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Docket Number:	16-OIR-06
Project Title:	Senate Bill 350 Disadvantaged Community Advisory Group
TN #:	220750
Document Title:	California Environmental Justice Alliance's Comment on the Joint Staff Proposal for the Disadvantaged Communities Advisory Group
Description:	N/A
Filer:	System
Organization:	Deborah Behles
Submitter Role:	Public
Submission Date:	8/14/2017 9:21:23 PM
Docketed Date:	8/15/2017

Comment Received From: Deborah Behles

Submitted On: 8/14/2017

Docket Number: 16-OIR-06

California Environmental Justice Alliance's Comment on the Joint Staff Proposal for the Disadvantaged Communities Advisory Group

Additional submitted attachment is included below.

August 15, 2017

Via Electronic Submission

California Energy Commission
Dockets Office, MS-4
Re: Docket No. 16-OIR-06
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Comments of the California Environmental Justice Alliance on the Joint Staff Proposal,
Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework

Dear Commissioners:

The California Environmental Justice Alliance (“CEJA”) respectfully submits these comments in response to the California Public Utilities Commission/California Energy Commission Joint Staff Draft Proposal, Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework. CEJA is an alliance of grassroots environmental justice organizations¹ situated throughout California working, among other things, to transform California’s energy system into one that is just, democratic, equitable, and composed of genuinely clean energy.

CEJA is pleased that the California Public Utilities Commission (“CPUC”) and the California Energy Commission (“CEC”) are in the process of developing the Disadvantaged Communities Advisory Group (“DACAG” or “Advisory Group”) required pursuant to Senate Bill (“SB”) 350. This Advisory Group represents an important way to ensure that the input of disadvantaged communities is considered when developing policies and plans impacting their communities. As described further below, CEJA has a number of suggestions for making this Advisory Group more effective. CEJA also recommends that the agencies reopen consideration of the structure of this Advisory Group in two years to evaluate whether additional changes need to be made to ensure that this Group is being fully integrated into agency decision-making processes as envisioned under SB 350.

¹ CEJA’s core members are Asian Pacific Environmental Network, Communities for a Better Environment, Center for Community Action and Environmental Justice, Center on Race, Poverty and the Environment, Environmental Health Coalition, and People Organizing to Demand Environmental and Economic Rights. CEJA’s partner organizations are Central Coast Alliance United for a Sustainable Economy, Leadership Counsel for Justice and Accountability, Physicians for Social Responsibility – Los Angeles, and Strategic Concepts in Organizing and Policy Education.

DISCUSSION

CEJA responds to the questions presented in the Staff Draft Proposal in the order presented.

1. *In what ways should the Straw Proposal be modified to better align with the mandates of SB 350, including PU Code 400, PU Code 454.52(a)(1), PU Code 740.8, and PU Code 740.12(a)(1) and other mandates related to disadvantaged communities?*

CEJA recommends several different ways that the Straw Proposal should be modified to better align with the mandates of SB 350. Initially, the Straw Proposal should recognize that the Advisory Group can help ensure meaningful public participation from impacted disadvantaged communities occurs in relevant agency proceedings. The Advisory Group can do this in two different ways. First, the Advisory Group can advise the CPUC and/or CEC how to set up processes that allow disadvantaged communities to meaningfully participate in proceedings impacting their communities. For example, when the CEC or CPUC plans a public participation meeting, the Advisory Group can review the location, language translation services, and other types of logistics such as child-care that are necessary for community members to participate in meetings. Second, the Advisory Group can hold their regular meetings throughout the State to allow for public participation and involvement from a diversity of communities within these meetings.

Second, the Straw Proposal should recognize that the Advisory Group may not be effective if it is only allowed to provide input on a quarterly basis. CPUC/CEC proceedings are often under a tight deadline, and many programs are designed within these proceedings. There needs to be a mechanism by which this Advisory Group can provide input to these proceedings on an ongoing basis, even if it is done by email or conference call. In addition to soliciting input from the Advisory Group, the agencies should also solicit local feedback through local workshops and hearings in conjunction with working the Advisory Group. Without providing this type of process, CEJA fears that the Advisory Group will not have a say in many important decisions impacting disadvantaged communities.

