



**Community Advisory Committee Meeting**  
Tuesday, June 20, 2023  
6:00 pm

**In Person:**

The Lake Merritt Room  
Cal State East Bay - the Oakland Center  
In the Transpacific Centre  
1000 Broadway, Suite 109  
Oakland, CA 94607

**Or from the following locations:**

- 3602 Thornton Ave, Fremont, CA 94536
- Starbucks - 20663 Rustic Dr. Castro Valley, CA 94546

**Via Zoom:**

<https://us02web.zoom.us/j/84794506189>

**Or join by phone:**

Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205  
6099 or +1 301 715 8592 or +1 312 626 6799 or 877 853 5257 (Toll Free)  
Webinar ID: 847 9450 6189

*Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board at least 2 working days before the meeting at (510) 906-0491 or [cob@ebce.org](mailto:cob@ebce.org).*

*If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.*

**C1. Welcome & Roll Call**

**C2. Public Comment**

*This item is reserved for persons wishing to address the Committee on any EBCE-related matters that are not otherwise on this meeting agenda. Public*

*comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Committee are customarily limited to three minutes per speaker and must complete an electronic [speaker slip](#). The Committee Chair may increase or decrease the time allotted to each speaker.*

**C3. Approval of Minutes from May 15, 2023**

**C4. CAC Chair Report**

- **Report back from Community Innovation Grants Planning Meeting**

**C5. EBCE FY 2023-24 Budget (CAC Action Item)**

Adopt a resolution approving the FY23-24 budget

**C6. New Brand Name Proposal (CAC Action Item)**

Present the process and proposed new name for EBCE

**C7. CAC: Stockton Seat and Six-Month Term Extension (CAC Action Item)**

Create interim seat for Stockton and extend Regional member terms by six months (i.e., through Dec 2023)

**C8. CAC Member and Staff Announcements including requests to place items on future CAC agendas**

**C9. Adjournment to Tuesday, July 17, 2023 at 6:00 pm**



**Draft Minutes**

**Community Advisory Committee Meeting**

Monday, May 15, 2023

6:00 pm

**In Person:**

The Lake Merritt Room  
Cal State East Bay - the Oakland Center  
In the Transpacific Centre  
1000 Broadway, Suite 109  
Oakland, CA 94607

**Or from the following locations:**

- 3602 Thornton Ave, Fremont, CA 94536
- Starbucks - 20663 Rustic Dr. Castro Valley, CA 94546
- Sister Cities Gallery - 835 E 14th Street San Leandro CA 94577

**Via Zoom:**

<https://us02web.zoom.us/j/84794506189>

**Or join by phone:**

Dial (for higher quality, dial a number based on your current location):

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*If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.*

**C1. Welcome & Roll Call**

**Present: Members Landry, Hu, Liu, Lakshman, Souza, Lutz, Vice Chair Hernandez and Chair Eldred.**

**Excused: Members Swaminathan, Talreja and Kaur.**

**Presenters and Staff:**

JP Ross - EBCE staff  
Nick Chaset - EBCE staff  
Jason Bartlett - EBCE staff  
Alec Ward - EBCE staff  
Feby Boediartha - EBCE staff  
Michael Quiroz - EBCE staff  
Raïssa Ngoma - EBCE Assistant Clerk  
Adrian Bankhead - EBCE Clerk

**C2. Public Comment**

*This item is reserved for persons wishing to address the Committee on any EBCE-related matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Committee are customarily limited to three minutes per speaker and must complete an electronic [speaker slip](#). The Committee Chair may increase or decrease the time allotted to each speaker.*

**Igor Tregub**, Strategic Partnerships Director of the California Seller and Storage Association thanked the committee for its work in environmental and climate justice. He also requested that a discussion about rooftop solar and storage for low-income communities be added to a future agenda.

**Tom Kelly** raised concern about EBCE's default product, Bright Choice, being higher in greenhouse gas emissions than PG&E. He also expressed concern about EBCE's handling of the \$15 million to Children's Hospital and the \$8.5 million purchase of the Downtown Oakland building. He requested that there be a Board discussion pertaining the future of the property and the funds invested.

**Jessica Tovar**, East Bay Power Alliance, reminded the committee of the history of the local development plan, and emphasized the urgency of local jobs and community programs for historically marginalized groups.

**Richard Esteves** commended EBCE for its Medical Baseline program, which supplies \$1,000 rebates on portable Battery Energy Storage Systems (BESS) to vulnerable residents during power outages. Esteves highlighted that the program would now be able to provide free Tesla battery systems for low-income residents within fire zones. He asked for the CAC's input on determining how much of the 800+ free battery systems will be allocated for EBCE's families.

### **C3. (17:28) Approval of Minutes from April 15, 2023**

**Member Landry motioned to approve the minutes with corrections to Vaughn's name and Tom Kelly's comments under item C4. CAC Chair Report. Member Lutz seconded the motion which passed 6/0.**

**Abstain: Members Hu and Pacheco.**

**Excused: Members Swaminathan, Talreja and Kaur.**

Tom Kelly requested that corrections be made to his comments in the minutes under item C4. CAC Chair Report. He requested that “potentially” be changed to “would”, “in 2019” to “since 2019” and “reasoned” to “claimed”.

### **C4. (21:51) CAC Chair Report**

#### **The CAC Chair reported:**

- Staff is working on securing a central location for the June 7<sup>th</sup> 6-8pm hybrid public meeting on committee grant.
- Members of the body requested more information on the process of achieving 100% renewable energy as a base product.
- Peninsula Clean Energy's grid analysis on clean energy procurement costs for hourly electricity demand and the goal to reach 100% clean energy by 2025.
- A request for a letter of support for “Power Up the People”, a community program providing clean energy for critical public facilities.

Jessica Tovar sought more information on the “Power Up the People” project and expressed interest in community involvement for the project. She also praised existing organizations that are already implementing microgrids installation in community trusted locations.

#### **The Committee discussed:**

- **(39:29) Member Lutz** asked whether the “Power Up the People” program is targeted for municipal facilities or public facilities.
- **(41:11) Member Pacheco** inquired about the total estimate EBCE is going to match for the Power Up the People project and whether private partners can be revealed at this time.
- **(44:00) Member Hu** sought more information about the Department of Energy fund distribution timeline and asked for staff's thoughts about proposed plans for the fund.

- **(46:49) Member Liu** sought clarification concerning the amount of funding EBCE applied for and the expected timeline for fund distribution if awarded.
- **(50:01) Member Souza** inquired about Power Up the People's ownership agreement and whether EBCE would own the batteries.
- **(52:39) Member Lutz** asked whether the purpose of the committee grant workshop is to solicitate community feedback on grant distribution or to gather feedback on existing plans.

**Member Landry motioned to support the letter of support. Member Pacheco seconded the motion which passed 8/0.**

**Excused: Members Swaminathan, Talreja and Kaur.**

#### **C5. Draft FY 2023-24 Budget (CAC Informational Item)**

Review the draft budget for the next fiscal year

##### **The Committee discussed:**

- **(1:22:52) Chair Eldred** asked whether the increase in numbers on slide 5 is specifically related to EBCE's default product, Bright Choice.
- **(1:29:29) Member Lutz** brought to attention that the building electrification and healthy communities description omitted building upgrades beyond electrification. He asked for clarification on the matter.
- **(1:34:28) Member Hernandez** sought clarification about the real estate asset and whether there is a plan to put it back on the market.
- **(1:36:36) Member Pacheco** inquired more information on who is included in the workforce training program network and whether the network already exists.
- **(1:40:30) Member Landry** was curious about the rationale behind the reduction in Renewable 100 incentive, and asked for clarification on what carbon free energy encompasses beside wind, solar and hydro.
- **(1:46:03) Member Souza** spoke regarding programs intended to help residents reduce their carbon footprints.
- **(1:47:54) Member Hu** encouraged staff and the community to investigate the Community Resilience Centers program.
- **(1:52:57) Chair Eldred** asked for clarification on slide 8 about the \$13.7 million dividend for Bright Choice customers. She also requested that staff include metrics on adoption rates of EVs for when programs are being rolled out.

**(1:23:49) Tom Kelly** expressed that more reserves should be allocated towards carbon-free electricity. He also asked for clarification about whether the "other operations revenue" amount mentioned in slide 9 is a payment.

**(1:25:49) Jessica Tovar** raised concern about the \$2 million for community resilience, stating that it should be more centered on community efforts. She also suggested that the induction cooktop project be its own item to allow community input and build transparency. She added that Community Innovation grants should be offered annually.

**(1:27:36) Elsa Wefes-Potter**, Local Clean Energy Alliance, agreed with Jessica Tovar's comments and called for a re-evaluation of EBCE's funding priorities. Wefes-Potter urged that community resilience and transportation electrification programs better address the needs of the community especially for historically marginalized groups.

## **C6. Legislative Update**

Update on recommended bill positions and EBCE's bill tracker

### **The Committee Discussed:**

- **(2:19:45) Member Pacheco** echoed the LCA and Jessica Tovar's comments on the loss of autonomy and control over resources. He also expressed concern about the impact of the AB 538 on outsourcing jobs especially if energy resources are procured from out of state.
- **(2:21:12) Chair Eldred** recommended that staff oppose AB 538 since there seem to be no amendments that would remedy the impact of the bill.
- **(2:28:28) Member Souza** reiterated that AB 538 should be watched until amended, but also studied.

**Member Lutz motioned to support staff's recommendations with the addition of taking an opposed stance on AB 538. Member Pacheco seconded the motion which passed 6/0.**

**Abstain: Members Hu and Lakshman**

**Excused: Members Swaminathan, Talreja, Kaur and Hernandez.**

**(2:17:11) Elsa Wefes-Potter** spoke in opposition to AB 538, stating that EBCE would lose its autonomy and control over resources to provide local clean energy. Wefes-Potter also highlighted that this bill would have a negative impact on local investments.

**(2:18:35) Jessica Tovar** encouraged members to oppose AB 538 and agreed with Elsa Wefes-Potter's comments that AB 538 would lead to an outsource of jobs and bring a lot of dirty energy.

