from Virginia Tech in 1974 with a major in Mechanical Engineering and a minor in Nuclear Engineer. Upon graduation, Carl was hired by General Electric's Nuclear Division (in San Jose) He spent the first four years of his career providing design and on-site testing of nuclear reactors throughout the US and Japan. In 1978, he, along with Dan O'Brien, formed Salas O'Brien Engineers; as an energy and infrastructure firm. Since that time, Salas O'Brien LLC has grown from 3 engineers, with corporate headquarters in San Jose, to 650 employees nation-wide. Carl continues to work full time for the firm. In addition, Carl is the past International president of the Association of Energy Engineers <https://www.aeecenter.org/>; and for the past 20 years has been the chairperson of AEE's International Energy Awards committee.

Energetically yours,

Carl Salas, P.E.

Founding Principal

**SALAS O'BRIEN** | expect a difference |

[www.salasobrien.com](http://www.salasobrien.com)

██████████ (o) | ██████████ (d)

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:35 AM  
**To:** Agendadesk  
**Subject:** FW: 12/1 Item 6.1 Comment (slight revision)

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Carl Salas <[REDACTED]>  
**Sent:** Friday, November 27, 2020 12:07 PM  
**To:** City Clerk <[REDACTED]>  
**Cc:** [REDACTED]  
**Subject:** FW: 12/1 Item 6.1 Comment (slight revision)

[External Email]

There were a few typos. This is updated... below

Energetically yours,

Carl Salas, P.E.  
Founding Principal  
**SALAS O'BRIEN** | expect a difference |  
[www.salasobrien.com](http://www.salasobrien.com)  
[REDACTED] (o) | [REDACTED] (d)

---

**From:** Carl Salas  
**Sent:** Friday, November 27, 2020 11:58 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** 12/1 Item 6.1 Comment

When I heard about the exemption in Item 6.1, my initial reaction, was “the exemption is a mistake. It’s hypocritical”. After reviewing the details, I want to explain the basis for my initial reaction, so Council can better understand why, after review, I encourage you to vote in favor of the exemption.

There were 2 specific reasons why my “gut” feels (felt) that the exemption was a mistake:

- 1) I strongly believe that the City is making a mistake as regards an immediate decision excluding a natural gas infrastructure from new commercial buildings. If you had the time for me to show you “the numbers” you would understand. The financial burden being placed on the consumer and business sector, by this decision, would give you pause. In addition, particularly during these changing times, the most prudent action is always: “diversify your portfolio”. So what better time to pause on the whole electrification issue than when Council is handing out exemptions anyway?
- 2) When I first heard about the exemption, it was in context of “the Bloom exemption”. The Bloom technology is a subset of two technology categories; (1) DG, or Distributed Generation (often referred to as “part of the micro-grid”); and (2) Fuel Cell. Along with 100’s of DG projects, my firm has been involved with over 25 fuel cell installations in California, most recently 20 Bloom installations. Within the broad categories of DG, Fuel Cells, or micro-grids, my personal feeling about Bloom’s market share is that it is primarily “marketing based”. As an engineer, in the energy business for over 45 years, I’ve witnessed much long-term disappointment with marketing-based, “green” technologies. I know that Carl Guardino is a Bloom lobbyist AND is Sam’s friend. Because I am painfully aware that much of the reason to rush towards electrification is politically based, I felt that Sam (and Council) was setting themselves up to be chastised by the press and environmental groups for granting this exemption. In short: Bloom uses natural gas. Every Bloom installation requires a permit from the Air Quality Management District. That’s because making a kilowatt-hour of power using a “Bloom-box” will dramatically raise the carbon footprint, and local emissions, of any facility.

Why, on reflection and analysis, I feel that you should vote for the exemption:

- 1) I read the supplement that you are voting on. It specifically refers to Section 94203 of Title 17 California Code of Regulation; which I’m familiar with and understand. But as written, the exemption is for the broad category of Distributed Generation (DG). I’m a proponent of DG... BECAUSE of “the numbers”; especially as relates to consumer choice based on both efficiency and cost. So this exemption is not a “Bloom Exemption”, rather it is a “Distributed Generation Exemption”.
- 2) The reason I’m so against electrification is because, the CSU, UC, and State exclude DG from their long term planning. DG certainly increases the local carbon footprint. But because DG is so efficient, I argue that the overall carbon footprint (of the state, for instance) will get smaller as more DG is deployed. Hence with your focus on a “DG exemption” (not specific to the Bloom technology) it’s a practical and defensible exemption.
- 3) The other benefit of the exemption is that there is some probability that a truly green “hydrogen conversion process” will evolve over the next few years or decade. There is also some probability that hydrogen could be used in the existing natural gas infrastructure. So by allowing the gas infrastructure to be extended to, and within, new commercial buildings, this exemption may facilitate a future zero-carbon economy.

I remain hopeful that the City will consider delaying the electrification ordinance. But, if that isn’t possible. The exemption in Item 6.1 provides a practical compromise.

Carl Salas is a registered Professional engineer. He graduated with honors, from Virginia Tech in 1974 with a major in Mechanical Engineering and a minor in Nuclear Engineer. Upon graduation, Carl was hired by General Electric’s Nuclear Division (in San Jose) He spent the first four years of his career providing design and on-site testing of nuclear reactors throughout the US and Japan. In 1978, he, along with Dan O’Brien, formed Salas O’Brien Engineers; as an energy and infrastructure firm. Since that time, Salas O’Brien LLC has grown from 3 engineers, with corporate headquarters in San Jose, to 650 employees nation-wide. Carl continues to work full time for the firm. In addition, Carl is the past International president of the Association of Energy Engineers <https://www.aeecenter.org/>; and for the past 20 years has been the chairperson of AEE’s International Energy Awards committee.

Energetically yours,

Carl Salas, P.E.