Third, the Straw Proposal should further clarify how the Advisory Group's input will be meaningfully utilized within the decision-making processes and provide a concrete way to evaluate and enforce consideration of the Advisory Group's recommendations and determinations. SB 350 requires this Advisory Group to "provide advice on programs" *and* "determine whether those programs will be effective and useful in disadvantaged communities."² By the plain language of the statute, the Advisory Group is required to provide more than just advice – it is required to make determinations, and these determinations need to be used and considered. The Advisory Group should have their input and determinations utilized to improve the agencies' decision-making processes not just check a box. To ensure this, there should be an upfront process for ensuring that the Advisory Group's input and determinations are not just solicited, but that the determinations actually used and taken into account in agency decisions in

² Cal. Public Util. Code § 400(g).

a meaningful way. Responses to the Advisory Group’s regular reports should be prepared by agency staff to indicate how the advice was utilized or if not, the reason why.

Fourth, the Straw Proposal should provide a specific list of types of issues where the Advisory Group’s advice will be sought. SB 350 generally provides that the Advisory Group should be involved in decisions for “programs proposed to achieve clean energy and pollution reduction” in disadvantaged communities.³ Within this, there may end up being a lot of grey areas in agency proceedings that touch on issues involving disadvantaged communities and programs related to disadvantaged communities. More concrete information will be essential for providing guidance when those grey areas arise to ensure that the Advisory Group is being consulted when necessary and appropriate. In addition to consideration of programs proposed to achieve clean energy and pollution reduction, the Advisory Group should also evaluate whether a particular program improves meaningful community engagement because meaningful community engagement is essential for determining whether projects “will be effective and useful in disadvantaged communities.”⁴

Fifth, the Straw Proposal should specify the time commitment and what type of resources will be available to help potential Advisory Group members participate. Participation in this Advisory Group may be cost-prohibitive for certain members of disadvantaged communities. To the extent that funding exists to ensure that interested members of disadvantaged communities can participate, CEJA recommends including information about those resources in the Staff Proposal. In addition to travel reimbursements, stipends should be provided for meetings attended. Staffing support should be provided to the Advisory Group to prepare notes and reports.

2. *Are there other ways in which the Disadvantaged Communities Advisory Group can provide advice to CPUC and CEC (e.g., informal written comments to the CPUC and CEC, providing reports to the CPUC and CEC, etc.)?*

Yes, as described above, the CPUC and the CEC should develop informal ways that the Advisory Group can provide input and comments in proceedings on issues impacting disadvantaged communities. This method should not be burdensome to ensure that the input can be provided on a regular basis in the event issues related to disadvantaged communities arise. The CPUC and CEC should take advantage of the full range of social media options and local in-person options to solicit advice. Such opportunities include but are not limited to:

- Webinar
- Local meetings, workshops, and hearings
- Tours of impacted areas
- Allow Advisory Group representatives to comment or present to the agency at various proceedings

3. *Are there specific programs and policy areas related to SB 350 which the Disadvantaged Communities Advisory Group should focus on? If so, please name.*

³ Cal. Public Util. Code § 400(g).

⁴ Cal. Public Util. Code § 400(g).

The specific programs and policy areas that the Advisory Group should focus on include, but are not limited to:

- Coordination of public outreach and participation in relevant CPUC/CEC proceedings impacting disadvantaged communities;
- Proceedings and programs related to the design of distributed energy resource, energy efficiency, energy storage, and demand response programs for disadvantaged communities;
- Proceeding and programs examining procurement and planning of energy resources in disadvantaged communities;
- Proceedings and programs related to local economic and jobs benefits from renewable energy; and
- Proceedings and programs examining transportation electrification in disadvantaged communities.

4. *In light of Disadvantaged Communities Advisory Group's responsibility to review SB 350 programs, are there additional areas of knowledge or expertise that should be sought in candidates beyond those described on page three?*

Yes, the candidates should also have knowledge of the different living conditions in their communities that may impact programs. For example, at least one member should have knowledge of the barriers for renewable energy development for mobile homes and how to increase penetration in this segment of the population. In addition, candidates in this group should collectively understand the types of barriers facing disadvantaged communities for increasing penetration of energy and transportation electrification in communities as discussed within the CEC and CARB SB 350 barrier studies. Finally, candidates that work for organizations representing disadvantaged communities should also be eligible for the Group. This is not clear in the Joint Staff Proposal.