## **C7. Load Management Standards Interim Compliance Plan (CAC Action Item)**

Requesting Board approval of an interim compliance plan for the California Energy Commission's Load Management Standards

**The Committee Discussed:**  
**No discussion by the committee.**

**Member Pacheco motioned to approve the minutes. Member Lutz seconded the motion which passed 7/0.**

**Abstain: Member Hu.**

**Excused: Members Swaminathan, Talreja and Kaur.**

(2:33:19) Jessica Tovar spoke on behalf of East Bay Clean Power Alliance, expressing support for staff recommendation.

**C8. CAC Member and Staff Announcements including requests to place items on future CAC agendas**

- **Member Landry** requested to agendize the governors and PMC incentives to strengthen rooftop solar and storage for renters and multi-families. She also proposed adding building expense and the quality conservation services letter for free battery installation for medical baseline objectives.
- **Member Lutz** requested an update on the resource adequacy fine.
- **Member Hu** proposed that staff return with an update or memo on bills that will be moving forward.
- **Member Souza** requested to hear additional information about energy efficiency programs.

**Jessica Tovar** announced a webinar on May 24<sup>th</sup> called "Lithium Mining Behind the Curtain: What's Equity in an Extractive Energy Transition?" More information about the webinar can be found at [localcleanenergy.org](http://localcleanenergy.org)

**C9. Adjournment to Tuesday, June 20, 2023 at 6:00 pm**





CAC Item C5  
Staff Report Item 17

**TO:** East Bay Community Energy Board of Supervisors  
**FROM:** Nick Chaset, CEO  
**SUBJECT:** EBCE Budget Fiscal Year 2023-2024 (Action Item)  
**DATE:** June 21, 2023

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**Recommendation**

Adopt a resolution approving the 2023-2024 fiscal year budget.

**Background and Discussion**

EBCE's fiscal year is from July 1 through June 30. Staff is presenting a proposed draft budget for fiscal year 2023-2024.

This budget presents changes to EBCE's value proposition by recommending an increase from 3% to 5% discount relative to PG&E rates for EBCE's Bright Choice product and decreasing the premium of the Renewable 100 product from \$0.0075 to \$0.0025.

This budget also presents a large net position surplus as a base-case scenario. Staff is recommending a method to manage this surplus to increase EBCE's value to the community through four processes:

1. Significant contributions to working capital and reserves to ensure agency solvency in the event of possible risk contingencies
2. Increase value proposition customer discount and establish on-bill credits as levels of net position surplus are realized through the year
3. Increase in carbon free energy procurement with short and long-term investments
4. Continued significant contribution to Local Development programs

This presented budget is based on feedback from a draft version presented at the Executive Committee on May 3, 2023, the Board of Directors on May 17, 2023, and the Executive Committee on June 7, 2023 ("previous versions"). The budget outlines staff's best expected estimates for costs and revenues anticipated for the next fiscal year based on load, market prices, and PCIA charges. Due to these updates, the numbers in this draft may differ from those presented in previous versions.

## Summary of EBCE Budget FY 2023-2024

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>OPERATING ACTIVITY</b>			
<b>REVENUE &amp; OTHER SOURCES</b>			
<b>GASB 62 Unrecognized Revenue Balance</b>	15,814,000	15,814,000	15,814,000
<b>Operating Revenue</b>			
Electricity Sales	953,323,000	792,009,000	873,457,000
Uncollectables	(12,054,000)	(15,840,000)	(17,469,000)
Other Operations Revenue	(6,642,000)	(6,229,000)	9,658,000
<b>Total Operating Revenue</b>	<b>934,627,000</b>	<b>769,940,000</b>	<b>865,646,000</b>
<b>EXPENSES &amp; OTHER USES</b>			
<b>Energy Operating Expenses</b>			
Cost of Energy	683,883,000	523,996,000	654,987,000
Energy Operating Services	11,230,000	11,245,000	11,270,000
<b>Total Energy Operating Expenses</b>	<b>695,113,000</b>	<b>535,241,000</b>	<b>666,257,000</b>
<b>Overhead Operating Expenses</b>			
Personnel	21,911,000	15,711,000	13,317,000
Marketing & Communications	5,303,000	2,824,000	2,073,000
Legal, Policy, & Regulatory Affairs	3,459,000	2,411,000	1,603,000
Other Professional Services	2,555,000	2,293,000	1,302,000
General & Administrative	5,711,000	4,007,000	3,563,000
Depreciation	360,000	180,000	158,000
<b>Total Overhead Operating Expenses</b>	<b>39,299,000</b>	<b>27,426,000</b>	<b>22,016,000</b>
<b>NON-OPERATING ACTIVITY</b>			
<b>NON-OPERATING REVENUE</b>			
Interest Income	1,680,000	261,000	1,561,000
Grants	0	0	1,100,000
Other Non-Operating Revenue	48,000	15,000	160,000
<b>Total Non-Operating Revenue</b>	<b>1,728,000</b>	<b>276,000</b>	<b>2,821,000</b>
<b>NON-OPERATING EXPENSES</b>			
Borrowing Interest	1,650,000	1,440,000	587,000
Local Development Funding	22,500,000	22,550,000	22,550,000
Grant	0	0	0
Capital Expenditures	500,000	7,000,000	717,000
<b>Total Non-Operating Expenses</b>	<b>24,650,000</b>	<b>30,990,000</b>	<b>23,854,000</b>
<b>TOTAL EXPENSES</b>	<b>759,062,000</b>	<b>593,657,000</b>	<b>712,127,000</b>
<b>NET INCREASE(DECREASE) IN POSITION</b>	<b>177,293,000</b>	<b>176,559,000</b>	<b>156,340,000</b>
<b>RESERVE BALANCE</b>			
Beginning Reserve Balance*	230,873,000	155,873,000	155,873,000
<b>Operating Target (50%)</b>	<b>367,206,000</b>	<b>281,334,000</b>	<b>281,334,000</b>
*Expected value after FY 2022-23 contribution			

**Fiscal Impact**

This establishes the forecast of EBCE's fiscal position for the next 12 months with a positive net position.

**Attachments**

- A. Resolution adopting the EBCE Budget FY 203-2024
- B. EBCE Budget for Fiscal Year 2023-2024 Presentation
- C. Overview of Public Process and Summary of Comments
- D. Value Proposition Webinar Presentation
- E. Public Comments Summary Report

**RESOLUTION NO. R-2023-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE THE BUDGET FOR  
THE 2023-2024 FISCAL YEAR**

**WHEREAS**, The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 et seq., among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

**WHEREAS**, EBCE operates on a fiscal year budget cycle from July 1<sup>st</sup> through June 30<sup>th</sup>;

**WHEREAS**, draft versions of EBCE’s budget for fiscal year 2023-2024 were presented to the Executive subcommittee on May 3, 2023 and the Board of Directors on May 17, 2023 (the “Prior Presentations”);

**WHEREAS**, staff has incorporated feedback from the Prior Presentations and prepared a revised proposed budget, set forth in Exhibit A (the “Proposed Budget”);

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Board of Directors hereby approves and adopts the Proposed Budget, as set forth in Exhibit A, as EBCE’s fiscal year 2023-2024 budget.

ADOPTED AND APPROVED this 21st day of June, 2023 .

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Elisa Marquez, Chair

ATTEST:

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Adrian Bankhead, Clerk of the Board

**EXHIBIT A**  
**EBCE FISCAL YEAR 2023-24 BUDGET**  
 (as adopted on 6/21/2023)

<b>EAST BAY COMMUNITY ENERGY</b>	<b>FY 2022-23 BUDGET</b>	<b>FY 2021-22 BUDGET</b>
<b>OPERATING ACTIVITY</b>		
<b>REVENUE &amp; OTHER SOURCES</b>		
<b>GASB 62 Unrecognized Revenue Balance</b>	15,814,000	15,814,000
<b>Operating Revenue</b>		
Electricity Sales	792,008,000	508,636,000
Uncollectables	(15,841,000)	(8,939,000)
Other Operations Revenue	(6,229,000)	0
<b>Total Operating Revenue</b>	<b>769,938,000</b>	<b>499,697,000</b>
<b>EXPENSES &amp; OTHER USES</b>		
<b>Energy Operating Expenses</b>		
Cost of Energy	523,996,000	442,337,000
Data Management/Customer Service	7,834,000	8,645,000
PG&E Service Fees (Billing/Metering)	2,715,000	2,752,000
CAISO Scheduling Coordinator	696,000	843,000
<b>Total Energy Operating Expenses</b>	<b>535,241,000</b>	<b>454,577,000</b>
<b>Overhead Operating Expenses</b>		
Personnel	15,712,000	10,171,000
Marketing & Communications	2,876,000	1,686,000
Legal, Policy, & Regulatory Affairs	2,488,000	1,592,000
Other Professional Services	2,292,000	850,000
General & Administrative	3,884,000	2,961,000
Depreciation	180,000	60,000
<b>Total Overhead Operating Expenses</b>	<b>27,432,000</b>	<b>17,320,000</b>
<b>Total Operating Expenses</b>	<b>562,673,000</b>	<b>471,897,000</b>
<b>NON-OPERATING ACTIVITY</b>		
<b>NON-OPERATING REVENUE</b>		
Interest Income	262,000	798,000
Grants	0	894,000
Other Non-Operating Revenue	15,000	0
<b>Total Non-Operating Revenue</b>	<b>277,000</b>	<b>1,692,000</b>
<b>NON-OPERATING EXPENSES</b>		
Borrowing Interest	1,440,000	898,000
Local Development Funding	22,550,000	8,475,000
Grant	0	0
Capital Expenditures	7,000,000	5,500,000
<b>Total Non-Operating Expenses</b>	<b>30,990,000</b>	<b>14,873,000</b>
<b>NET NON-OPERATING ACTIVITY</b>	<b>(30,713,000)</b>	<b>(13,181,000)</b>
<b>TOTAL REVENUES</b>	<b>770,215,000</b>	<b>501,389,000</b>
<b>TOTAL EXPENSES</b>	<b>593,663,000</b>	<b>486,770,000</b>
<b>NET INCREASE(DECREASE) IN POSITION</b>	<b>176,552,000</b>	<b>14,619,000</b>

