| DOCKETED | |
|---|---|
| **Docket Number:** | 19-BSTD-06 |
| **Project Title:** | Local Ordinances Exceeding the 2019 Energy Code |
| **TN #:** | 236754-13 |
| **Document Title:** | San Jose - 2019 2 Public Comments 6 |
| **Description:** | Letters from the Public regarding San Jose Local Ordinance - Group 6 of 7 |
| **Filer:** | Danuta Drozdowicz |
| **Organization:** | California Energy Commission |
| **Submitter Role:** | Commission Staff |
| **Submission Date:** | 2/12/2021 11:21:30 AM |
| **Docketed Date:** | 2/12/2021 |

# Reject Bloom Energy's request for an Exemption

Jean Farrell <[redacted]>

Mon 11/30/2020 1:20 PM

To: Davis, Dev <[redacted]> Agendadesk <[redacted]> [redacted]
<[redacted]>

[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

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Marita Grudzen <[redacted]>

Mon 11/30/2020 1:49 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>
Agendadesk <[redacted]> City Clerk <[redacted]>

[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.

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,

*Marita Grudzen*

[redacted]

[redacted]

# Re: Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

LB Nelson <[redacted]>

Mon 11/30/2020 1:51 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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*

# FW: Agenda Item 6.3 - "Natural" gas ban

City Clerk

Mon 11/30/2020 2:13 PM

To:Agendadesk <[redacted]>

fyi

Thank you!

Best Regards,
Pawandeep Kaur
CITY OF SAN JOSE|OFFICE OF THE CITY CLERK
200 East Santa Clara St.
San Jose , CA 95113
408-535-1254

---

**From:** Esparza, Maya <[redacted]>
**Sent:** Monday, November 30, 2020 2:09 PM
**To:** City Clerk <[redacted]>
**Subject:** Fwd: Agenda Item 6.3 - "Natural" gas ban

FYI- we all got this letter

Get Outlook for iOS

---

**From:** Robert Whitehair <[redacted]>
**Sent:** Monday, November 30, 2020 9:28:16 AM
**To:** Liccardo, Sam <[redacted]> <[redacted]> Peralez, Raul <[redacted]> <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]> Esparza, Maya <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>
**Cc:** Jones, Chappie <[redacted]>
**Subject:** Agenda Item 6.3 - "Natural" gas ban

[External Email]

Mayor Liccardo, Vice Mayor Jones, and members of the San Jose City Council

Thank you for grappling with the very difficult decision on natural gas on tomorrow's City Council agenda.

From the point of view of someone who has directed the operations of large clean-room, data center and manufacturing campuses in Silicon Valley, I respectfully request that you vote **NOT** to include the exemption for a "distributed energy resource."

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 alsely 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

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Deborah Kennedy <[redacted]>

Mon 11/30/2020 2:20 PM

To: Davis, Dev <[redacted]> Peralez, Raul <[redacted]> Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]> Liccardo, Sam <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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. Please do the right thing tonight, time is running out for our children and the larger natural world.

Sincerely,

*Deborah Kennedy*

[redacted]

[redacted]

--
Deborah Kennedy
[redacted]

# Natural Gas Infrastructure Prohibition Ordinance

Kathryn Funk <[redacted]>

Mon 11/30/2020 1:46 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 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:

- 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,

Kathryn Funk
[redacted]

# Expansion of the gas ban ordinance

Margaret T. <[redacted]

Mon 11/30/2020 3:18 PM

To:Peralez, Raul <[redacted]

Cc:Agendadesk <[redacted] City Clerk <[redacted]

[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*

# Pass updated gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Gini Bossenbroek <[redacted]>

Mon 11/30/2020 10:08 PM

To: Liccardo, Sam <[redacted]> Jones, Chappie <[redacted]>
<[redacted]> Peralez, Raul <[redacted]> Carrasco, Magdalena
<[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]>
Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny
<[redacted]> <[redacted]> <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 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.

Bloom and its boosters claim that their fuel cells are needed to provide backup power in the event of power outages. However, they are so expensive that they are only economically viable if used **24/7/365 to provide continuous baseload power**. Since the fracked gas they are powered with generates huge quantities of greenhouse gas emissions, permitting their use in our new buildings over the next four years would threaten San Jose's ability to reach its climate goals. Allowing Bloom Boxes to be used to provide "backup" power is like killing a flea with a tank.

