

EBCE Board of Directors Public Comment received for the 3/8/23 Special Board Retreat - Power Procurement

Letter #	City	First Name	Last Name	Date	Title
1	EBCE	Adrian	Bankhead	2/28/2023	Update to Public Comment distribution policy
2	Berkeley	Tom	Kelly	3/4/2023	Written Public Comment submitted by Tom Kelly on March 4, 2023

Adrian Bankhead <abankhead@ebce.org>

EBCE - Update to Public Comment Distribution Policy

Adrian Bankhead <abankhead@ebce.org>
Draft

Sun, Mar 5, 2023 at 6:00 PM

Dear EBCE Board of Directors and Community Advisory Committee,

I would like to announce an update to our public comment policy. Going forward, all public comment that is received prior to the Board of Directors and Community Advisory Committee agenda posting dates will be sent out alongside (or, included within) the agenda packets. Previously, all public comment was bundled into a single dossier and sent out immediately prior to EBCE Board meeting. As a result of this practice, Tom Kelly's February 2, 2023 letter was not distributed to the Community Advisory Committee prior to their February meeting. This new practice is intended to ensure that all public comment is delivered in a timely and appropriate manner.

Please let me know if you have any questions.

Sincerely,
Adrian

--

Adrian Bankhead | Clerk of the Board
East Bay Community Energy
abankhead@ebce.org | (510) 906-0491

Follow us on [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#)

EBCE respects your privacy. Please see EBCE's customer confidentiality policy at ebce.org/confidentiality.

Dear Members of the EBCE Board of Directors,

The March 8, 2023 Special Board meeting for EBCE Directors covers “Power Procurement”. Historically, this presentation has taken place early in the year to provide new Directors with an overview of the California power market and to update existing Directors on changes that have taken place since the last presentation.

Unfortunately, the presentation does not focus on the current power content of EBCE’s default product, *Bright Choice*, and why it fails to comply with the EBCE Joint Powers Agreement (JPA) that was signed by each member jurisdiction, and also why it fails to comply with the enabling legislation signed by your city.

EBCE was formed by a broad-based group of organizations, citizens, union representatives, elected officials and others for three primary purposes:

- 1) Provide an electricity product that was lower or competitive with PG&E on rates,
- 2) Provide an electricity supply portfolio that generated fewer greenhouse gas emissions (GHGs) than PG&E’s default product, and
- 3) Establish an energy portfolio that prioritizes the use and development of local renewable resources.

In its first two years of operation (2018-2019), EBCE easily met its JPA obligations on greenhouse gas emissions, in spite of the fact that the PG&E product relied in large part on nuclear generation. However, in 2020, EBCE’s default *Bright Choice* produced 370% more GHGs than PG&E and in 2021, 576% more GHGs than PG&E (measured in lbs. CO₂e per MWh - see attached comparison below). In addition to significantly increasing the amount of climate heating gases emitted into the atmosphere, the GHGs associated with electricity substantially increased the GHG load in cities that were not receiving Renewable 100 as a default product. For cities attempting to meet their climate action goals, this is a major setback.

EBCE staff convinced the Board to abandon its GHG obligations and instead focus on renewable energy content as the appropriate comparison to PG&E. This has led to the increase in GHGs associated with *Bright Choice* for two reasons:

- 1) About 20-25% of the renewables associated with *Bright Choice* are produced and consumed outside California. While these renewables

conform to the state regulations (Renewable Portfolio Standard or RPS), the electricity that is consumed here relies on “system power” which is primarily natural gas. You will note from the 2021 Power Content Label, that *Bright Choice* is about 40% system power, hence the staggeringly high GHG content of *Bright Choice*.

- 2) EBCE staff underestimated the amount of renewables that would make up PG&E’s electricity and, as a result, EBCE also falls below PG&E on renewable content.

EBCE staff often state that if you subtract out the nuclear content of PG&E electricity, EBCE is better than PG&E on GHGs. Staff also state that other CCAs rely on nuclear power as the reason for the lower GHGs. This position is not consistent with EBCE’s formation documents and *Bright Choice*’s GHGs in 2018 and 2019. Additionally, a number of other northern California CCAs do far better on GHGs than PG&E and EBCE in spite of having no nuclear power in their mix.

Finally, EBCE’s financial position is extraordinarily strong. Based on what I have been able to discover from the financial reports from other CCAs, purely on a financial basis, EBCE is doing better than most so it would be difficult for me to believe that cost is a factor in EBCE’s underperformance.

I hope that this information will encourage you to instruct EBCE staff to bring EBCE into compliance with its legal obligations and to abandon its reliance on a power mix that is contributing to climate instability.

Sincerely,

Tom Kelly
Berkeley

3/4/23

510.684.6484

2020 RANK	2021 RANK	Load Serving Entity	Lbs CO2e per							% Unbundled RECs
			MWh	% Renewable	% Unspecified	% Nat. Gas	% Large Hydro	% Nuclear	% Other	
2	1	Peninsula	5	49.20%	0.00%	0.00%	50.80%	0.00%	0.10%	0.00%
1	2	Silicon Valley	18	44.10%	0.00%	0.00%	35.90%	20.00%	0.00%	0.00%
4	3	MCE	75	60.50%	1.70%	0.00%	36.80%	0.90%	0.10%	0.00%
3	4	CleanPowerSF	82	55.40%	6.90%	0.00%	37.60%	0.10%	0.00%	0.00%
7	5	PG&E BASE PLAN	98	47.70%	0.00%	8.90%	4.00%	39.30%	0.00%	2.00%
5	6	Sonoma	130	49.70%	9.20%	0.00%	40.60%	0.50%	0.00%	0.00%
8	7	San Jose	168	36.00%	1.30%	0.00%	31.30%	31.30%	0.00%	0.00%
11	8	CALIF. AVERAGE	456	33.60%	6.80%	37.90%	9.20%	9.30%	0.20%	NA
6	9	Central Coast	494	38.40%	49.80%	0.00%	11.80%	0.00%	0.00%	0.00%
14	10	Pioneer	542	30.80%	48.40%	0.00%	0.40%	20.40%	0.00%	5.00%
13	11	EBCE	564	42.30%	40.00%	0.00%	15.90%	1.70%	0.10%	0.00%
12	12	King City	567	40.00%	60.00%	0.00%	0.00%	0.00%	0.00%	0.00%
10	13	Redwood Coast	615	33.10%	56.40%	0.00%	10.50%	0.00%	0.00%	0.00%
9	14	Valley	722	12.60%	76.50%	0.00%	10.90%	0.00%	0.00%	0.00%