Founding Principal

**SALAS O’BRIEN** | expect a difference |

[www.salasobrien.com](http://www.salasobrien.com)

██████████ (o) | ██████████ (d)

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**Taber, Toni**

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:31 AM  
**To:** Agendadesk  
**Subject:** FW: SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Rajesh Gopinath <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 7:55 AM  
**To:** Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]>  
**Cc:** Jimenez, Sergio <[REDACTED]> Diep, Lan <[REDACTED]> Carrasco, Magdalena  
<[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya  
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam  
<[REDACTED]> Hughey, Rosalynn  
<[REDACTED]> Romanow, Kerrie <[REDACTED]> Ortbal, Jim  
<[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

[External Email]

November 29, 2020

Mayor Sam Liccardo & Council Members  
City of San Jose  
200 E Santa Clara Street  
San Jose, CA 95110

SUBJECT: SUPPORT OF THE NOVEMBER 16, 2020 SUPPLEMENTAL STAFF MEMORANDUM FOR ORDINANCE OF CITY OF SAN JOSE TO PROHIBIT NATURAL GAS INFRASTRUCTURE IN NEWLY CONSTRUCTED BUILDINGS

Dear Mayor Liccardo & Councilmembers:

I currently live in west San Jose (District 1). For nearly 20 years prior to 2017, I lived in Houston, Texas where my family has experienced several hurricanes and torrential rains. The natural gas supply through the underground pipeline infrastructure was truly a lifeline for our family during Hurricanes Ike, Rita and Harvey when the electric grid was unavailable for several weeks. In 2008, during Hurricane Ike, when broken electricity wires and trees blocked our streets, we were unable to reach the grocery stores for several days. My family, which then included my parents and a newborn child of 30 days, was able to survive by cooking with natural gas, which was truly uninterrupted.

I am a proud employee of Bloom Energy, which is a San Jose-based technology company with more than 700 employees locally and more than 1,200 worldwide. Bloom Energy manufactures unique distributed fuel-cell power systems, which are among the most energy-efficient on the planet; which virtually eliminate local air pollution like NOx, SOx and particulate matter that disproportionately impact disadvantaged communities.

The company was founded with the mission of making clean, reliable energy affordable for everyone on earth, has both altruism and innovation in its DNA. Its technology, invented in the U.S., continues to evolve and progress. Bloom Energy Servers can now use both biogas and renewable hydrogen, in addition to natural gas. Bloom Energy's technology is the most advanced on the market today to create electricity from natural gas – the reformation of which is one of the most efficient ways to derive hydrogen fuel today.

I work at Bloom Energy as Senior Product Manager and have been with them since 2011.

As a Bloom employee and a resident of San Jose, I urge you to support the Supplemental Staff Memorandum (memo) from November 16, 2020, "to allow for exemptions for facilities with distributed energy resources that meet Section 94203 of Title 17 California Code of Regulation requirements and are necessary for the public health, safety or economic welfare in the event of the ever-increasing electric grid outages facing our state, until December 31, 2023, or until low- or zero-carbon fuels are commercially available for the supply pipeline. The Director will report to Council no later than December 31, 2023, on low- and zero-carbon fuel availability." This amendment will allow for companies, like Bloom Energy, to continue to operate in San Jose and supply clean, reliable energy to aid the city and state in meeting our collective climate goals.

I appreciate you recognizing the importance of the staff recommendation from November 16, 2020 and urge your support to keep jobs within the city and allow for companies to invest and grow in San Jose.

San Jose can and should be a leader in utilizing clean technology solutions to increase energy resiliency. I encourage you to support the memo from November 16, 2020 to enable businesses to ensure they can operate reliably.

Sincerely

Rajesh Gopinath  
Resident - District 1

[REDACTED]

Cc: Mayor Sam Liccardo, [REDACTED]  
Vice Mayor Chappie Jones, [REDACTED]  
Councilmember Sergio Jimenez, [REDACTED]

Councilmember Lan Diep, [REDACTED]  
Councilmember Magdalena Carrasco, [REDACTED]  
Councilmember Dev Davis, [REDACTED]  
Councilmember Maya Esparza, [REDACTED]  
Councilmember Sylvia Arenas, [REDACTED]  
Councilmember Pam Foley, [REDACTED]  
Councilmember Johnny Khamis, [REDACTED]  
David Sykes, City Manager, [REDACTED]  
Rosalynn Hughey, Director, Planning, Building, and Code Enforcement,  
[REDACTED] Kerrie Romanow, Director, Environmental Services,  
[REDACTED]  
Jim Ortbal, City Manager's Office [REDACTED]

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:30 AM  
**To:** Agendadesk  
**Subject:** FW: Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Brian Haberly <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:16 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident, as a concerned citizen, and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.

- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Thank you.

Brian Haberly

[REDACTED]

[REDACTED]

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:30 AM  
**To:** Agendadesk  
**Subject:** FW: GAS BAN AND BLOOM'S ENERGY REQUEST

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Christine Austin <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:52 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** City Clerk <[REDACTED]> Agendadesk <[REDACTED]>  
**Subject:** GAS BAN AND BLOOM'S ENERGY REQUEST

[External Email]

As a longtime San José resident, as a retired teacher, as a mother and grandmother, and as a supporter of Mothers Out Front, I am asking you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I DO support the Updated Natural Gas Infrastructure Prohibition Ordinance, and know that as long as it is unadulterated, this forward-thinking ordinance will go a long way toward meeting our climate-forward goals.

However, I am very much opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified natural gas.

I know that an exemption would violate the gas ban prohibition and further harm the important efforts being made to protect the climate.

San José should not throw away its climate goals in order to support one company. We should not minimize our essential climate policies by allowing the continued buildout of gas infrastructure halfway through this decade.

**You are the people responsible for protecting the people and the environment. This is just one fight, and if you care about climate and its effects on our children and grandchildren, you will stand up for us.**

Sincerely,

*Chris Austin*

**1439 Hanchett Avenue, San José, CA 95126**

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Request to REJECT: Supplemental Memo Exemption language in the Item 6.1 on the Dec 1st Council Meeting agenda  
**Attachments:** Gas Ban Ordinance letter to Mayor, Vice-Mayor and Council.pdf

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Karen Nelson <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 2:01 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Request to REJECT: Supplemental Memo Exemption language in the Item 6.1 on the Dec 1st Council Meeting agenda

[External Email]

RE: Supplemental Memo to the Item 6.3 recommendation #4, dated 11/17/20, or Supplemental Memo item, 6.1, dated 11/25/20 and ACCEPT the original unrevised "Updated Natural Gas Infrastructure Prohibition Ordinance"

See attached letter to the Mayor, Vice Mayor and Council Members.

Karen Nelson  
Chair, The Climate Reality Project: Santa Clara County

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**RE: December 1<sup>st</sup> City Council 11/24 Agenda. Item 6.3: Supplemental Memo's recommendation #4, Dated 11/17/20 and City Council 12/01/20 Agenda Supplemental Memo item 6.1, dated 11/25/20**

Via email: [REDACTED]

CC: [REDACTED]

Dear Mayor Liccardo, Vice Mayor Jones and Council Members

The Climate Reality Project wholeheartedly supports the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance excluding the embedded revisions based on the Supplemental Memos. We are very supportive of this next step to reduce emissions from the built environment per the original and unrevised Updated Natural Gas Infrastructure Prohibition Ordinance.