JUNE 21, 2023

# Draft Budget for Fiscal Year 2023-2024

PRESENTED BY:  
NICK CHASET, CEO



# Executive Summary - June Update

Attachment Staff Report Item 17B

- PG&E May ERRA Forecast – filed after May Budget presentation – results in less than \$3M change in EBCE’s project net position targets set in 2022
  - No changes to base case value proposition (5% discount for BC and \$0.0025 premium for R100)
  - This additional \$3M is added to local programs to extend Community Grant funding and provide technical assistance to CBO Resilience Hubs
- Additional changes to the forecast are market fluctuations of about \$1.2MM
- Staff has also provided more detailed discussion of:
  - Major Risk Factors
  - Personnel Budget Build Out
  - Use of Funds under different Value Proposition scenarios

# Summary Draft Budget for Fiscal Year 2023-2024

Attachment Staff Report Item 17B

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>OPERATING ACTIVITY</b>			
<b>REVENUE &amp; OTHER SOURCES</b>			
GASB 62 Unrecognized Revenue Balance	15,814,000	15,814,000	15,814,000
<b>Operating Revenue</b>			
Electricity Sales	957,028,000	792,009,000	867,591,000
Uncollectables	(12,095,000)	(15,840,000)	(17,352,000)
Other Operations Revenue	(6,642,000)	(6,229,000)	10,146,000
<b>Total Operating Revenue</b>	<b>938,291,000</b>	<b>769,940,000</b>	<b>860,385,000</b>
<b>EXPENSES &amp; OTHER USES</b>			
<b>Energy Operating Expenses</b>			
Cost of Energy	682,367,000	523,996,000	657,984,000
Energy Operating Services	11,219,000	11,245,000	11,274,000
<b>Total Energy Operating Expenses</b>	<b>693,586,000</b>	<b>535,241,000</b>	<b>669,258,000</b>
<b>Total Overhead Operating Expenses</b>	<b>39,299,000</b>	<b>27,426,000</b>	<b>21,793,000</b>
<b>NON-OPERATING ACTIVITY</b>			
<b>Total Non-Operating Revenue</b>	<b>1,728,000</b>	<b>276,000</b>	<b>3,275,000</b>
<b>Total Non-Operating Expenses</b>	<b>27,650,000</b>	<b>30,990,000</b>	<b>23,893,000</b>
<b>NET NON-OPERATING ACTIVITY</b>	<b>(25,922,000)</b>	<b>(30,714,000)</b>	<b>(20,618,000)</b>
<b>TOTAL REVENUES</b>	<b>940,019,000</b>	<b>770,216,000</b>	<b>863,660,000</b>
<b>TOTAL EXPENSES</b>	<b>760,535,000</b>	<b>593,657,000</b>	<b>714,944,000</b>
<b>NET INCREASE(DECREASE) IN POSITION</b>	<b>179,484,000</b>	<b>176,559,000</b>	<b>148,716,000</b>
<b>RESERVE BALANCE</b>			
Beginning Reserve Balance*	230,873,000	155,873,000	155,873,000
<b>Operating Target (50%)</b>	<b>366,443,000</b>	<b>281,334,000</b>	<b>281,334,000</b>

\*Expected value after FY 2022-23 contribution

## Notes:

YTD\* reflects actuals through Apr 30, 2023

EST are most current projections as of June 5, 2023

Net Position through Apr 30, 2023: \$92MM



# Draft Budget: Base Case Assumptions

Attachment Staff Report Item 17B

## Revenues

- Increase to customer value proposition by
  - Bright Choice from 3% to 5% discount to PG&E
  - R100 from \$0.0075 to \$0.0025 above PG&E
  - Estimated revenue reduction of \$23.2MM
- \$50 bill credit applied to all CARE & FERA customers in Q1/Q2, totaling an estimated \$6.6MM in one time bill savings
- Assumes current rates and PCIA are unchanged through 2023
- Rates and PCIA for 2024 are non-stressed, or as forecasted, energy rates from May ERRA filing
- 1.5% uncollectable rate for 2023, then 1.0% for 2024
- No recognition of GASB 62 revenue (\$15,814,000)
- Non-operating revenue assumes 2.5% interest earned on treasury backed cash balance accounts

## Energy Costs

- Costs are derived from a blend of contracted and open positions for all energy, attributes, and RA
  - Open prices are non-stressed, mean forecasted
- Carbon free energy (which can include either RE or CO2-free) is above recent board approved targets by 10% above EBCEs
  - 2023: CF 66% --> 71% (FY 22/23 5% increase) --> 76%
  - 2024: CF 71% --> 81%
  - Adds between \$3.6 and \$21MM to costs
  - Each one 1% increases costs between \$720,000 and \$4MM

## Other Costs

- Adding incremental staff of 15 FTE
- \$2.6MM increase in Marketing for re-branding campaign
- \$2MM increase in G&A to account for increased staff requirements
- Significant Program funding of \$25.9MM

# Draft Budget: Carbon Free Procurement Options

## Variation in the Renewable/Carbon Free targets

- Recommendation to increase the total carbon free target of the Bright Choice product by 10% for 2023 and 2024 above the annual targets set in 2022
  - Current targets for both years are 71% retail load
- Staff is requesting flexibility to achieve the proposed increases by sourcing from either Renewable or carbon free/large hydro resources in light of a highly constrained and volatile market
- Each increase of carbon free procurement of 5% has an expected cost impact of between \$3.6-21MM depending on the product type

Calendar Year	<b>2023</b>	<b>2024</b>
Current Carbon Free Targets	71%	71%
Proposed Increases for FY 2024	5%	10%
Proposed Carbon Free Targets	76%	81%

# Draft Budget: On-Bill Credit Average Allocations

Attachment: Staff Report Item 17B

Average for Each Account

	Residential		C&I		Total EBCE Wide	
	Bright Choice	Renewable 100	Bright Choice	Renewable 100	Bright Choice	Renewable 100
Current Avg Savings (Premium) to PG&E	\$20.68	(\$34.01)	\$262.73	(\$427.23)	\$41.50	(\$86.74)
Each 1% BC or 0.25c R100 change	6.58	10.89	83.25	136.11	13.17	27.68
5% BC and 0.25c R100	33.83	(12.24)	429.23	(155.02)	67.85	(31.38)
On Bill Credit	9.94	9.94	128.36	128.36	21.62	21.62
<b>Total Annual Savings (Premium)</b>	<b>43.77</b>	<b>(2.30)</b>	<b>557.59</b>	<b>(26.66)</b>	<b>89.47</b>	<b>(9.76)</b>

- Current annual average savings and premiums paid at the 3% discount for Bright Choice and the 0.75c premium on Renewable 100 products for customers are shown above
- Savings for each 1% discount with Bright Choice or decrease of 0.25c in premium for Renewable 100 is also shown
  - Total EBCE wide customer savings per 1% discount with Bright Choice is about \$6.6MM
  - Total EBCE wide customer savings per 0.25c decrease in Renewable 100 premium is about \$4.9MM
- With both the discount and the On-Bill credit at the end of the year, on average most customers would experience actual savings over PG&E rates
- **Total Customer Savings** = Adjustment to Value Proposition + On-Bill Credits = \$23.2MM + \$14.8MM = **\$38MM**

Base methodology for the On-Bill Credit:  $Dividend = Individual\ annual\ kWh \times (Total\ Surplus) / (Total\ annual\ kWh)$

# Draft Budget: Historical Rate Trends

Compared Average Rates for Bright Choice Customers by Year (\$/kWh)						
Calendar Year	2019	2020	2021	2022	2023	2024
PG&E	0.1067	0.1060	0.0949	0.1275	0.1407	0.1360
%Change/Yr		-0.7%	-10.4%	34.4%	10.3%	-3.3%
EBCE	0.1051	0.1047	0.0940	0.1250	0.1350	0.1292
%Change/Yr		-0.4%	-10.3%	33.1%	8.0%	-4.3%

- The rates shown are inclusive of all fees, including PCIA, and EBCE’s value proposition to reflect what the customer pays on their bill (exclusive of T&D)
- These averages are by calendar year, and some years had more than one rate adjustment
- Average rates by product and year show EBCE rates consistently lower than PG&E’s as per our value proposition
- Rates have not recovered from large increases to rates in 2022 and 2023, due to increased energy costs
- Proposed adjustment to value proposition helps rates recover faster for customers in both products
  - On average, 2024 rates are returned closer to 2022 rates for EBCE customers

# Draft Budget: Value Proposition Alternatives

## Customer Savings per Incremental Change in Product Rate

	Residential	C&I	Total
Each 1% Change in Bright Choice	\$ 3,027,000	\$ 3,607,000	\$ 6,634,000
Each 0.25c Change in Renewable 100	1,684,000	3,260,000	4,944,000
Total	4,711,000	6,867,000	11,578,000

- Bright Choice/RE100 customer value proposition is generally correlated where 0.75% change in BC equates to a 0.25c change in RE100 at current procurement cost levels
- A decrease in customer savings of one increment - where BC would be priced at a 4% discount to PG&E and RE100 priced at a 0.50c premium to PG&E) – would increase expected Net Income by \$11.5m, while maintaining current value proposition (3% discount and 0.75% RE100 premium) would increase expected net income to \$23.2m

	1 increment Change	2 Increment Change
Bright Choice	\$6.6m	\$13.2m
RE 100	\$5m	\$10m
	\$11.5m	\$23.2m

Options for Use of Funds if Discount Reduced		
CO-2 Free energy options	\$11.5m	~2.5% increase in CO2-free energy content
Local Development options	EBCE staff has limited capacity to increase LD funding beyond current levels. At most \$3m could be allocated to extend existing work. -\$1m - \$2m to TE incentives -\$1m for Resilience project development	

# Draft Budget: Proposed Surplus Allocations

Net Position Estimated at \$179.5MM\*

Proposed Budget Surplus Waterfall Allocation:

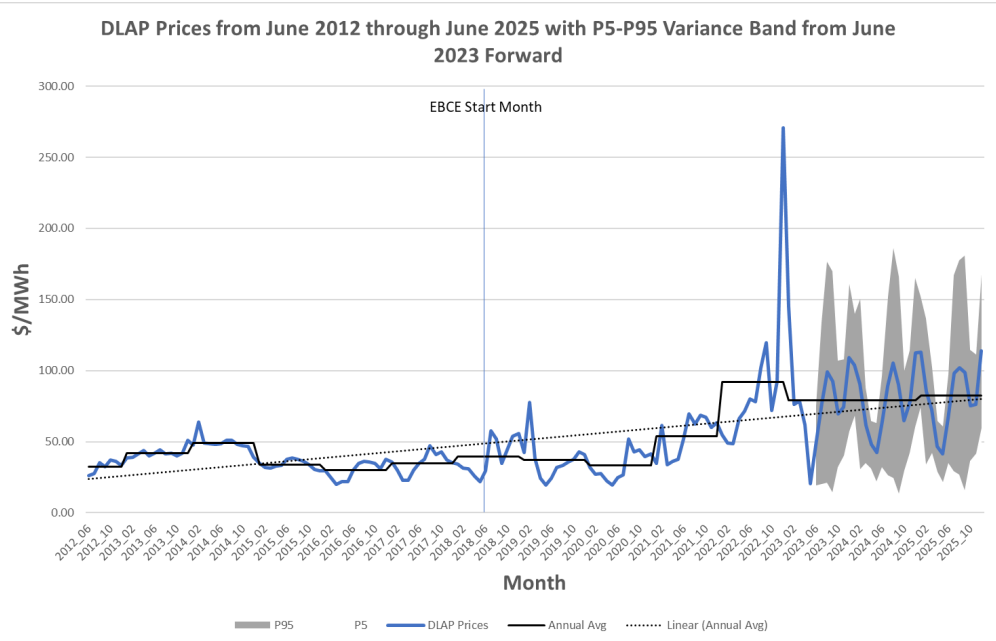
- 1) Working Capital Needs: \$50MM\*
- 2) Reserve Account Funding: \$100MM\*
- 3) 50/50% split of any excess to:\*

  - Incremental Long-Term Renewable Energy/Clean Energy Storage Investments: ~\$14.75MM
  - One-time On-Bill Credits to Customers: ~\$14.75MM

*\*Assuming a budget surplus that is materially consistent with this forecast, staff would plan for an even allocation. Formal action would be brought forth to the board to formally adopt prior to, or in conjunction with, the presentation of the audit in October of 2024. This timing would allow for staff to have exact knowledge of available surplus.*

# Risk Management—Market Risk

Attachment Staff Report Item 17B



DLAP = Default Load Aggregation Point—the hub price where EBCE serves its customers

- Historically, market prices have averaged in the \$30-50/MWh range, but currently estimated near \$80/MWh
- Historically, volatility has ranged from 10-20% on a regular basis, but currently ranging 50-60%
- In recent months, prices have softened for the Draft Budget year, but volatility remains high
- This market volatility creates risk on working capital requirements and basis between hedge costs and retail rates.
- EBCE has approximately 60-80% of its budget year energy portfolio hedged against market prices with the balance effectively hedged via the PCIA - i.e. increase in market prices is offset somewhat by decrease in PCIA in future years
- When prices decrease, PCIA increases, which reduces operating headroom
- Although the fiscal years of 2020-2021 and 2021-2022 were positive with net position, calendar year 2021 was operationally negative in net position for EBCE with margins being squeezed from low 2020 prices setting PCIA and with rising 2021 market prices

# Risk Management—Additional Risks

- **Uncollectables/Write-offs:**
  - EBCE increased uncollectables from 0.5% to 2.5% of revenues for COVID crisis in 2020-21 FY
  - For FY 2022-2023 Budget, this estimation is reduced to 2.0%, and 2023-24 Draft Budget reduced further to 1.5% and 1.0% to align with trending aging actuals
  - Uncollectables are at the higher range than other CCA's based on regional income demographics
  - To mitigate, pushing CARE/FERA enrollments, AMP, PIPP, and Connected Communities programs DAC-GT/CS-GT
- **Opt-Out Risk:**
  - No anticipated risk of increased opt-outs for established communities
  - New community enrollment opt-outs are estimated at 5%-10% of total accounts—current jurisdiction-wide rate is 4.9%
  - Changes to value proposition or change in product decisions may increase opt-outs but difficult to estimate. Many constituents have opted-up to Renewable 100 product, which carries a slight premium relative to PG&E rates
- **Financial Market & Economic Risk**
  - Recessionary risks may drive reductions in load or an increase in uncollectables - mitigated in part by limiting overhedging
  - Banking sector risk may impact cash, deposits, and credit availability – mitigated by cash collateral requirements on gov't deposits, FDIC insurance, and diversification of banking deposits
- **Wildfire Risk:**
  - EBCE does not own or maintain any transmission or distribution facilities. PSPS events cause decreased customer use during peak periods, this can reduce estimated revenues if a significant area of EBCE service territory is affected
  - 2019 wildfire PSPS events impacted nearly 46,000 customers, disrupting 6% of load for a full day
  - 2020 events impacted nearly 20,000 customers disrupting about 2% of load over 4 days



# Draft Budget: Local Development Fund

- 2023-2024 Local Development Fund allocation is set at \$25.9MM
- Allocating budget for capital intensive infrastructure development projects
- Allocating EBCE capital to reduce cost of ownership for building and vehicle electrification
- Unspent Local Development budget carries forward year to year

LOCAL DEVELOPMENT FUND					
	FY 2023-24	FY 2022-23	FY 2021-22	FY 2020-21	FY 2019-20
<b>BEGINNING BALANCE</b>	35,927,953	16,626,143	10,398,245	5,201,410	0
<b>REVENUE &amp; OTHER SOURCES</b>					
Transfer from Operating Fund	25,500,000	22,550,000	8,475,000	6,340,000	6,340,000
Grants/Interest	-	1,200,405	335,460	395,000	219,673
<b>Total Revenues &amp; Other Sources</b>	<b>25,500,000</b>	<b>23,750,405</b>	<b>8,810,460</b>	<b>6,735,000</b>	<b>6,559,673</b>
<b>EXPENSES &amp; OTHER USES</b>					
Actual Program Expenses	-	3,235,594	2,582,563	1,538,165	1,358,263
Expected Remaining Expenses	61,427,953	1,213,000	-	-	-
<b>Total Expenses &amp; Other Uses</b>	<b>61,427,953</b>	<b>4,448,594</b>	<b>2,582,563</b>	<b>1,538,165</b>	<b>1,358,263</b>
<b>ENDING BALANCE</b>	<b>-</b>	<b>35,927,953</b>	<b>16,626,143</b>	<b>10,398,245</b>	<b>5,201,410</b>

Local Development Areas of Emphasis Budget Allocation	
Transportation Electrification	\$11.75M
Building Electrification	\$8.5M
Energy Efficiency	No Direct EBCE Cost
Community Resilience/VPPs	\$4M
Community Grants	\$1.4M (\$4.2M allocated in FY23)
Sponsorships/Memberships	\$250k

- Transportation is the largest source of emissions of GHG and particulate matter from Light, Medium and Heavy-duty vehicles
- EBCE is developing publicly available charging infrastructure tailored to renters and low-income communities to ensure these residents can transition to EVs (currently developing the first 3 charging hubs)
- Goods movement is particularly important with Port impacts to communities and access through the territory and into the Central Valley
- EBCE will continue assisting Cities to electrify fleets; providing fleet electrification technical assistance and offering to develop and operate charging infrastructure for Cities with "Charging as a Service" product
- With more vehicle models becoming available EBCE will develop programs to facilitate the buying process and make EVs accessible across all customer income levels
- Partner with local agencies and local business to increase access to eMobility solutions
- Provide capital to reduce cost of ownership through credit enhancements across multiple vehicle classes

- **Publicly Available Fast Charging Hubs (\$3.75M)**
  - Funds to support EBCEs efforts to build a network of public fast chargers across the communities we serve with an emphasis on siting these chargers close to high densities of multi-family housing where home charging is often not accessible. EBCE BOD approved \$30M NTE over 10 years at 11/16/22 BOD meeting
- **Medium/Heavy duty project investment capital (\$3M)**
  - Funds to support Medium/Heavy duty vehicle electrification projects in EBCE territory
- **EV adoption acceleration program with emphasis on access for low and moderate income consumers (\$3M)**
  - Funds to support one or more projects to accelerate EV Adoption and enroll EV drivers in manage charging programs to manage new EV electricity load with an emphasis on low and moderate income consumers
- **EBCE Ride Electric Program (\$2M)**
  - Funding for year 2 of EBCE e-bike Lending and Incentive Program

- **Electrification installation network (\$2M)**

- Develop an installation network of electrical contractors to deliver reasonably priced electrification upgrades to customers
- Partner with 10-20 contractors across the territory so that customers can obtain multiple competitively priced proposals for electrical upgrades in a timely manner
- EBCE incentive enables contractors to offer standard pricing for electrical service panel upgrades that facilitate full electrification

## Electrification Workforce Training Program (\$1.5M)

- Increase qualified workforce for electrification
- Provide apprenticeship stipends to enable on the job training for graduates of workforce training organizations
- Partner with electricians in the EBCE network to hire apprentices

Budget Request: \$5M for first year of \$15M 3-year Program

Program Summary:

- Replace 1000 - 2000+ gas stoves with induction ranges in households with children suffering from pulmonary disease (eg. asthma) and households with a newborn child with focus on low-income and disadvantaged communities
- EBCE to deliver and install induction cooktops, while partnering with health care research partner that can provide medical referrals and complete longitudinal health study

Program Development Progress

EBCE has identified a Health Care Provider with research capabilities that we are working to secure

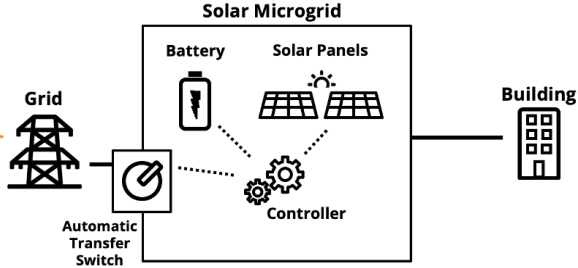
- EBCE has secured a verbal agreement for \$250k in funding to support health care partnership
- EBCE has identified several non-profit partners who can manage the health-care partnership
- EBCE is currently hiring a building electrification channel manager to develop EBCE's installation partner network

# Resilience and VPPs

## Budget Request, \$2M to expand Community Resilience and Virtual Power Plant management capabilities

- Phase 1: Berkeley, Hayward, San Leandro, Fremont
  - Contracting for 2.7 MW solar PV + 4.8 MWh storage across 29 sites ranging from fire stations to senior centers, **resulting in \$25M in projects**
  - Largest procurement of its kind to date
  - Received \$2M in federal funds
- Phase 2: Emeryville, Livermore, Oakland, Pleasanton
  - Developing additional ~50 resilience projects with 7.5 MW solar PV & 5.5 MWh storage, **resulting in \$40M+ in projects**
- Phase 3: Albany, Piedmont...open for additional Cities
- Pursuing \$35M in Federal funding to expand Resilience to school districts and other public service agencies
  - Federal funding will enable facility upgrades and electrification
- All projects will be aggregated into Virtual Power Plant to reduce EBCE procurement needs

⚡ A miniature version of the big grid  
 ⚡ Generates its own electricity with solar and battery  
 ⚡ Disconnects when the grid is down via an automatic transfer switch ("islanding")  
 ⚡ Can power a house, building or entire community



Fremont Fire Station Microgrid

# Resilience and VPPs - Resilience Hubs Technical Assistance

Attachment Staff Report Item 17B

EBCE proposes to enhance its Community Resilience and VPP management program by adding an additional \$2M to fund technical assistance for community based organizations considering the development of microgrids and resilience hubs.