A better solution, until battery storage capacity is sufficient, is to allow diesel generators to provide backup power to critical businesses ***only during shutoffs.*** This would **avoid further building out the fossil gas infrastructure** that San José's gas ban is designed to avoid. 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!* And once cleaner forms of backup power are available, the diesel generators can be discontinued, whereas the dirty gas-powered fuel cells would be used for at least five years to a decade or more.

**Don't allow Bloom to strong arm an end-run around our visionary all-electric code!** 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. If Bloom wants to have its Bloom Boxes used in new San Jose buildings, it should be required to power those 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 build-out of gas infrastructure until **halfway through this decade.**

**<u>You</u> are the people responsible for protecting the people and the environment. If you care about climate and its effects on our children and grandchildren, you will stand up for us by insisting on the strongest possible gas ban ordinance.**

**Sincerely,**

Gini Bossenbroek

[redacted] San Jose, CA

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Lindi Ramsden <[redacted]>

Mon 11/30/2020 3:37 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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
[redacted]

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

Brian Heger <[redacted]>

Mon 11/30/2020 4:44 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]>

[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 C02 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***

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

David Sacerdote <[redacted]>

Mon 11/30/2020 5:14 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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

# Blair Beekman. sj city council. December 1, 2020. Item 6.1.

b. beekman <[redacted]

Mon 11/30/2020 6:16 PM

To:Agendadesk <[redacted]

[External Email]

Dear community of San Jose and city govt.

The current natural gas reduction Ideas, of San Jose city govt., has created good examples, for a few years now.

It leaves San Jose, in a very good place, to help better address, the future of fracking, and fossil fuel use, into the late 2020's.

And can possibly, very much help, an upcoming, Biden/Harris administration, in how they can better address the future of fracking gas, in the United states.

As there can be, an honest future of jobs, to help build, renewable energy ideas.

Is there a way, people want to start to connect, this good work, of limiting the future, of natural gas use, in San Jose, with the positive, good work, renewable energy use, within local community energy.

Simple, decent conversations and dialogue, with friends, city staff, and elected officials, can help open up, our positive, better thinking.

Current, clean energy ideas, usually implies, a strong reliance, on nuclear, to work towards carbon free goals, compared with, simpler, renewable energy ideas.

Nuclear power. And its economy, is actually fueling, most local community energy programs, around the entire Bay Area, at this time.

This is a concept, that should be abborhent, to the importance of renewable energy ideas. And sustainable, better practiced, local community democracy ideas.

Local community energy, in the Ca. Central coast, and Sonoma counties, are learning how to opt out, of their nuclear energy packages.

Much as, Mayor Liccardo, is currently chosing a philosophy, to opt out of, natural gas use, for the future of San jose.

To conclude, it's time to consider, a more open, community practice, for the future of San Jose community energy

A process needs to begin, to allow better publlc access, for the San Jose, Clean Energy Commission.

And in fact, a process needs to develop, for all the city commissions, of San Jose, to allow for, better public input and review.

The commission process, seems a place, that can always create, good building blocks, towards better ideas, & connections, between community, and its local government.

A simple example - Can video public meeting minutes, or simple written minutes, of San Jose commission meetings, eventually be made, more available, to the everyday public.

sincerely,
blair beekman

# Expansion of the gas ban ordinance

Margaret T. <[redacted]>

Mon 11/30/2020 6:34 PM

To: [redacted] <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Diep, Lan <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>



Dear Honorable Mayor/Council Members,

As a San Jose resident.in District 3 I am concerned about the climate crisis, I urge you to reject Bloom Energy's request for an exemption from the Updated Natural Gas Infi

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 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 *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 C** 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 ( 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 *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 do.*

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** 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 co 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.

Sincerely,

*Margaret Tritton, District 3*

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Annabelle Law <[redacted]>

Mon 11/30/2020 6:45 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[External Email]

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

As a Bay Area citizen, 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. 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.

--
Best,
Annabelle Law

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Lucy Ge <[redacted]>

Mon 11/30/2020 6:45 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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.