**However, we ask you to reject the language used to revise the draft ordinance from Supplemental Memo dated 11/24/20 and/or from the Supplemental Memo #4, dated 11/16/20 which exempts Distributed Energy Resource CO2 emitting fuel cells. Please vote NO on the distributed energy resource exemption.**

Allowing the exemption would:

1. Increase GHG emissions rather than lower them. The Bloom Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**. Instead buildings that require 24/7 uninterrupted power should rely on large scale backup generators that supply temporary power during outages whose limited use emits far less aggregated CO2.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process by a single company with pure profit motives (And why are we supporting a company over the will and needs of the people?) Bloom Energy has engaged in stealthy, behind-the-scenes influence.
5. Set a bad example for other jurisdictions considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of CO2 emitting gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

The table below shows the comparison of emission levels and the incredibly high-level emissions generated from Bloom Energy fuel cells. You can see, at a minimum, gas-based fuel cells generate 2-3 times the carbon emissions than using PG&E or SJCE would produce (both include carbon free energy in their electricity energy mix). This difference will be even greater when SJCE's emissions profile is 100% carbon free.

**Comparison of emissions for a hypothetical 90,000 sq. ft. office space located in San José**

Emission Categories	PROVIDER		Bloom Energy (low end of range)	Bloom Energy (high end of range)
	PG&E*	SJCE*		
Yearly CO2 Emissions (lbs of CO2)	417,150	382,118	<b>893,734</b>	<b>1,096,436</b>
Yearly emissions from back- up diesel power generation if there are 3 power outages/year (which is 3x times the 2018 number)	4,313	4,313	Not applicable	Not applicable
Yearly emissions from non-base load (if using Bloom Boxes for 65% of their power and SJCE for 35%)	N.A.	N.A.	133,741	133,741
Total yearly emissions (lbs of CO2)	421,463	386,431	<b>1,027,475</b>	<b>1,230,177</b>
MT CO2 in 1 year	191	175	466	558
MT CO2 emissions over 5 year period*	955	875	<b>2,330</b>	<b>2,790</b>

\*Emissions from SJCE and PG&E are projected to be lower in the future, which is not reflected here.  
 (Data provided by South Bay Mothers Out Front and approved by Climate Reality: Santa Clara County chapter)

Using gas-based fuel cell technology, would increase CO2 over current emission levels. If Bloom Energy, the initiator of the exemption request, is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, be aware is not possible. Bloom Energy’s own press releases in mid-years, strongly indicates their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

At the very least, before approving an exemption, we need answers to these and other questions:

- Are Bloom Boxes subject to the renewable portfolio standards?
- How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
- And will reduced power requirements for SVCE create cost increases for the average SVCE consumer and ultimately a diminished ability to offer a variety of emission reduction programs to our consumers?  
**The negative ripple effect could be significant and undermine our larger emission reduction goals.**
- Has San Jose accounted for the **increased emissions impact** from a new service provider that uses “natural” gas for electricity production?
- How will exemption approval severely **impact the Climate Smart San Jose goals?**

**Please do vote yes for the original, unrevised Gas Ban Ordinance Update.**

**But please vote NO to reject language from either of the Supplemental Memos to allow exemptions for use of fuel cells powered by liquefied natural gas.** Since these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted. As the 10<sup>th</sup> largest City in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the

large power users, who need 24/7 power, abouts the real opportunities to secure 24/7 power in a more environmentally friendly way?

Thank you so much for thoughtfully considering my comments and concerns.

Karen Nelson

A handwritten signature in black ink that reads "Karen Nelson". The signature is written in a cursive, flowing style.

Chair, The Climate Reality Project: Santa Clara County

**Taber, Toni**

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Please reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Carol Cross <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:54 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Please reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I was appalled to hear that Bloom Energy is requesting an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E and would defeat the whole purpose of the UNGIPR.

Please say NO to such a damaging proposal.

Thank you,  
Carol Cross,  
Co-Convenor, Fossil Free Mid-Peninsula

*You can't have climate change without sacrifice zones, and you can't have sacrifice zones without disposable people, and you can't have disposable people without racism.*

~ Hop Hopkins

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Yes for large buildings, NO for Bloom Boxes

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Bruce Naegel <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 3:51 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Yes for large buildings, NO for Bloom Boxes

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a South Bay resident, as a concerned citizen and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.

Allowing an exemption for fuel cells is unnecessary and would:

Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.

Harm the climate and make it harder to achieve our climate goals.

Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E. If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, it would take 150 days of diesel generator use to produce the same CO<sub>2</sub>e emissions as the Bloom Boxes would produce each year.

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals. If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.

San Jose has a set of aggressive goals for a city designed to minimize Green House Gases and Pollution in the Climate Smart program. Supporting Bloom Boxes will make the 2040 goals in that plan harder to achieve.

We need you, the leaders responsible for our safety, to hold the line and insist on the strongest possible gas ban ordinance so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?

Sincerely,

Bruce Naegel  
Part of SustainableSilicon Valley, Carbon Free Silicon Valley,  
and the Fossil Free Buildings initiative.  
Bruce Naegel  
Part of SustainableSilicon Valley, Carbon Free Silicon Valley,  
and the Fossil Free Buildings initiative.

Mothers Out Front Silicon Valley  
[www.mothersoutfront.org/team/california/siliconvalley](http://www.mothersoutfront.org/team/california/siliconvalley)

Mothers Out Front California · United States

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Pass gas ban: Reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Linda Gonzales <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 5:50 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Pass gas ban: Reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.

- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO<sub>2</sub>e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

Linda M. Gonzales

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**Taber, Toni**

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Request a NO vote on Agenda Item 6.1: to REJECT Exemptions for Distributed Energy from Gas-Fuel Cells as identified in either of the two Supplemental Memos

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Seema Jethani <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 6:25 PM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions for Distributed Energy from Gas-Fuel Cells as identified in either of the two Supplemental Memos

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject the exemption for distributed energy resource, gas based fuel cell, as identified in the Supplemental Memos, dated 11/25 and 11/17.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

Regards

**Seema Jethani**  
**District 4**

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:29 AM  
**To:** Agendadesk  
**Subject:** FW: Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Sudhanshu Jain <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 9:09 PM  
**To:** Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]> Diep, Lan <[REDACTED]>  
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Esparza, Maya <[REDACTED]>  
<[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]> Liccardo, Sam <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

I applaud you for considering a ban on natural gas for ALL new construction HOWEVER, I strongly urge you to outright reject or at the very least modify Bloom Energy's requested exemption to require Bloom to meet California's renewable portfolio standard (RPS). Currently Bloom's business model relies on using cheap fracked natural gas (methane) rather than renewable methane (from dairies or landfills).