At this time, EBCE does not have the internal resources to directly support the inclusion of CBO sponsored projects in our community resilience program. But with significant local, state and federal available in the form of grants to support these projects, EBCE staff is able to provide technical assistance in the form of engineering and grant writing support.

EBCE staff proposes to allocate \$2m over the next two years to provide CBOs with engineering reviews of potential host sites for solar and storage microgrids and grant writing support for CBOs seeking to apply for Resilience Hub grants.

EBCE will provide these funds in the form of direct, in-kind engineering and grant writing up to \$15,000 per resilience hub site. Staff will develop a streamlined process for CBOs to bring forward projects to receive this technical assistance.

# Community Grant (update)

## Background:

- EBCE BOD approved \$4.2M in FY'23-24 budget for 3-year Community Grant Program (\$1.4M/year)
- EBCE proposes to add and additional \$1.4m from this FY to fund a fourth round of grants in 2026
- EBCE staff have developed a list of grant priorities to support EBCE Programs
- EBCE staff plans to issue first grant opportunity to increase education and awareness of induction cooking to start Summer 2023
- Staff and CAC Chair are collaborating to host a public workshop on June 7 to gather community feedback to develop additional grant funding cycles
- Proposed Grant Solicitation timing:
  - Round 1 - August 2023 / Round 2 - January 2024 / Round 3 - January 2025 / Round 4 - January 2026



# Break Page

Attachment Staff Report Item 17B

# Draft Budget: Carbon Free Procurement

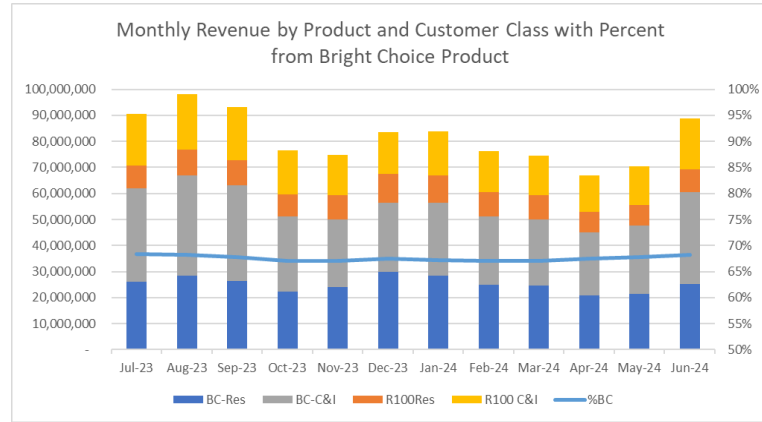
Year	Bright Choice				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	41%	87%	101	n/a	29%
2019	60%	85%	135	n/a	31%
2020	40%	54%	n/a	580	33%
2021	41%	55%	n/a	577	36%
2022	45%	63%	n/a	566	39%
2023	49%	66%	n/a	521	41%
2024	52%	71%	n/a	455	44%
2025	56%	76%	n/a	387	47%
2026	60%	81%	n/a	315	49%
2027	64%	85%	n/a	241	52%
2028	67%	90%	n/a	163	55%
2029	71%	95%	n/a	83	57%
2030	75%	100%	n/a	-	60%

## Variation in the Renewable/Carbon Free targets

- April 2022, the Board approved the “Path to Zero by 2030” for the Bright Choice product shown in the table to the left
  - Carbon Free percentages reflect renewable energy and large hydro energy
- June 2022, the Board approved 5% increases to the carbon free targets for calendar years 2022 and 2023, effectively increasing both renewable and carbon free targets
- This year, staff is proposing an additional increase in carbon free procurement that would result in an additional 5% increase in 2023 and 10% in 2024 targets
  - 2023: Carbon Free 66% --> 71% (22/23) --> 76%
  - 2024: Carbon Free 71% --> 81%

# Draft Budget: Operating Revenues

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>REVENUE &amp; OTHER SOURCES</b>			
<b>GASB 62 Unrecognized Revenue Balance</b>	15,814,000	15,814,000	15,814,000
<b>Operating Revenue</b>			
Electricity Sales	957,028,000	792,009,000	867,591,000
Uncollectables	(12,095,000)	(15,840,000)	(17,352,000)
Other Operations Revenue	(6,642,000)	(6,229,000)	10,146,000
<b>Total Operating Revenue</b>	<b>938,291,000</b>	<b>769,940,000</b>	<b>860,385,000</b>



- Increase to value proposition
  - Bright Choice from 3% to 5% discount to PG&E
  - Renewable 100 from \$0.0075 to \$0.0025 above PG&E
  - \$50 bill credit to all CARE & FERA customers in July-Sept 2023, shown as Other Operations Revenue reduction
- Assumes current rates and PCIA are unchanged through 2023
- Rates and PCIA for 2024 are non-stressed, or as expected, energy rates from May ERRA filing
- 1.5% uncollectable rate for rest of 2023 and 1.0% for 2024
- No recognition of GASB 62 revenue (\$15,814,000)
- Current Year Other Operations Revenue is CARE & FERA on-bill credits plus damages received from counterparties

# Draft Budget: Overview of Expenses

	FY 2023-24 DRAFT BUDGET	% Cost
<b>EXPENSES &amp; OTHER USES</b>		
<b>Energy Operating Expenses</b>		
Cost of Energy	682,367,000	89.7%
Energy Operating Services	11,219,000	1.5%
<b>Total Energy Operating Expenses</b>	<b>693,586,000</b>	<b>91.2%</b>
<b>Overhead Operating Expenses</b>		
Personnel	21,911,000	2.9%
Marketing & Communications	5,303,000	0.7%
Legal, Policy, & Regulatory Affairs	3,509,000	0.5%
Other Professional Services	2,505,000	0.3%
General & Administrative	5,711,000	0.8%
Depreciation	360,000	0.0%
<b>Total Overhead Operating Expenses</b>	<b>39,299,000</b>	<b>5.2%</b>
<b>NON-OPERATING EXPENSES</b>		
Borrowing Interest	1,650,000	0.2%
Local Development Funding	25,500,000	3.4%
Grant	0	
Capital Expenditures	500,000	0.1%
<b>Total Non-Operating Expenses</b>	<b>27,650,000</b>	<b>3.6%</b>
<b>TOTAL EXPENSES</b>	<b>760,535,000</b>	<b>100.0%</b>

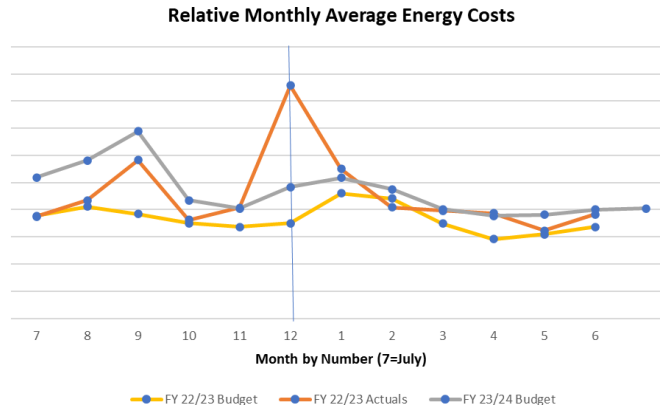
- Expenses are divided into three overall cost center categories:
- **Energy Operations** which includes all energy, energy attributes, and ancillary related costs and the services required to managing energy and attributes, such as scheduling, data management, and customer billing
  - This category comprises more than 90% of EBCE's total expenses
- **Overhead Operations** which includes all personnel and staffing needs as well as work function cost centers required to manage the organization at large
- **Non-Operating Expenses** which are all capital and capital transfer related costs

# Draft Budget: Energy Expenses

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>Energy Operating Expenses</b>			
Cost of Energy	682,367,000	523,996,000	657,984,000
Energy Operating Services	11,219,000	11,245,000	11,274,000
<b>Total Energy Operating Expenses</b>	<b>693,586,000</b>	<b>535,241,000</b>	<b>669,258,000</b>

## Energy Costs

- Costs are derived from a blend of contracted and open positions for all energy, attributes, and RA
  - Open prices are non-stressed, or as forecasted
  - FY 23/24 overall price projections are about on par with FY 22/23 actuals on average
  - Most materially significant increase for FY 23/24 is with RECs and capacity charges
- Carbon free energy is above recent board approved targets by 5% for calendar 2023 and 10% for 2024 Bright Choice targets
  - 2023: CF 66% --> 71% (22/23) --> 76%
  - 2024: CF 71% --> 81%
  - Adds up to \$21MM costs
- Note: We are still in a period of historically high energy pricing and significant uncertainty/volatility
  - Forecasted market energy costs in 2023 and 2024 are approximately double the historical 10-year average and has persisted since 2021