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,

Lucy Ge

# Pass the natural gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Elin Bolt <[redacted]>

Mon 11/30/2020 7:12 PM

To: Liccardo, Sam <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Diep, Lan <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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. 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,

Elin Bolt
District 4
San Jose

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Krista Pronge <[redacted]>

Mon 11/30/2020 7:15 PM

To: Liccardo, Sam <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Diep, Lan <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]> Carrasco, Magdalena <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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. 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,

Krista Pronge

[redacted]

# Reject Bloom Energy's Request

Jamie Minden (Class of '21) <[redacted]>

Mon 11/30/2020 7:16 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena
<[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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.*

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,

*Jamie Minden*

*Founder and lead of Sunrise Silicon Valley and Silicon Valley Youth Climate Strikes*

[redacted]

Sent from my iPad

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Helen Deng <[redacted]>

Mon 11/30/2020 8:04 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[External Email]

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

My name is Helen, I'm a constituent, and a youth who wants a livable future and habitable planet. 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. We are depending on you to vote YES on this gas ban, and to be climate LEADERS. 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 my generation.

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,

*Helen Deng*

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Ambika Ramadurai <[redacted]>

Mon 11/30/2020 8:08 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 energyto 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 $CO_2e$ 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,
Ambika Ramadurai

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

mai ho <[redacted]>

Mon 11/30/2020 8:21 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 energyto 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 $CO_2e$ 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,
Mai

# Untitled

Tyler Morgan <[redacted]>

Mon 11/30/2020 8:29 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena
<[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 born/Bay Area local 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 and residents in the Bay Area

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. and lying to the public.

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 CO2 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 Mayor Liccardo and others, 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. We don't have much time left to adapt to the climate crisis and create a just and livable future.

The citizens of the South Bay and Greater Bay Area are watching you to do the right thing and not give into capitalistic whims from one company. Put our future and lives first.

Sincerely,

Tyler Morgan

Pronouns: he, him, his
[redacted]
San Francisco Bay Area

# Please reject Bloom Energy's request for an exemption from the updated Natural Gas Infrastructure Prohibition Ordinance

Kristine Karnos <[redacted]>

Mon 11/30/2020 8:45 PM

To: Liccardo, Sam <[redacted]> Foley, Pam <[redacted]> Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Diep, Lan <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[External Email]

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

I'm a San Jose resident (Pam Foley's constituent, district 9) concerned about the climate crisis. I am writing to urge you to reject Bloom Energy's request from an exemption from the updated Natural Gas Infrastructure Prohibition Ordinance. We need firm, strong steps to face this crisis, and I believe the Updated Natural Gas Infrastructure Prohibition Ordinance, as-is and not watered down, is the kind of step we need to take right now. We should not be creating exemptions for natural gas or fuel cells powered by it. We need consistent, firm rules.

And learning that "Bloom Boxes" are currently powered by fracked gas, the idea of an exemption is that much worse. We need San Jose to achieve our climate smart goals. Bloom should be required to power its fuel cells with clean energy, not gas (fracked or not). Don't lower the bar to appease this company.

California fires this year were terrible. They were terrible last year and the year before. I know friends who lost their homes. Do you? We know that life-sustaining systems are breaking down: that the numbers of insects and birds are crashing, that algal blooms are creating larger dead zones in our oceans. We are in a climate crisis and we are decades past the time when we could have addressed it more gradually. This is not the time to create loopholes and exceptions.

Please insist on the strongest possible gas ban ordinance.

Thank you,

K Karnos
District 9, San Jose

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Ragini Srinivasan <[redacted]>

Mon 11/30/2020 9:04 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 energyto 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 $CO_2e$ 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,
Ragini Srinivasan

# Please do NOT approve Bloom Energy exemption!

Susana L. Gallardo <[redacted]>

Mon 11/30/2020 9:12 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[External Email]

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

I am a San Jose resident and 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.

**Bloom Energy's request for an unwarranted exemption is completely inappropriate and defeats the purpose of the original ordinance.**

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.*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,
Susana L. Gallardo

--
Susana L. Gallardo, Ph.D.
[redacted]

# Agenda Item 6.1: Updated Natural Gas Infrastructure Prohibition Ordinance

kathryn hedges <[redacted]>

Mon 11/30/2020 9:28 PM

To: City Clerk <[redacted]> CouncilMeeting <[redacted]> The Office of Mayor Sam Liccardo <[redacted]> District1 <[redacted]> District2 <[redacted]> District3 <[redacted]> District4 <[redacted]> District5 <[redacted]> District 6 <[redacted]> District7 <[redacted]> District8 <[redacted]> District9 <[redacted]> District 10 <[redacted]> Agendadesk <[redacted]>

Cc [redacted] <[redacted]>

[External Email]

Dear Mayor, Councilmembers, and City Staff:

I am a constituent living in an (almost) all electric apartment building near City Hall in District 3. Our building is all electric except for the gas boiler for our hot water.