Bloom boxes are not cost effective as backup generators. They must run 24/7 as baseload power to be cost effective. In that case, the CO2 emissions from a Bloom box are much worse than PG&E's grid or SJCE's grid which both must have at least 33% carbon free renewable electricity. In reality, SJCE's electricity is 48% renewable and 52% large hydro (in 2019) so there are ZERO CO2 emissions from the San Jose grid.

Contrary to what you may have heard, the City of Santa Clara never banned Bloom Boxes. The city just required that Bloom Boxes meet California's RPS standards if those Bloom Boxes relied on the Santa Clara grid for backup power. That is the very least of what you should ask. Bloom claims that Santa Clara never considered NOx, SOx and particulate emissions in its analysis so now Santa Clara is in the process of analyzing those emissions. As Santa Clara moves to a 100% renewable grid, those emissions will go away but Bloom's CO2 emissions will remain.

On September 17, 2019, the San Jose City Council adopted Resolution No. 79251 declaring a Climate Emergency. CO2 and methane are the greatest causes of climate change. We must stop emitting these gases and Bloom Boxes operating for 10 years will just perpetuate the problem.

Thank you,

Suds Jain

Santa Clara City Council-elect

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**Taber, Toni**

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:28 AM  
**To:** Agendadesk  
**Subject:** FW: New Natural Gas Ban

Thank you!

Best Regards,  
Pawandeep Kaur  
CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose , CA 95113  
[REDACTED]

---

**From:** Allan L. Campbell <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 9:22 PM  
**To:** City Clerk <[REDACTED]>  
**Subject:** New Natural Gas Ban

[External Email]

Please pass the original updated gas ban ordinance without the exemptions proposed in the Supplemental Memos of 11/16 or 11/23, so that San Jose can meet its climate goals.  
Please oppose Bloom's exemption because we need to reduce our climate pollution for a better climate.

--  
Allan Campbell  
[REDACTED]

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:28 AM  
**To:** Agendadesk  
**Subject:** FW: Please do not open a loophole in the natural gas infrastructure ordinance

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Geoff Ivison <[REDACTED]>  
**Sent:** Monday, November 30, 2020 7:40 AM  
**To:** Liccardo, Sam <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Peralez, Raul <[REDACTED]> Diep, Lan <[REDACTED]>  
Carrasco, Magdalena <[REDACTED]> Davis, Dev <[REDACTED]> Esparza, Maya <[REDACTED]>  
<[REDACTED]> Arenas, Sylvia <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Please do not open a loophole in the natural gas infrastructure ordinance

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a South Bay resident and former San Jose resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas. Natural gas is mostly methane, a greenhouse gas up to \*84 times\* more potent than CO2.**

Allowing an exemption for fuel cells is unnecessary and would:

- 
- Violate the goals of the

- gas ban prohibition, allowing gas to be used in new buildings.
- 
- 
- Harm the climate and make it harder to achieve our climate goals.
- 
- 
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.
- 

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. Please see this article in Forbes to learn more about them: <https://www.forbes.com/sites/christopherhelman/2020/02/13/the-forbes-investigation-how-bloom-energy-blew-through-billions-promising-cheap-green-tech-that-falls-short/?sh=2fdd91f43e5f>

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year, yet businesses would likely only need diesel back-up for less than a dozen hours per year.*

If new buildings are allowed to use Bloom Boxes, San Jose’s use of fossil gas will increase, not decrease. **This is destabilizing to the climate and threatens San Jose’s ability to achieve our climate smart goals.** Bloom should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

Geoffrey Ivison

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## Taber, Toni

---

**From:** City Clerk  
**Sent:** Monday, November 30, 2020 8:28 AM  
**To:** Agendadesk  
**Subject:** FW: Item 6.1 - Please pass gas ban but don't exempt Bloom Energy

Thank you!

Best Regards,  
Pawandeep Kaur

CITY OF SAN JOSE | OFFICE OF THE CITY CLERK  
200 East Santa Clara St.  
San Jose, CA 95113  
[REDACTED]

---

**From:** Terry Nagel <[REDACTED]>  
**Sent:** Monday, November 30, 2020 8:04 AM  
**To:** Liccardo, Sam <[REDACTED]> Davis, Dev <[REDACTED]> Peralez, Raul <[REDACTED]>  
<[REDACTED]> Diep, Lan <[REDACTED]> Arenas, Sylvia <[REDACTED]>  
Esparza, Maya <[REDACTED]> Jones, Chappie <[REDACTED]> Jimenez, Sergio <[REDACTED]>  
<[REDACTED]> Carrasco, Magdalena <[REDACTED]> Foley, Pam <[REDACTED]>  
<[REDACTED]> Khamis, Johnny <[REDACTED]> <[REDACTED]>  
**Cc:** Agendadesk <[REDACTED]> City Clerk <[REDACTED]>  
**Subject:** Item 6.1 - Please pass gas ban but don't exempt Bloom Energy

[External Email]

Mayor Liccardo and Council Members,

Time is running out to put the brakes on climate change. I urge you to approve the Updated Natural Gas Infrastructure Prohibition Ordinance without exempting Bloom Energy.

Bloom Energy's Bloom Boxes are currently powered by fracked gas, and the energy they supply is far dirtier than the energy provided by San Jose Clean Energy or PG&E.

**Please don't water down your policy by allowing this exception. It would open the door to more special interest requests.**

Thank you for showing leadership that will be an example to the rest of the nation.

Sincerely,

Terry Nagel  
Chair, Sustainable San Mateo County  
Former Mayor, Burlingame



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**Taber, Toni**

---

**From:** Terry Nagel <[REDACTED]>  
**Sent:** Monday, November 30, 2020 8:04 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Item 6.1 - Please pass gas ban but don't exempt Bloom Energy

[External Email]

Mayor Liccardo and Council Members,

Time is running out to put the brakes on climate change. I urge you to approve the Updated Natural Gas Infrastructure Prohibition Ordinance without exempting Bloom Energy.