# Draft Budget: Overhead Expenses

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>Overhead Operating Expenses</b>			
Personnel	21,911,000	15,711,000	13,131,000
Marketing & Communications	5,303,000	2,824,000	1,884,000
Legal, Policy, & Regulatory Affairs	3,509,000	2,411,000	1,661,000
Other Professional Services	2,505,000	2,293,000	1,232,000
General & Administrative	5,711,000	4,007,000	3,744,000
Depreciation	360,000	180,000	141,000
<b>Total Overhead Operating Expenses</b>	<b>39,299,000</b>	<b>27,426,000</b>	<b>21,793,000</b>

## Material Overhead Items for FY 23-24:

- Personnel costs will be discussed more in-depth on the next slide
- \$2.5MM increase in Marketing costs is specifically driven by re-branding campaign
  - Also includes approx. \$1MM of Programs related marketing costs
- \$1.0MM increase in Legal, Policy, & Regulatory affairs is due to a couple of factors
  - Membership expansion (Stockton)
  - Additional volume of consulting/vendor agreements and power contracts
- Larger staffing demand, from Personnel costs, increases in Professional Services with HR/recruiting and additional project support
- Increase to G&A is also directly related to increase in staffing with software subscriptions, membership dues, equipment, office space, insurance, and the like
- Depreciation increases due to new building

# Draft Budget: Overhead Expenses – Personnel

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	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>PERSONNEL</b>			
Salaries & Wages	16,587,000	11,598,000	9,784,000
Retirement	2,058,000	1,544,000	1,382,000
Health Care/Benefits	2,893,000	2,292,000	938,000
Payroll Expenses	373,000	277,000	167,000
<b>Total</b>	<b>21,911,000</b>	<b>15,711,000</b>	<b>12,271,000</b>

- **FY 2021-22 Budget** was initially approved at 43 FTE and expanded mid-year to 49
  - 2.5% COLA and up to 5% merit-based/promotional compensation allotted
  - Currently at 45 FTE and interviewing for an additional 4 roles
- **FY 2022-23 Budget** was increased to 68 FTE to accommodate additional work requirements in all areas. Additional headcount will expand on internal expertise/skills, build more depth, and scale operations:
  - 3.5% COLA and up to 10% merit-based/promotional compensation pool
  - 5 Marketing, 4 Local Programs, 3 Operations, 3 Technology, 2 Power Resources, 2 Legal
- **FY 2023-24 Budget** seeks an additional 15 FTE to accommodate additional work requirements in all areas. Additional headcount will expand on internal expertise/skills, build more depth, and scale operations:
  - 3.5% COLA and up to 10% merit-based/promotional compensation pool
  - 3 Marketing, 2 Local Programs, 2 Operations, 2 Technology, 3 Power Resources, 3 Legal

# Draft Budget: Overhead Expenses – Personnel

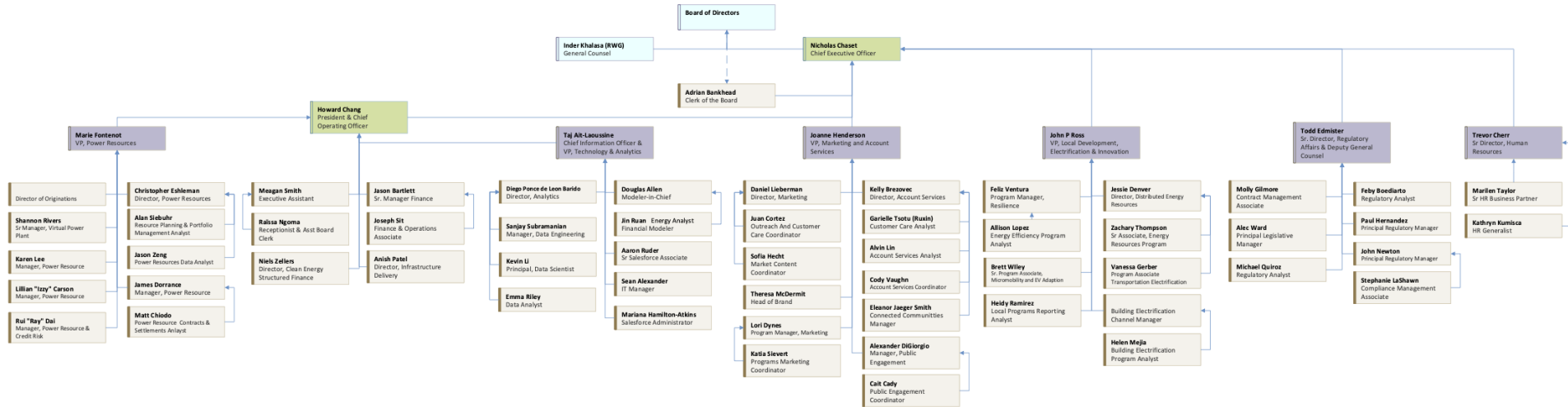
Attachment Staff Report Item 17B

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<b>PERSONNEL</b>			
Salaries & Wages	16,587,000	11,598,000	9,784,000
Retirement	2,058,000	1,544,000	1,382,000
Health Care/Benefits	2,893,000	2,292,000	938,000
Payroll Expenses	373,000	277,000	167,000
<b>Total</b>	<b>21,911,000</b>	<b>15,711,000</b>	<b>12,271,000</b>

- Personnel costs account for 2.9% of total budget costs
- **FY 2023-24 Budget** seeks to add 15 FTE, to staff up to 83 FTE, to accommodate additional work requirements in all areas. Additional headcount will expand on internal expertise/skills, build more depth, and scale operations:
  - Inflation driven increases to existing benefit costs, with a 3.5% COLA and up to 10% merit-based/promotional compensation pool, increases the base 68 FTE cost to nearly \$18MM
  - 15 new FTE added at the fully loaded rate adds an additional \$3.5MM
  - About \$500k was given for variability and possible turn-over costs
  - Additional FTE will cover much needed assistance with scaling in all areas of operations: 3 Marketing, 2 Local Programs, 2 Operations, 2 Technology, 3 Power Resources, 3 Legal



# Draft Budget: Organization Chart Attachment Staff Report Item 17B



# Draft Budget: Open Position Count

- # of New Roles to budget for next FY: 15
  - Add 2 carry-over roles from FY 22-23, so **17 Total**

Team	# of New Roles
Data & Tech	2
MAS	3
Operations, Admin & Finance	2 +1
Power Resources	3
Programs	3 +1
Public Policy	2
<i>Total New Roles:</i>	<i>15 + 2 (17)</i>

# Draft Budget: Personnel Demographics

Average Personnel Costs by Category*			Expected Loading Rate for Open Positions		Open Position Banding	
	Current	Open	Quarter	Positions Filled	Open Count	Title
Salary	157,984.45	142,368.59	Q1	9	1	Analyst
Merit	22,117.82	19,931.60	Q2	3	2	Associate
Retirement	23,887.25	21,526.13	Q3	5	6	Sr. Associate
Health Care	24,000.00	24,000.00	Q4	0	1	Manager
PTO	9,114.49	8,213.57			2	Sr. Manager
Life Insurance	789.92	711.84			4	Director
Other	12,553.33	12,553.33			1	Sr. Director
Payroll Tax	4,096.98	3,735.41				
<b>Total</b>	<b>254,544.25</b>	<b>233,040.48</b>				

\*C-list is not included

- Open position average costs are below current staff averages, as position band for open positions is lower than average staff
- Loading rate for new positions is expected to be complete by the end of financial Q3 (March 31, 2024)
- The average position band being hired is under the manager level

# Draft Budget: New Positions

Team	Position Title (Draft)	Position Level	Desired Start	Comp Band	\$ Low (Base)	\$ High (Base)	\$ Mid (Base)
Data & Tech	IT HelpDesk Associate	Associate	Q2 (Oct - Dec 2023)	4	\$117,597	\$133,400	\$125,498
Data & Tech	Junior Data Engineer	Analyst	Q3 (Jan - Mar 2024)	3	\$89,597	\$117,596	\$103,596
MAS	Graphic Designer & Content Developer	Associate	Q1 (Jul - Sep 2023)	4	\$117,597	\$133,400	\$125,498
MAS	Copywriter	Associate	Q1 (Jul - Sep 2023)	4	\$117,597	\$133,400	\$125,498
MAS	Manager, Customer Experience	Manager/Principal	Q3 (Jan - Mar 2024)	6	\$151,319	\$167,170	\$159,245
Operations, Admin & Finance	Sr. Mgr / Mgr, Structured Finance (TBD)	Sr Manager/Sr Principal	Q2 (Oct - Dec 2023)	7	\$167,171	\$190,393	\$178,782
Operations, Admin & Finance	Finance Associate	Associate	Q2 (Oct - Dec 2023)	4	\$117,597	\$133,400	\$125,498
Operations, Admin & Finance	Coordinator, Ops & Admin (Carry-over from last yr)	Coordinator	Q1 (Jul - Sep 2023)	2	\$69,174	\$89,596	\$79,385
Power Resources	Contract Manager	Manager/Principal	Q1 (Jul - Sep 2023)	7	\$167,171	\$190,393	\$178,782
Power Resources	"CAISO Day Ahead Manager" Level	Manager/Principal	Q1 (Jul - Sep 2023)	7	\$167,171	\$190,393	\$178,782
Power Resources	Settlements Manager	Manager/Principal	Q3 (Jan - Mar 2024)	7	\$167,171	\$190,393	\$178,782
Programs	Programs Director Role	Director	Q1 (Jul - Sep 2023)	8	\$190,394	\$219,052	\$204,723
Programs	Program Lead / Associate	Associate	Q3 (Jan - Mar 2024)	4	\$117,597	\$133,400	\$125,498
Programs	Solar & Storage Programs / Associate	Associate	Q3 (Jan - Mar 2024)	4	\$117,597	\$133,400	\$125,498
Programs	Project Manager (Carry-over from last yr)	Sr Associate	Q2 (Oct - Dec 2023)	5	\$133,401	\$151,318	\$142,360
Public Policy	Contract Management	Manager/Principal	Q1 (Jul - Sep 2023)	6	\$151,319	\$167,170	\$159,245
Public Policy	Regulatory Analyst	Analyst	Q2 (Oct - Dec 2023)	3	\$89,597	\$117,596	\$103,596