I support the recommendation to extend the prohibition on natural gas installation in new construction to retail and commercial buildings, as the City of Berkeley and other local cities have done. I read the letter from the architectural firm that has compiled a portfolio of successful all-electric projects from around California. Their expertise convinced me that we do not need to add to the cost of commercial and retail buildings by including natural gas infrastructure that we need to make obsolete as quickly as possible.

The cost of including gas boilers and other gas-fired utilities alongside electric hookups will probably be higher than the commercial linkage fees the commercial development community claims they can't pay. When the time comes to phase out natural gas, they will want exemptions from switching over because it was permitted at the time of construction so they won't have to pay to install new electric water heating and other appliances.

I also support prohibiting the exemption for the natural gas fuel cell backup power company because that was their choice to design a project using an outmoded technology. If the only alternative were diesel-powered generators (admittedly far more polluting than natural gas), they would have a point. However, that's a straw man argument.

I don't know how long it would take for existing construction to phase out gas-burning appliances and other features (my building didn't use the opportunity when their system failed earlier this year to switch to electric water heating), but eventually we want to get rid of natural gas. Not just because of the undeniable effects on air quality and greenhouse gas emissions, but because the natural gas infrastructure owned and operated by PG&E is poorly maintained and unsafe--as demonstrated by the tragedy in San Bruno a decade ago. We should not be wasting any resources on perpetuating natural gas use.

Thank you for your leadership in fighting climate change by making all new homes all-electric. Let's continue that trend with commercial development too. Don't let developers bully the City into bowing to their demands.

Kind regards,
Kathryn Hedges
[redacted]

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Freeman Mapuranga <[redacted]>

Mon 11/30/2020 9:55 PM

To: Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Peralez, Raul <[redacted]> Diep, Lan <[redacted]> Carrasco, Magdalena <[redacted]> Davis, Dev <[redacted]> Esparza, Maya <[redacted]> Arenas, Sylvia <[redacted]> Foley, Pam <[redacted]> Khamis, Johnny <[redacted]> <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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. 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,

Freeman Mapuranga

[redacted]

[redacted]

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Rachel Liu <[redacted]>

Mon 11/30/2020 9:55 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 energyto 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 $CO_2e$ 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,
Rachel Liu
Political Team Lead, Sunrise Silicon Valley

# Pass gas ban; reject Bloom Energy's request for an exemption (Agenda Item 6.1)

Sophie Wang <[redacted]>

Mon 11/30/2020 10:36 PM

To: Liccardo, Sam <[redacted]> Davis, Dev <[redacted]> Peralez, Raul <[redacted]>
Diep, Lan <[redacted]> Arenas, Sylvia <[redacted]> Esparza, Maya <[redacted]>
Jones, Chappie <[redacted]> Jimenez, Sergio <[redacted]> Carrasco, Magdalena <[redacted]>
Foley, Pam <[redacted]> Khamis, Johnny <[redacted]>

Cc: Agendadesk <[redacted]> City Clerk <[redacted]>

[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 energyto 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 $CO_2e$ 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,

NRDC

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)

The Climate Reality Project
SANTA CLARA COUNTY, CA CHAPTER

**RE: 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**

**Via email**: sam.liccardo@sanjoseca.gov, dev.davis@sanjoseca.gov, raul.peralez@sanjoseca.gov, lan.diep@sanjoseca.gov, sylvia.arenas@sanjoseca.gov, maya.esparza@sanjoseca.gov, charles.jones@sanjoseca.gov, sergio.jimenez@sanjoseca.gov, magdalena.carrasco@sanjoseca.gov, pam.foley@sanjoseca.gov, johnny.khamis@sanjoseca.gov

**CC:** agendadesk@sanjoseca.gov, city.clerk@sanjoseca.gov

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 C02 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**

| | PROVIDER | | | |
|---|---|---|---|---|
| **Emission Categories** | **PG&E*** | **SJCE*** | **Bloom Energy (low end of range)** | **Bloom Energy (high end of range)** |
| Yearly CO2 Emissions (lbs of CO2) | 417,150 | 382,118 | **893,734** | **1,096,436** |
| 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 C02) | 421,463 | 386,431 | **1,027,475** | **1,230,177** |
| MT CO2 in 1 year | 191 | 175 | 466 | 558 |
| MT CO2 emissions over 5 year period* | 955 | 875 | **2,330** | **2,790** |