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**Please don't water down your policy by allowing this exception. It would open the door to more special interest requests.**

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Sincerely,

Terry Nagel  
Chair, Sustainable San Mateo County  
Former Mayor, Burlingame  
[REDACTED] | [REDACTED]

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## Taber, Toni

---

**From:** Geoff Ivison <[REDACTED]>  
**Sent:** Monday, November 30, 2020 7:40 AM  
**To:** Liccardo, Sam; Jones, Chappie; Jimenez, Sergio; Peralez, Raul; Diep, Lan; Carrasco, Magdalena; Davis, Dev; Esparza, Maya; Arenas, Sylvia; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Please do not open a loophole in the natural gas infrastructure ordinance

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a South Bay resident and former San Jose resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas. Natural gas is mostly methane, a greenhouse gas up to \*84 times\* more potent than CO2.**

Allowing an exemption for fuel cells is unnecessary and would:

- 
- Violate the goals of the
  - gas ban prohibition, allowing gas to be used in new buildings.
  - 
  - 
  - Harm the climate and make
    - it harder to achieve our climate goals.
    - 
    -
  - Set a bad precedent for
    - other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.
- 

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. Please see this article in Forbes to learn more about them: <https://www.forbes.com/sites/christopherhelman/2020/02/13/the-forbes-investigation-how-bloom-energy-blew-through-billions-promising-cheap-green-tech-that-falls-short/?sh=2fdd91f43e5f>

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide “back-up” power is like killing a flea with a tank. In fact, *it would take 150 days of diesel generator use to produce the same CO<sub>2</sub>e emissions as the Bloom Boxes would produce each year, yet businesses would likely only need diesel back-up for less than a dozen hours per year.*

If new buildings are allowed to use Bloom Boxes, San Jose’s use of fossil gas will increase, not decrease. **This is destabilizing to the climate and threatens San Jose’s ability to achieve our climate smart goals.** Bloom should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

Geoffrey Ivison

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## Taber, Toni

---

**From:** Seema Vaid <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 10:17 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

**Dr Seema Vaid**  
**Congressional District 17**

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## Taber, Toni

---

**From:** Sudhanshu Jain <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 9:09 PM  
**To:** Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny; Liccardo, Sam  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

I applaud you for considering a ban on natural gas for ALL new construction HOWEVER, I strongly urge you to outright reject or at the very least modify Bloom Energy's requested exemption to require Bloom to meet California's renewable portfolio standard (RPS). Currently Bloom's business model relies on using cheap fracked natural gas (methane) rather than renewable methane (from dairies or landfills).

Bloom boxes are not cost effective as backup generators. They must run 24/7 as baseload power to be cost effective. In that case, the CO2 emissions from a Bloom box are much worse than PG&E's grid or SJCE's grid which both must have at least 33% carbon free renewable electricity. In reality, SJCE's electricity is 48% renewable and 52% large hydro (in 2019) so there are ZERO CO2 emissions from the San Jose grid.

Contrary to what you may have heard, the City of Santa Clara never banned Bloom Boxes. The city just required that Bloom Boxes meet California's RPS standards if those Bloom Boxes relied on the Santa Clara grid for backup power. That is the very least of what you should ask. Bloom claims that Santa Clara never considered NOx, SOx and particulate emissions in its analysis so now Santa Clara is in the process of analyzing those emissions. As Santa Clara moves to a 100% renewable grid, those emissions will go away but Bloom's CO2 emissions will remain.

On September 17, 2019, the San Jose City Council adopted Resolution No. 79251 declaring a Climate Emergency. CO2 and methane are the greatest causes of climate change. We must stop emitting these gases and Bloom Boxes operating for 10 years will just perpetuate the problem.

Thank you,

Suds Jain

Santa Clara City Council-elect

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**Taber, Toni**

---

**From:** Seema Jethani <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 6:25 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions for Distributed Energy from Gas-Fuel Cells as identified in either of the two Supplemental Memos

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject the exemption for distributed energy resource, gas based fuel cell, as identified in the Supplemental Memos, dated 11/25 and 11/17.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

Regards  
**Seema Jethani**  
**District 4**

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**Taber, Toni**

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**From:** Linda Gonzales <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 5:50 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban: Reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Yes, some businesses need continuous power and cannot afford a power shutoff. However, allowing Bloom Boxes to be used to provide "back-up" power is like killing a flea with a tank. It would be much better for the climate to use back-up diesel power only during power shutoffs

than to use fracked gas-powered fuel cells continuously. In fact, *it would take 150 days of diesel generator use to produce the same CO2e emissions as the Bloom Boxes would produce each year.*

In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and threatens San Jose's ability to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with clean energy, not fracked gas.

San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies by allowing the continued buildout of gas infrastructure until halfway through this decade.**

We need you, the leaders responsible for our safety, to hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate.

Sincerely,

Linda M. Gonzales

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## Taber, Toni

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**From:** Karen Nelson <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 2:01 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Request to REJECT: Supplemental Memo Exemption language in the Item 6.1 on the Dec 1st Council Meeting agenda  
**Attachments:** Gas Ban Ordinance letter to Mayor, Vice-Mayor and Council.pdf

[External Email]

RE: Supplemental Memo to the Item 6.3 recommendation #4, dated 11/17/20, or Supplemental Memo item, 6.1, dated 11/25/20 and ACCEPT the original unrevised "Updated Natural Gas Infrastructure Prohibition Ordinance"

**See attached letter** to the Mayor, Vice Mayor and Council Members.

Karen Nelson  
Chair, The Climate Reality Project: Santa Clara County

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## Taber, Toni

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**From:** Carol Cross <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:54 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Please reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

I was appalled to hear that Bloom Energy is requesting an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E and would defeat the whole purpose of the UNGIPR.

Please say NO to such a damaging proposal.

Thank you,  
Carol Cross,  
Co-Convenor, Fossil Free Mid-Peninsula

*You can't have climate change without sacrifice zones, and you can't have sacrifice zones without disposable people, and you can't have disposable people without racism.*

~ Hop Hopkins

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**Taber, Toni**

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**From:** Christine Austin <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:52 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** City Clerk; Agendadesk  
**Subject:** GAS BAN AND BLOOM'S ENERGY REQUEST

[External Email]

As a longtime San José resident, as a retired teacher, as a mother and grandmother, and as a supporter of Mothers Out Front, I am asking you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I DO support the Updated Natural Gas Infrastructure Prohibition Ordinance, and know that as long as it is unadulterated, this forward-thinking ordinance will go a long way toward meeting our climate-forward goals.

However, I am very much opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified natural gas.

I know that an exemption would violate the gas ban prohibition and further harm the important efforts being made to protect the climate.

