

## DOCKETED

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**Marin Clean Energy's Comments on the California Public Utilities Commission/California Energy Commission Joint Staff Draft Proposal: Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework**

*Additional submitted attachment is included below.*



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Kevin Wilk  
City of Walnut Creek

MCE  
1125 Tamalpais Avenue  
San Rafael, CA 94901

1 (888) 632-3674  
[mceCleanEnergy.org](http://mceCleanEnergy.org)

August 15, 2017

California Energy Commission  
Dockets Unit, MS-4  
**Re: Docket Number: 16-OIR-06**  
1516 Ninth Street  
Sacramento, CA 95814-5512

**Marin Clean Energy's Comments on the California Public Utilities Commission/California Energy Commission Joint Staff Draft Proposal: Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework**

In response to the California Public Utilities Commission ("CPUC") and California Energy Commission ("CEC") Press Release dated August 1, 2017, and the *Notice of Availability and Request for Comments of the California Public Utilities Commission/California Energy Commission Joint Staff Draft Proposal: Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework* ("Notice of Availability"), Marin Clean Energy ("MCE") respectfully submits these comments on the *California Public Utilities Commission/California Energy Commission Joint Staff Draft Proposal: Senate Bill 350 Disadvantaged Communities Advisory Group Structure and Framework* ("Draft Staff Proposal").

**I. INTRODUCTION**

MCE supports the creation of the Disadvantaged Communities Advisory Group ("DACAG") and thanks the CPUC and the CEC for the opportunity to provide these comments. MCE takes this opportunity to emphasize the value a Community Choice Aggregator ("CCA") representative can add to the DACAG. As local government entities governed by elected officials, CCAs and their representatives are uniquely positioned to communicate with and represent the disadvantaged communities they serve.

Fundamental to MCE's mission is ensuring that all communities within its service territory realize the full benefits of a greener energy economy. Given the current and projected growth of CCAs and their direct involvement in the core issues the DACAG will address, the DACAG formation, membership, and composition rules should prioritize recruitment of a CCA representative. The group should be comprised of at

least one representative that can speak authoritatively about CCAs, CCAs' experiences serving disadvantaged communities, their expertise in moving the state towards Senate Bill ("SB") 350's climate goals, and most importantly the perspectives of the disadvantaged communities served, or potentially served, by CCAs.

MCE encourages the CPUC and CEC to consider the following as they develop the DACAG charter and member recruitment process:

- Consider staffing the DACAG with at least one CCA community representative that can represent disadvantaged communities within CCA territories;
- Ensure that CCA employees or representatives, local government entity representatives, local nonprofit organizations, and local disadvantaged community members that may have a financial interest in discussed programs not be precluded from engaging fully in the DACAG deliberation process;
- Ensure that the DACAG recruitment process and charter remain precisely focused on obtaining local, disadvantaged community members' advice and feedback; and
- Clarify the role of the DACAG as being primarily advisory or whether and to what extent the DACAG has decision-making authority.

## II. BACKGROUND

SB 350 instructs the CPUC and CEC to create a DACAG.<sup>1</sup> The purpose of this group is to advise the CPUC and CEC about the impacts on disadvantaged communities of SB 350 programs to achieve California's clean energy and pollution reduction goals.<sup>2</sup> The CPUC and CEC issued a Draft Staff Proposal, wherein they address the scope and recruiting process and methodology for the DACAG.

On August 1, 2017, the CPUC and CEC issued a press release and Notice of Availability introducing the Draft Staff Proposal. The CEC and CPUC invited stakeholder feedback, which the commissions will use to draft a DACAG charter and application.

### A. MCE Provides Energy Efficiency and Renewable Energy Programs That Serve Disadvantaged Communities.

MCE is the first operational CCA program in California and began serving its customers in May 2010. MCE currently serves over 250,000 customers in Marin County, Napa County, and the cities of Richmond, El Cerrito, San Pablo, Benicia, Lafayette, and Walnut Creek. MCE's operations are overseen by a Joint Powers Authority with its Board of Directors comprised of publicly elected officials that represent each of the communities participating in MCE's program. On July 20, 2017, MCE's Board voted to join as part of MCE the cities of Concord, Martinez,

<sup>1</sup> Cal. Pub. Util. Code § 400(g).

<sup>2</sup> *Id.*

Oakley, Pinole, Pittsburg, San Ramon, and the Town of Danville, the Town of Moraga, and unincorporated Contra Costa County.