# Draft Budget: Overhead Expenses—Marketing & Account Services

Attachment Staff Report Item 17B

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>MARKETING</b>			
Required Mailings	282,000	520,000	483,000
Advertising	2,044,000	986,000	572,000
Promotional Items	123,000	50,000	38,000
Communications	2,854,000	1,268,000	790,000
<b>Total</b>	<b>5,303,000</b>	<b>2,824,000</b>	<b>1,883,000</b>

## Current Year Material Items:

Marketing has lower cost with advertising and communications consultant due to shifting in Programs related needs with Resilient Home and BlocPower campaigns

## Next Year Material Items:

- Majority of increase is driven by \$2.6MM allocation for our first major foray into customer facing program campaigns where we are trying to acquire customers to participate and/or use our equipment (e.g. e-Bike, DCFC stations, induction cooking and EV adoption). Additionally, EBCE’s rebranding campaign will carry incremental costs beyond past year marketing spends that will pull from this allocation Included in cost items is approximately \$1.0MM dedicated to Programs related marketing costs
- Required Mailings:** Joint Rate Mailer w/ PG&E, Power Content Label, New Account Noticing
- Advertising:** Active community presence activities, sponsorships, local events, increase due to Stockton and rebranding campaigns
- Promotional Items:** Give away items
- Communications:** Public relations, media, newsletters, consultants, minor software needs--**Website development from rebranding is biggest cost item at \$1MM**

# Draft Budget: Overhead Expenses—Legal, Policy, & Regulatory Affairs

Attachment Staff Report Item 17B

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>LEGAL AND POLICY</b>			
Legal Consultants	3,117,000	2,135,000	1,445,000
Legislative Consultants	237,000	177,000	180,000
Other Consultants	155,000	147,000	36,000
<b>Total</b>	<b>3,509,000</b>	<b>2,459,000</b>	<b>1,661,000</b>

Current year spending was less than budgeted this year due to a delay in expected litigation expenses and unused contingency set aside

## Next Year:

- **Legal Consultants:** Outside general counsel for procurement, analysis, and general operations. Increase is driven by:
  - Multiple pending and on-going litigations expenses
  - 2023 Large Clean Energy RFO
  - Implementation of numerous local development initiatives
  - Additional volume of consulting/vendor agreements and power contracts
- **Legislative Consultants:** Retainer for legislative advocacy. For this coming fiscal year, EBCE has added additional resources focused on federal affairs to support both funding and policy initiatives.
- **Other Consultants:** Policy related advising and economic consulting

# Draft Budget: Overhead Expenses—Other Professional Services

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>OPERATIONS CONSULTANTS</b>			
Operations	881,000	315,000	444,000
Human Resources Consulting	634,000	1,000,000	327,000
Tech Consulting	360,000	325,000	188,000
Power Resources	630,000	605,000	273,000
<b>Total</b>	<b>2,505,000</b>	<b>2,245,000</b>	<b>1,232,000</b>

## Current Year Material Items:

- **HR consulting** was approximated as first year need for consulting. Hiring of HR lead has led to reduced costs with active management
- **Technology Consulting** is lower than expected with reevaluation of timeline for cost-of-service implementation
- **Power Resources** consulting lower than expected with IRP below budget

## Next Year Material Items:

- **Operations:** Accounting and auditing for financial compliance, general finance, and addition of new project with treasury management consulting
- **Human Resources Consulting:** Support for additional HR demand for increased staffing recruitment, professional development, and training
- **Tech Consulting:** Technical network assistance
- **Power Resources:** Technical consulting for Power Resources, operational compliance support and other various tasks

# Draft Budget: Overhead Expenses—General & Administrative

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>GENERAL OPERATIONS</b>			
Operational Expenses	1,523,000	1,039,000	1,387,000
Software, Subscriptions, SaaS	2,676,000	2,345,000	1,506,000
Small Equipment	510,000	210,000	101,000
Rent & Utilities	764,000	345,000	569,000
Conferences & Prof. Development	160,000	130,000	127,000
Board & Director Fees	78,000	50,000	53,000
<b>Total</b>	<b>5,711,000</b>	<b>4,119,000</b>	<b>3,743,000</b>

## Next Year Material Items:

- **Operational Expenses:** Increased staff costs related to insurance, service fees, supplies, membership dues, operational services, building maintenance, and other relevant G&A
- **Software, Subscriptions, SaaS:** Increase covers additional software needs for Finance, Power Resource, and Technology operations, as well as essential subscriptions for ongoing operations with expanded staff
- **Rent & Utilities:** Increases with office space needs due to expanded staff
- **Conferences & Professional Development:** Trainings, conferences, and related expenses
- **Board & Director Fees:** Monthly stipends and transportation reimbursements for board members

## Current Year Material Items:

- **Operational Expenses** were higher than expected primarily due to inflationary increases in insurance costs and industry memberships dues
- **Software** costs were lower with delay in implementing customer portal development and battery optimization as well as data storage was under budget



# Draft Budget: Non-Operating Activity

	FY 2023-24 DRAFT BUDGET	FY 2022-23 BUDGET	FY 2022-23 YTD* + EST
<b>NON-OPERATING REVENUE</b>			
Interest Income	1,680,000	261,000	1,837,000
Grants	0	0	1,272,000
Other Non-Operating Revenue	48,000	15,000	166,000
<b>Total Non-Operating Revenue</b>	<b>1,728,000</b>	<b>276,000</b>	<b>3,275,000</b>
<b>NON-OPERATING EXPENSES</b>			
Borrowing Interest	1,650,000	1,440,000	570,000
Local Development Funding	25,500,000	22,550,000	22,550,000
Grant	0	0	0
Capital Expenditures	500,000	7,000,000	773,000
<b>Total Non-Operating Expenses</b>	<b>27,650,000</b>	<b>30,990,000</b>	<b>23,893,000</b>
<b>NET NON-OPERATING ACTIVITY</b>	<b>(25,922,000)</b>	<b>(30,714,000)</b>	<b>(20,618,000)</b>

- **Non-Operational Revenue:** Interest earned on Treasury backed cash account balances (estimated at 2.5%) and BlocPower loan (5.5% on \$500k)
- **Grants:** Generally only recognized against qualifying expenses as incurred, thus not projected
- **Other Non-Operational Revenue:** Rent from AT&T tower on new building
- **Borrowing Interest Expenses:** Expected costs associated with expanded credit facility
- **Local Development Funding:** Capital transfer to Local Development Fund
- **Capital Expenditures:** Moving and new equipment/furniture related to new office space

# Thank You!



Questions? Give us a call:  
1-833-699-EBCE (3223)



@PoweredbyEBCE



customer-support@ebce.org

Español  
[ebce.org/es](https://ebce.org/es)

中文  
[ebce.org/cn](https://ebce.org/cn)

**Public Comment Period:** May 18 - June 9, 2023

# Overview of Public Process and Summary of Comments

As part of East Bay Community Energy's (EBCE) rate setting process, staff hosted an open public comment period regarding our proposed value proposition changes for fiscal year 2023 - 2024. Staff opened this session with the email shown in Image 1, below.

## **EBCE's proposed 2023-2024 value proposition: public comment period**

East Bay Community Energy (EBCE) is committed to a robust and transparent rate setting process, which includes input from our community. We invite you to share your thoughts on EBCE's 2023-2024 electric generation rates and our value proposition (the proposed financial benefit compared to PG&E's rates) using one or more of the following three methods:

### **Online at a webinar**

Thursday, May 25 at 6:00 pm | [Click here to register](#)

Saturday, June 3 at 9:00 am | [Click here to register](#)

Tuesday, June 6 at 12:00 pm | [Click here to register](#)

This webinar will be recorded and shared on the [ebce.org/rates](https://ebce.org/rates) webpage.

### **Written comments**

Written comments may be emailed to [PublicComment@ebce.org](mailto:PublicComment@ebce.org).

Written comments shall not exceed 1,500 words. All comments will be posted to [ebce.org/rates](https://ebce.org/rates) for six months.

Written comments are only accepted via email.

Please provide your written comments no later than **8:00 AM on Friday, June 9, 2023**. A summary of public comments received will be part of the report to the Board on Wednesday, June 21, 2023.

### **Online at a public meeting**

See the public meeting schedule, as well as directions for how to participate and a link for the Public Comment Speaker Form at: [ebce.org/meetings](https://ebce.org/meetings)

### **Background documents:**

Historic

- [Power Content Procurement Floor, video](#) from April 22, 2020 Board of Directors Meeting
- [Bright Choice Renewables Procurement, video](#) presented at April 20, 2022 Board of Directors Meeting
- [Rate Setting Protocol Amendment, video](#) from May 18, 2022 Board of Directors meeting
- [2022-2023 Budget Presentation, video from June 15, 2022 Board of Directors meeting](#)

2023-2024

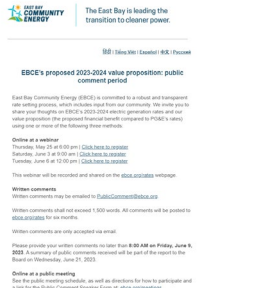
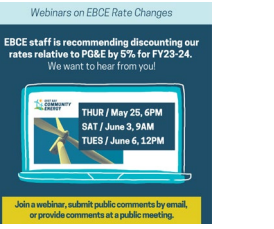
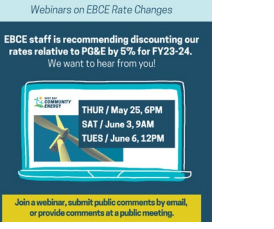
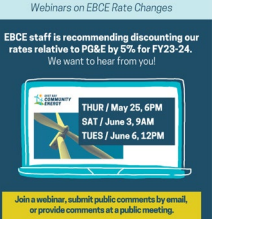
- [Draft FY 2023-24 Budget](#), to be presented at the Board of Directors Meeting on Wednesday, May 17, 2023. Video to be posted [here](#) after the meeting.