San José should not throw away its climate goals in order to support one company. We should not minimize our essential climate policies by allowing the continued buildout of gas infrastructure halfway through this decade.

You are the people responsible for protecting the people and the environment. This is just one fight, and if you care about climate and its effects on our children and grandchildren, you will stand up for us.

Sincerely,

*Chris Austin*

[REDACTED]

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**Taber, Toni**

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**From:** Brian Haberly <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 1:16 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

[External Email]

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,

As a San Jose resident, as a concerned citizen, and as a supporter of Mothers Out Front, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infrastructure Prohibition Ordinance.

I strongly support the Updated Natural Gas Infrastructure Prohibition Ordinance. If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for all children.

**But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.**

Allowing an exemption for fuel cells is unnecessary and would:

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings.
- Harm the climate and make it harder to achieve our climate goals.
- Set a bad precedent for other cities as they seek to electrify their buildings, essentially greenwashing a technology that's powered by dirty gas.

Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If Bloom Box fuel cells were only used on the few days each year when a power outage occurs, that might be acceptable.

However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, **Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy** to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy.

Thank you.

Brian Haberly

[REDACTED]

[REDACTED]

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## Taber, Toni

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**From:** Susan Nelson <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 10:38 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** Re: Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

Updating...I'm in District 9, not 10. Thank you!

RE: December 1, 2020 City Council Meeting.

- **Agenda 6.1 Supplemental Memo Attachment dated 11/25/20**
- **Agenda 6.1 Supplemental Memo Attachment dated 11/16/20, identified as Agenda Item 6.3 (item #4)**

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members:

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

**However, I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

***Susan Nelson***  
***District 9***

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## Taber, Toni

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**From:** Susan Nelson <[REDACTED]>  
**Sent:** Sunday, November 29, 2020 10:36 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

RE: December 1, 2020 City Council Meeting.

- **Agenda 6.1 Supplemental Memo Attachment dated 11/25/20**
- **Agenda 6.1 Supplemental Memo Attachment dated 11/16/20, identified as Agenda Item 6.3 (item #4)**

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members:

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

However, **I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO2 compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO2 emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

***Susan Nelson***  
***District 10***

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**Taber, Toni**

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**From:** [REDACTED]  
**Sent:** Saturday, November 28, 2020 11:58 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** RE: Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

**Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos**

**RE: December 1, 2020 City Council Meeting.**

- **Agenda 6.1 Supplemental Memo Attachment dated 11/25/20**
- **Agenda 6.1 Supplemental Memo Attachment dated 11/16/20, identified as Agenda Item 6.3 (item #4)**

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

Although I do not live within the City of San Jose, I do share the same valley, County of Santa Clara and planet. The emissions from San Jose affect the rest of us, and ordinances acted now will have repercussion for several decades. We must act NOW to limit CO2 emissions. The technology is available to eliminate carbon from fuel cell power generation.

Hydrogen fuel cells using hydrogen produced by electrolysis of water, using power from wind and solar are now viable. There is zero carbon emission. This is part of the solution to ensure that atmospheric carbon remains low enough to keep temperature rise below 1.5 C.

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

**However, I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO<sub>2</sub> compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO<sub>2</sub> emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

***Campbell Scott***

Your neighbor in Los Gatos

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## Taber, Toni

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**From:** Todd Weber <[REDACTED]>  
**Sent:** Saturday, November 28, 2020 10:46 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Todd A. Weber; Agendadesk; City Clerk  
**Subject:** Support updated gas ban; reject exemption for dirty fuel cells (12/1 City Council meeting), Agenda Item 6.1

[External Email]

*Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,*

*As a San Jose District 6 resident, as a concerned citizen, and as a supporter of Elders Climate Action, **I urge you to support the Updated Natural Gas Infrastructure Prohibition Ordinance, but reject Bloom Energy's request for an exemption for its fuel cells.***

*If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for our children's future.*

***But I am strongly opposed to Bloom Energy's request for an unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.***

*Allowing an exemption for fuel cells would:*

- 1. Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings not just for back-up, but for continuous, baseload power.*
- 2. Harm the climate and make it harder to achieve our climate goals.*

*Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If this energy were only used on the few days each year when a power outage occurs, that might be acceptable. However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy. Even [Forbes](#) has reported that Bloom Energy's technology is too dirty and too costly.*

*In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and will make it harder for San Jose to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with certified clean energy, not fracked gas.*

*San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies.** Instead, the City should allow businesses to **secure back-up power from sources that cannot be connected to the gas grid infrastructure** and should prohibit the continuous use of fossil fuels for baseload energy.*

*Please pass the **original updated gas ban ordinance without the exemptions proposed in the Supplemental Memos of 11/16 or 11/23** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?*

*Sincerely,*

*Todd Weber*



San Jose, CA 95125

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**Taber, Toni**

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**From:** [REDACTED]  
**Sent:** Friday, November 27, 2020 11:12 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk  
**Subject:** Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos

[External Email]

**Request a NO vote on Agenda Item 6.1: to REJECT Exemptions identified in either of the two Supplemental Memos**

**RE: December 1, 2020 City Council Meeting.**

- **Agenda 6.1 Supplemental Memo Attachment dated 11/25/20**
- **Agenda 6.1 Supplemental Memo Attachment dated 11/16/20, identified as Agenda Item 6.3 (item #4)**

Dear Mayor Liccardo, Vice Mayor Jones, and Council Members

Although I do not live within the City of San Jose, I do share the same valley, County of Santa Clara and planet. The emissions from San Jose affect the rest of us, and ordinances acted now will have repercussion for several decades. We must act NOW to limit CO2 emissions. The technology is available to eliminate carbon from fuel cell power generation.

Hydrogen fuel cells using hydrogen produced by electrolysis of water, using power from wind and solar are now viable. There is zero carbon emission. This is part of the solution to ensure that atmospheric carbon remains low enough to keep temperature rise below 1.5 C.

I wholeheartedly support the adoption of the Updated Natural Gas Infrastructure Prohibition Ordinance. I am very supportive of this next step to reduce emissions from the built environment.