5. *The Advisory Group may review technical information regarding proceedings and programs related to integrated resource planning, transportation electrification, and other clean energy technologies. Should prospective members be recruited who have an interest or background/experience in one or more of the following subject areas? Explain your response.*

- a. *Clean energy technologies, such as distributed generation, energy efficiency, renewables, etc.*
- b. *Transportation electrification;*
- c. *Electric or Natural Gas resource planning;*
- d. *Local economics (including job and training potential) with respect to clean energy development;*
- e. *Air quality and related health impacts; or*
- f. *Greenhouse gas and/or air pollutant controls from a technical or policy perspective.*

The most important qualification for the Advisory Group should be the connection to the disadvantaged communities to ensure that the decisions that are made truly reflect input by the relevant communities. The members should reside in and/or work directly with disadvantaged

communities to be included in this Advisory Group.⁵ That being said, some members of the Group may have the types of technical qualifications listed within this question. While these technical qualifications could be helpful to the Advisory Group, not having these technical qualifications should not exclude members from the Advisory Group. To the extent technical expertise is needed for decisions, the CPUC/CEC relevant agency staff should provide briefings for the Advisory Group or funding could be made available to hire an independent consultant.

6. *Are there any other subject area backgrounds that the Commissions should seek out in prospective applicants?*

An additional consideration needs to be made to ensure that members of the Group could participate if they speak another language with translation services.

7. *Should the Advisory Group charter assign specific roles to the eleven 4 member positions based on policy, issue or geographic areas, such as “air quality/health impacts designee” or “transportation electrification designee”?*

Yes, the charter should assign specific roles to ensure that the greatest number of disadvantaged communities’ interests are included within the charter. It is not clear how the diversity of communities will be split between members selected by the CEC and CPUC. It may be more effective to split members geographically instead of dividing it between the agencies like the Staff Proposal recommends. Diversity in geography is critical because the interests of communities living in the Central Valley may be different from those living in Los Angeles. This diversity needs to be reflected within the Advisory Group. In addition, the Advisory Group should be familiar with different ethnicities as well as issues that are important to disadvantaged communities such as air quality and health impacts.

8. *Should any leadership positions be designated in the Group’s charter, other than Chair, and Secretary? Should the officers’ roles be assigned to particular specialties or represented particular communities, rather than be open to any interested members? Are there additional responsibilities desired for each position?*

No, initially only the Chair and Secretary’s role should be assigned. The Group can work together to assign responsibilities based on the type of input that is sought. A co-chair option should be allowed if the Advisory Group prefers it.

9. *If the CPUC and CEC cannot find willing candidates with the desired qualifications, how should they proceed to establish the Advisory Group?*

The priority should be to include members that represent the greatest diversity in geography and ethnicity of disadvantaged communities in the State. The other desired qualifications are secondary.

⁵ See, e.g., AB 197, Section 7 (2016).

10. How can the work of the Disadvantaged Communities Advisory Group and the Low Income Oversight Board (LIOB) be best coordinated?

The Group should remain separate because of its different mandate, but it should have one annual joint meeting with the LIOB as well as CARB's Environmental Justice Advisory Group to ensure coordination and discussion of overlapping issues.

11. How can the work of the Disadvantaged Communities Advisory Group and the Air Resources Board's Environmental Justice Advisory Group be best coordinated?

The Group should remain separate because of its different mandate, but it should have one annual joint meeting with the LIOB as well as CARB's Environmental Justice Advisory Group to ensure coordination and discussion of overlapping issues.

CONCLUSION

CEJA thanks the agencies for seeking input on the formation of this important Advisory Group. CEJA looks forward to continuing to work with both the CEC and the CPUC on its development. If you have any questions, please contact Strela Cervas (scervas@caleja.org) or Deborah Behles (deborah.behles@gmail.com).

Thank you for your time and consideration in reviewing these comments.

Sincerely,

Strela Cervas
Co-Director, California Environmental Justice Alliance