MCE has a dual commitment to reduce greenhouse gas (“GHG”) emissions and promote environmental justice. MCE’s practices advance the availability of renewable resources and seek to ensure all of its communities reap the financial, health, and community benefits that result from a cleaner and more renewable energy economy. To this end, MCE provides its low-income and disadvantaged communities a wide range of energy efficiency and renewable energy services. As an example, later this year MCE will launch its Low-Income Families and Tenants (“LIFT”) pilot program, which seeks to leverage existing energy efficiency programs to increase incentives and maximize energy savings in hard-to-reach communities. As a fundamental component of the LIFT pilot, MCE is working closely with disadvantaged communities to identify and mitigate barriers to low-income and disadvantaged community participation in energy efficiency programs.

### **III. DRAFT STAFF PROPOSAL QUESTION 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?**

#### **A. The CEC and CPUC Should Clarify to What Extent the DACAG Is Purely Advisory or Whether It Has Decision-making Authority.**

Cal. Pub. Util. Code § 400(g) states that the DACAG “shall review and provide advice on programs proposed to achieve clean energy and pollution reduction and **determine** whether those proposed programs will be effective and useful in disadvantaged communities” (emphasis added). The Draft Staff Proposal refers to the DACAG as primarily an advisory body, yet the statute’s use of the word “determine” implies a level of decision-making authority. To facilitate the success and intended influence of the DACAG, the CPUC and CEC should clarify the DACAG’s scope. Such clarification will set all stakeholders’ expectations and promote efficient use of the DACAG’s efforts.

### **IV. DRAFT STAFF PROPOSAL QUESTIONS 4 & 6**

**QUESTION 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.**

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

#### **A. The DACAG Should Include at Least One CCA Representative.**

As local, not-for-profit government entities, CCAs necessarily represent the interests of their member communities regarding access to renewable energy and environmental justice.

Moreover, given the current and projected growth of CCAs, CCAs will serve unprecedented numbers of communities throughout California. A CCA representative or community representative familiar with the function and operation of CCAs could provide useful insight that can inform DACAG deliberations and facilitate efficient and effective implementation of SB 350's programs to better serve disadvantaged communities.

This being said, MCE supports the DACAG being primarily a way to obtain disadvantaged communities' respective expertise as to how high-level policy decisions and programs are, or are not, effectively serving their needs and interests. This consideration should be central to any recruitment criteria and advisory group composition.

**B. The DACAG Formation, Membership, and Composition Rules Should Not Limit the Ability of CCA Representatives, Local Government Representatives, Nonprofit Representatives Serving Disadvantaged Communities, and Disadvantaged Community Members from Fully Participating in Deliberations Regarding Any Programs Discussed by the DACAG.**

The CEC and CPUC should revise its statement that “[m]embers of the Advisory Group shall be precluded from providing advice on programs in which they, their employers, or organizations they represent have a financial interest.”<sup>3</sup> MCE appreciates the spirit of this rule and encourages any and all efforts to facilitate transparency and ensure the primary focus of the DACAG is representing the interests of disadvantaged communities. Nonetheless, as written, this rule would potentially preclude employees of CCAs, local government representatives, non-profit organization members, and even local community members and contractors for energy efficiency programs from substantively contributing to the advisory group because of potential financial interests.

Although MCE and other CCAs may administer certain energy efficiency, electrification, or renewable energy programs, CCA employees or representatives should not be precluded from fully participating in discussion and review of any programs within the DACAG's purview. As local government not-for-profit entities, any CCA employee or representative would necessarily be advocating on behalf of his/her disadvantaged member communities.

Nonetheless, to obviate the potential conflict of interest and promote transparency, the CEC and CPUC should implement a disclosure policy, whereby any DACAG candidate would be required to disclose any and all financial interests he/she may have relating to SB 350 programs. Such disclosures could facilitate a transparent application process while not precluding useful disadvantaged community perspectives from being voiced in the DACAG.

<sup>3</sup> Draft Staff Proposal at 2.

**V. CONCLUSION**

MCE thanks the CEC and the CPUC for the opportunity to provide these comments and for their careful consideration of this matter.

Respectfully submitted,

/s/ Nathaniel Malcolm

Nathaniel Malcolm  
Policy Counsel  
MARIN CLEAN ENERGY

Dated: August 15, 2017