*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 10th 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
[redacted]
Chair, The Climate Reality Project: Santa Clara County

CALIFORNIA
WATER SERVICE GROUP
INVESTING FOR LIFE

1720 North First Street, San Jose, CA 95112 - 408.367.8200

**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

CALIFORNIA
WATER SERVICE GROUP
INVESTING FOR LIFE

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, sam.liccardo@sanjoseca.gov
Vice Mayor Chappie Jones, chappie.jones@sanjoseca.gov
Councilmember Sergio Jimenez, Sergio.jimenez@sanjoseca.gov
Councilmember Lan Diep, lan.diep@sanjoseca.gov
Councilmember Magdalena Carrasco, magdalena.carrasco@sanjoseca.gov
Councilmember Dev Davis, dev.davis@sanjoseca.gov
Councilmember Maya Esparza, maya.esparza@sanjoseca.gov
Councilmember Sylvia Arenas, sylvia.arenas@sanjoseca.gov
Councilmember Pam Foley, pam.foley@sanjoseca.gov
Councilmember Johnny Khamis, johnny.khamis@sanjoseca.gov
David Sykes, City Manager, david.sykes@sanjoseca.gov
Rosalynn Hughey, Director, Planning, Building, and Code Enforcement, rosalynn.hughey@sanjoseca.gov
Kerrie Romanow, Director, Environmental Services, kerrie.romanow@sanjoseca.gov
Jim Ortbal, City Manager's Office, jim.ortbal@sanjoseca.gov

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**

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

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;[1] 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."[2] 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.

[1] https://sanjose.legistar.com/LegislationDetail.aspx?ID=4683887&GUID=3EE6BB59-5A81-47F5-A4F3-A6D5A780B0BC
[2] 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[3] 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**.[4] 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 awunder@e2.org if you have any questions.

Respectfully,

[redacted]

Andy Wunder
E2 Western States Advocate

Cc: Scott Green, Policy Advisor to Mayor Liccardo

[3] https://e2.org/wp-content/uploads/2020/06/E2-Clean-Jobs-California-2020.pdf
[4] https://ww2.energy.ca.gov/2019publications/CEC-500-2019-055/CEC-500-2019-055-F.pdf

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,

[redacted]

Allie Detrio
Senior Advisor
Microgrid Resources Coalition

Cc: Mayor Sam Liccardo, sam.liccardo@sanjoseca.gov
Vice Mayor Chappie Jones, chappie.jones@sanjoseca.gov
Councilmember Sergio Jimenez, Sergio.jimenez@sanjoseca.gov
Councilmember Lan Diep, lan.diep@sanjoseca.gov
Councilmember Magdalena Carrasco, Magdalena.carrasco@sanjoseca.gov
Councilmember Dev Davis, dev.davis@sanjoseca.gov
Councilmember Maya Esparza, maya.esparza@sanjoseca.gov
Councilmember Sylvia Arenas, sylvia.arenas@sanjoseca.gov
Councilmember Pam Foley, pam.foley@sanjoseca.gov
Councilmember Johnny Khamis, johnnykhamis@sanjoseca.gov
David Sykes, City Manager, david.sykes@sanjoseca.gov
Rosalynn Hughey, Director, Planning, Building, and Code Enforcement, rosalynn.hughey@sanjoseca.gov
Kerrie Romanow, Director, Environmental Services, kerrie.romanow@sanjoseca.gov
Jim Ortbal, City Manager's Office jim.ortbal@sanjoseca.gov

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 31st, 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.

6150 Cottle Road, San Jose, CA 95123 • Ph: 408.225.3030 • Fax: 408.225.3405

Al Gonzalez, Jr. *Business Representative*
Conrad Pierce *Business Representative*
Scott Reese *Business Representative*
"Mundo" Escarcega *Business Representative*
Juan Gutierrez *Organizer*

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,

[redacted]

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

SF:mg/opeiu29/afl-cio

# Agenda Item 6.1 (Pass gas ban)

leahjayart [redacted]

Mon 11/30/2020 10:51 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Diep, Lan <lan.diep@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Khamis, Johnny <johnny.khamis@sanjoseca.gov>;

Cc: Agendadesk <Agendadesk@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>;

[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 **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,

*Leah Jakusovszky*
[redacted]

Sent from my Verizon, Samsung Galaxy smartphone