**However, I ask you to reject the exemption of CO2 emitting fuel cells and approve only the original updated gas ban ordinance.**

**Allowing the exemption would:**

1. Increase GHG emissions rather than lower them. The Bloom Energy Fuel Cell Box at its most efficient still emits **679 lbs per megawatt hour** of CO<sub>2</sub> compared to PG&E (our local utility that supplies gas) at **210 lbs per megawatt hour**.
2. Violate the goals of the San Jose gas ban prohibition, allowing gas to be used in new buildings.
3. Harm the climate and make it harder to achieve our climate goals and go against San Jose's Climate Smart plan.
4. Dismantle the public stakeholder engagement process to the benefit of a single company whose motive is pure profit.
5. Set a bad example that will likely be emulated by other cities considering adopting gas bans, giving legitimacy to a technology that is not needed and is perpetuating the use of gas.
6. Harm our local Community Choice Energy program, San Jose Clean Energy, by pulling industrial and commercial customers away, thereby reducing SJCE's energy distribution and financial viability.

If Bloom Energy is suggesting that a near term replacement alternative to their gas-based fuel cells is their new hydrogen-based fuel cells, it must be noted that their hydrogen technology will NOT be market ready for many years. **Therefore, giving an exemption means San Jose will be burdened with gas-based fuel cell technology that will continue to emit CO<sub>2</sub> emissions for many years to come.**

**Before approving an exemption, we need to have answers to these and other questions:**

1. Are Bloom Boxes subject to the renewable portfolio standards?
2. How will increasing the number of large behind the meter electric energy producers impact the successful operation of San Jose Clean Energy?
3. Will a reduced power supply from SVCE create cost increases for the average SVCE consumer?
4. Will a reduced power supply from SVCE also diminish the CCE's ability to offer a variety of emission reduction programs to our consumers?
5. **The negative ripple effect could be significant and undermine our larger emission reduction goals.**
6. Has San Jose accounted for the **increased emissions impact** from a new service provider that uses "natural" gas for electricity production?
7. How will exemption approval severely **impact achieving Climate Smart San Jose's goals?**

Please do vote yes for the original expanded gas infrastructure prohibition ordinance. **But please vote NO to reject either of the exemption focused Supplemental Memos.**

As these questions cannot be adequately answered today, this last-minute proposed exemption should NOT be granted.

As the tenth largest city in the nation, are you willing to serve the economic interests of ONE company when instead we could educate the large companies, who need 24/7 power, about the real opportunities to secure 24/7 power in a more environmentally friendly way?

**If approved, this exemption sends a destructive message regarding the integrity of our democracy by supporting a company over the will and needs of the people.**

Thank you so much for thoughtfully considering my comments and concerns.

***Campbell Scott***

Your neighbor in Los Gatos

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**Taber, Toni**

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**From:** Annacy Sampas <[REDACTED]>  
**Sent:** Friday, November 27, 2020 8:41 PM  
**To:** Jones, Chappie; Davis, Dev; Khamis, Johnny; Diep, Lan; Carrasco, Magdalena; Esparza, Maya; Foley, Pam; Peralez, Raul; Liccardo, Sam; Jimenez, Sergio; Arenas, Sylvia  
**Cc:** Agendadesk; City Clerk  
**Subject:** Gas Ban Ordinance

[External Email]

Dear Mayor Liccardo and Council Members,

I'm a San Jose resident. Please vote in favor of the expanded gas ban ordinance (item 6.1 on the agenda for the 12/1 San Jose City Council meeting) and vote against exemption D for gas-powered fuel cells. Natural gas used in buildings is the source of 40% of greenhouse gas emissions in our city. Banning the use of natural gas in new buildings is an important step in stopping climate change.

Sincerely,  
Annacy Sampas

--

**Annacy Sampas**

[REDACTED]  
Political Science & Women and Gender Studies Majors  
Santa Clara University Class of 2022

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## Taber, Toni

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**From:** Michael Kutilek <[REDACTED]>  
**Sent:** Friday, November 27, 2020 3:56 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Support updated gas ban; reject exemption for dirty fuel cells (12/1 City Council meeting)

[External Email]

*Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,*

*As a 45-year San Jose resident, I urge you to support the Updated Natural Gas Infrastructure Prohibition Ordinance but reject Bloom Energy's request for an exemption for its fuel cells. The Updated Natural Gas Infrastructure Prohibition Ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for ourselves and for our children's future.*

*I am strongly opposed to Bloom Energy's request for an unwarranted exemption because it would allow for the use of fuel cells powered by liquified "natural" gas. An exemption for these fuel cells would violate the goals of the gas ban prohibition and allow gas to be used in new buildings for continuous, base load power. It would increase green house gas emissions and make it harder to achieve our climate goals. Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.*

*Please hold the line and insist on the strongest possible gas ban ordinance so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for ourselves and our children.*

*Sincerely,*

*Michael Kutilek  
601 S 15th St  
San Jose, CA 95112*

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## Taber, Toni

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**From:** Lynn Osband <[REDACTED]>  
**Sent:** Friday, November 27, 2020 3:02 PM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Support updated gas ban; reject exemption for dirty fuel cells (12/1 City Council meeting)

[External Email]

*Dear Mayor Liccardo, Vice Mayor Jones, and Council Members Jimenez, Peralez, Diep, Carrasco, Davis, Esparza, Arenas, Foley, and Khamis,*

*As a San Jose resident, as a mother, and as a supporter of Mothers Out Front, **I urge you to support the Updated Natural Gas Infrastructure Prohibition Ordinance**, but reject Bloom Energy's request for an exemption for its fuel cells.*

*If not watered down, this forward-thinking ordinance will go a long way toward meeting our climate-smart goals and preserving a livable climate for our children's future.*

*But I am strongly opposed to Bloom Energy's request for an **unwarranted exemption that would allow for the use of fuel cells powered by liquified "natural" gas.***

*Allowing an exemption for fuel cells would:*

- Violate the goals of the gas ban prohibition, allowing gas to be used in new buildings not just for back-up, but for continuous, baseload power.*
- Harm the climate and make it harder to achieve our climate goals.*

*Since the fuel cells used in Bloom Boxes are currently powered by fracked gas, **the energy they supply is much dirtier than the energy provided by either San Jose Clean Energy or PG&E.** If this energy were only used on the few days each year when a power outage occurs, that might be acceptable. However, Bloom Boxes are not economically feasible if used only to provide back-up power. On the contrary, Bloom Boxes only make sense economically if used 24/7 every day of the year, providing baseload energy to the buildings where they are installed. This is not acceptable and violates the goal of the gas ban prohibition: to ban gas! Fracked gas is fracked gas, whether it is burnt in a power plant, a building, or a fuel cell. Dirty energy should only be allowed, if needed, to provide temporary, limited back-up power, not baseload energy. Even [Forbes](#) has reported that Bloom Energy's technology is too dirty and too costly.*

*In 2019, San Jose's use of fossil gas rose slightly. If new buildings are allowed to use Bloom Boxes, the City's use of fossil gas would go up even more. **This is destabilizing to the climate and will make it harder for San Jose to achieve our climate smart goals.** If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power its fuel cells with certified clean energy, not fracked gas.*

*San Jose should not throw away its climate goals in order to appease one company. **We cannot afford to water down our essential climate policies.** Instead, the City should allow businesses to **secure back-up power from sources that cannot be connected to the gas grid infrastructure** and should prohibit the continuous use of fossil fuels for baseload energy.*

*Please hold the line and insist on the **strongest possible gas ban ordinance** so that San Jose can continue to provide the climate-smart leadership so essential to preserving a livable climate for all children. What could be more important?*

*Sincerely,*

*Lynn Osband*

■ *La Paz Ct*  
*San Jose, CA 95118*

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## Taber, Toni

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**From:** Maria <[REDACTED]>  
**Sent:** Friday, November 27, 2020 11:38 AM  
**To:** Liccardo, Sam; Davis, Dev; Peralez, Raul; Diep, Lan; Arenas, Sylvia; Esparza, Maya; Jones, Chappie; Jimenez, Sergio; Carrasco, Magdalena; Foley, Pam; Khamis, Johnny  
**Cc:** Agendadesk; City Clerk  
**Subject:** Yes on expanded gas ban and no on exemption D

[External Email]

Dear Mayor Liccardo and Council Members,

I'm a San Jose resident. Please vote **in favor of the expanded gas ban** ordinance (item 6.1 on the agenda for the 12/1 San Jose City Council meeting) and vote against exemption D for gas-powered fuel cells. **Natural gas used in buildings is the source of 40% of greenhouse gas emissions in our city. Banning the use of natural gas in new buildings is an important step in stopping climate change.**

Sincerely,

*Maria Budman*  
95124, District 9

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November 30, 2020

The Honorable Mayor Liccardo and City Councilmembers  
San José City Council  
200 E. Santa Clara St.  
San Jose, CA 95113

Re: Support for the Updated Natural Gas Infrastructure Prohibition Ordinance

Dear Mayor Liccardo and City Councilmembers:

**NRDC (Natural Resources Defense Council) is writing to support the proposed updates to the Natural Gas Infrastructure Prohibition Ordinance** to expand the current ordinance to cover virtually all new construction in San José with limited exceptions. This expansion will ensure the future of your city's building stock is cleaner, healthier, and more affordable for local residents and businesses.

**Your approval of these updates will reinforce San José's reputation as a U.S. leader on climate action.**

**However, NRDC opposes the exemption added in the November 25 supplemental memo for "facilities with a distributed energy resource." This eleventh-hour exemption for fuel cells—which will be powered by fracked gas for the foreseeable future—is not needed and it considerably weakens your action.**

NRDC is the implementing partner of the Bloomberg Philanthropies American Cities Climate Challenge. The City of San José was one of 25 cities to be awarded participation in the Climate Challenge due to its ambitious vision and commitment to execute upon carbon-reducing policies and programs, including taking aggressive action to remove fossil (a.k.a. "natural") gas from newly constructed homes and buildings.

Expanding the Gas Infrastructure Prohibition Ordinance to cover buildings of all types and sizes is a key step included in both these climate goals to which this Council has already committed:

- [Climate Smart San José](#), the City's ambitious climate action plan adopted by this Council in 2018, lays out the City's roadmap for reaching the targets set by the Paris Agreement.
- The [Climate Emergency Resolution](#) this Council signed in 2019 emphasizing the urgent need for transformative climate action and laying out specific steps for the City to act upon.

Across California, we have seen [nearly 40 other cities](#) approve electrification codes. San José will stand out as the largest city in the United States with a clean energy new construction code.

- **Again, we urge you to model an ordinance without a gas fuel cell loophole.** Other cities have not included such a loophole. We urge you to model a strong ordinance.

**Making all of San José's new construction all-electric will benefit the community in several ways:**

- Improving indoor air quality by avoiding dangerous chemicals emitted by gas appliances, including carbon monoxide, formaldehyde, and nitrous oxide – chemicals tied to an increased likelihood of childhood asthma and poor respiratory health.

# NRDC

- Avoiding GHG emissions and improving outdoor air quality, mitigating urban heat island effects and reducing San José's contribution to the dangers of climate change like wildfires and droughts.
- Saving San José residents money as fossil gas prices are projected to rise steeply in coming years, shielding tenants and developers alike from higher gas bills and costs to retrofit buildings later.

The California Statewide Codes and Standards Program has already found that with the appropriate design, fully electrified low-, mid-, and high-rise buildings can be lower-cost to build and operate than those with gas infrastructure. San José City staff and technical partners are already ensuring the development community has support to build all-electric in the most cost-effective way through educational resources and targeted technical assistance.

**Expanding the gas infrastructure ban will make the city more resilient.** Removing gas infrastructure from new construction projects minimizes the risks of explosion or fire caused by damage to gas piping due to a potential severe seismic event, a not uncommon occurrence in Californian cities.

**Again, we oppose the fourth exemption category added in the November 25 supplemental memo for "facilities with a distributed energy resource."** The exemption, which allows the use of fuel cells powered by fossil gas, directly counteracts the purpose of the ordinance.

While the exemption implies it should only be used for backup power sources in the case of a grid outage, it **creates a loophole permitting perpetual use of dirty fossil gas at a significant scale — not just during outages but 24/7, 365 days/year.** This perpetual use of such fuel cells would compromise the local and global benefits of San José's increasingly clean fuel mix, and even create demand for new fossil-gas infrastructure: exactly what the expanded ordinance is seeking to prevent.

**We urge you to remove this exemption entirely, but if you must allow fuel cells as backup power during outages, we urge you to contain this exemption as follows:**

- Fuel cells should be allowed to run only for a limited time per year, such as 200 hours/year, or 50 hours/year for maintenance and testing, and as needed during outages, like diesel generators.
- If they run for more than that, they should be required to meet the same standards for renewable energy that the State of California requires for utilities.

**This eleventh-hour exemption for fuel cells—which will be powered by fracked gas for the foreseeable future—weakens the ordinance and is not needed. We urge you to oppose the fourth exemption to keep San José's climate leadership strong.**

NRDC urges this Council to take this necessary step toward making San José a more resilient, affordable and sustainable city for all its residents.

Thank you for your consideration.

Sincerely,

Olivia Walker  
Research Associate, Buildings and Energy  
Bloomberg Philanthropies American Cities Climate Challenge  
Natural Resources Defense Council (NRDC)