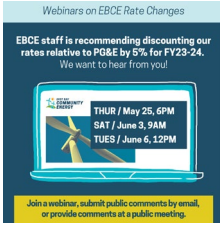
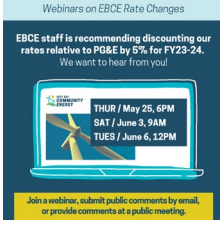
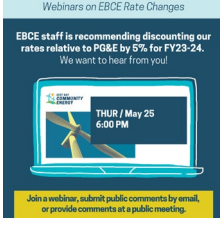
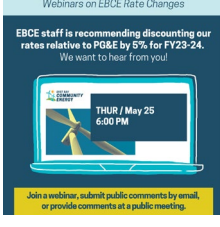
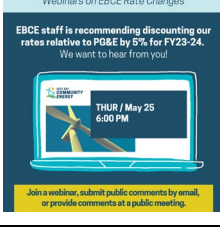
Image 1: Introduction and webinar invitation email, sent on May 18, 2023

In addition to the email to EBCE’s subscribers, staff advertised the webinar and public comment period via Facebook, Instagram, NextDoor, and Twitter. Sharing statistics are in Table 1, in the section below.

After the webinars, the recordings were added to EBCE’s rates website at <https://ebce.org/rates/>.

## Webinar and Public Comment Marketing and Communications

Date	Source	Content	# of Views or Opens
5/18/2023	Email	 <p>The East Bay is leading the transition to cleaner power</p> <p>EBCE / Rates / Taxes / PG&amp;E / PG&amp;E / PG&amp;E</p> <p><b>EBCE's proposed 2023-2024 value proposition: public comment period</b></p> <p>East Bay Community Energy (EBCE) is committed to a robust and transparent rate setting process, which includes input from our community. We invite you to share your thoughts on EBCE's 2023-2024 electric general rates and rate value proposition (the proposed financial benefit) through PG&amp;E's rates setting process or one of the following three methods:</p> <p><b>Online at a webinar</b>          Thursday, May 25 at 6:00 pm   <a href="#">Click here to register</a>          Saturday, June 3 at 9:00 am   <a href="#">Click here to register</a>          Tuesday, June 6 at 12:00 pm   <a href="#">Click here to register</a></p> <p>The webinar will be recorded and shared on the <a href="https://ebce.org/rates">ebce.org/rates</a> webpage.</p> <p><b>Written comments</b>          Written comments may be emailed to <a href="mailto:PublicComments@ebce.org">PublicComments@ebce.org</a>.</p> <p>Written comments should not exceed 1,500 words. All comments will be posted to <a href="https://ebce.org/rates">ebce.org/rates</a> for our review.</p> <p>Written comments are only accepted via email.</p> <p>Please provide your written comments no later than 8:00 AM on Friday, June 9, 2023. A summary of public comments received will be part of the report to the Board on Wednesday, June 21, 2023.</p> <p><b>Online at a public meeting</b>          See the public meeting schedule, as well as directions for how to participate and a link to the Public Comment Session Form at <a href="https://ebce.org/rates">ebce.org/rates</a>.</p>	<ul style="list-style-type: none"> <li>- 3,483 delivered</li> <li>- 3,016 total opens</li> <li>- 1,790 unique opens</li> </ul>
5/18/2023	Facebook	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25, 6PM          SAT / June 3, 9AM          TUES / June 6, 12PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	31
5/18/2023	Twitter	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25, 6PM          SAT / June 3, 9AM          TUES / June 6, 12PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	58
5/18/2023	Instagram	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25, 6PM          SAT / June 3, 9AM          TUES / June 6, 12PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	59

5/18/2023	LinkedIn	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25, 6PM SAT / June 3, 9AM TUES / June 6, 12PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	301
5/23/2023	NextDoor	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25, 6PM SAT / June 3, 9AM TUES / June 6, 12PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	11,212
5/24/2023	Facebook	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25 6:00 PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	25
5/24/2023	Twitter	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25 6:00 PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	84
5/24/2023	Instagram	 <p>Webinars on EBCE Rate Changes</p> <p>EBCE staff is recommending discounting our rates relative to PG&amp;E by 5% for FY23-24. We want to hear from you!</p> <p>THUR / May 25 6:00 PM</p> <p>Join a webinar, submit public comments by email, or provide comments at a public meeting.</p>	43
5/25/2023	Zoom Webinar	Registered: 6	Attended: 2 Public Comment: 0
6/03/2023	Zoom Webinar	Registered: 5	Attended: 1 Public Comment: 0
6/06/2023	Zoom Webinar	Registered: 8	Attended: 3 Public Comment: 2
6/09/2023	Youtube Video of Webinar #2	<a href="#">EBCE 2023-2024 Proposed Value Proposition Webinar (6/3/2023)</a>	Views: 25

6/09/2023	Youtube Video of Webinar #3	<a href="#">EBCE 2023-2024 Proposed Value Proposition Webinar (6/6/2023)</a>	Views: 6
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Table 1: Event advertising and customer participation

## Summary Overview of Comments

Two verbal comments and one written comment were received, which are summarized below. Comments and questions were received from the following individuals and/or organizations:

Verbal Comments	Written Comments
Jim Lutz: community member, Oakland	Jim Lutz: community member, Oakland
Charles Mee: adjacent community member, Danville	Stephen Taylor: community member, Berkeley

### Summary of Comments:

- Jim Lutz (oral and written):** community member (also member of EBCE CAC), Oakland, CA  
 Lutz wanted to express his dissatisfaction with the length and complexity of PG&E bills. He would like the bills to appear shorter, with fewer line items. Lutz compared EBCE and PG&E to Alameda Municipal Power's less complex energy bills. They would like EBCE to unlink our rates from PG&E to offer lower rates for customers in transitioning to a cost of service model.
- Charles Mee (oral):** adjacent community member, Danville, CA  
 Mee inquired regarding renewable percentage of Bright Choice, and wanted to express support for the energy movement of CCAs generally. Mr. Mee was informed that the CCA in their service territory is MCE.
- Stephen Taylor (written):** community member, Berkeley  
 Taylor commented in support of the proposed 2023-2024 value proposition and provided general support for lowering rates or discounts in relation to PG&E's generation rates, maintaining a 3% discount or greater.

## Verbal Public Comments

Public comments were gathered at two webinars. Links to the staff presentation and the comments can be found on our website at [ebce.org/rates](http://ebce.org/rates) and here:

- Thursday, May 25, 2023 at 6:00 pm
- [Sunday, June 3, 2023 at 9:00 pm](#)
- [Tuesday, June 6, 2023 at 12:00 pm](#)

### 5/25/2022 Webinar: Public Comments

- No Public Comments Made

### 6/3/2022 Webinar: Public Comments

- No Public Comments Made

### 6/6/2022 Webinar: Public Comments

- **Charles Mee:** adjacent community member, Danville

**Transcript:** I am a new resident of Danville in this area so that is why I tried to learn this a long time ago and tried to catch up with this movement, which is really meaningful. And also because maybe we are new we kind of want to get more educated about the local CCA program to see how we can personally benefit from this program, secondly how can we help to improve the program.

- **Jim Lutz:** community member (also member of EBCE CAC), Oakland

**Transcript:** Thank you for doing this I was curious about I want and wanted to compare my understanding to understand the utility bill so I am trying to reverse engineer the PG&E bill and oh my goodness it's complicated there's 27 line items on it just the electricity not counting the gas and I wanted to compare it to a friend of mine in Alameda.

In Alameda Municipal Power and just to see how the rates compare, because I think it's, I'm not sure we should be comparing PG&E as our value Proposition. So the PG&E bill was 6 pages long so one page of that was the gas so it's five pages about electricity. The Alameda Municipal Power, AMP as they call it I think that's cute, they were two pages and there were four line items. That's how the charges broke down and on the PG&E there were 27 line items so it's very very complicated to decode a PG&E bill and try to see what I'm saving from the bill. So, but just as a comparison to the AMP the Alameda one there's an energy charge and a customer charge at the sort of highest level there's a PG&E electric delivery charges page and an EBCE electric generation charges page. And for my bill it turned out the charges, the generation charges, which

I'm assuming are equivalent charges on the Alameda bill - on my bill on the time of use and the Renewable 100 but the average cents per kilowatt-hour for my generation charges was 13.8 and for the Alameda it was 11.7 cents per kilowatt-hour so the Alameda ones are significantly lower and that suggests that to me that we shouldn't be tying to PG&E, we should be providing rates that make sense to EBCE and keep them lower as is fiscally prudent. That's it, thank you.

## Written Public Comments

### Full Written Comments

- **Jim Lutz:** community member (also member of EBCE CAC), Oakland, CA  
Submitted June 9, 2023

Dear EBCE Board,

I am submitting this comment in response to the EBCE 2023-2024 Proposed Value Proposition Webinar I attended on June 6. The rate changes proposed by staff were to increase the Bright Choice discount relative to PG&E rates from 3% to 5% and to reduce the Renewable 100 premium relative to PG&E rates from  $\frac{3}{4}\%$  to  $\frac{1}{4}\%$ .

Since EBCE began, its rates have always been established relative to PG&E's rates for comparable products. While this may have been appropriate for a newly established community energy agency, it is no longer necessary. I believe this practice is now leading EBCE to charge its customers more than it should.

A more fiscally responsible method of setting rates would be to estimate operating costs, including appropriate market volatility risks and maintaining prudent reserves, and then divide those costs across the total projected energy sales, while preserving the current incremental rate differences between the various EBCE products (Bright Choice and Renewable 100) and rate classes.

EBCE states that, as a Renewable 100 customer, I'm paying only  $\frac{3}{4}$  percent more per kWh today than I would be paying if I were a PG&E customer. While I believe this to be true, there is no way I can confirm it by examining my own PG&E bill.

To get a rough estimate of the reasonableness of EBCE electric generation charges, I compared my November 2022 PG&E bill with the November bill of a friend of mine who lives in Alameda. My EBCE



generation-only charges divided by my kWh usage for the month was 13.81 cents per kWh. The energy charges from the Alameda Municipal Power (AMP) bill for the same month was 11.72 cents per kWh. For basically the same rate class, EBCE generation charges were 17.8% higher than AMP energy charges. While I do not know what EBCE is paying to procure electricity, to me this dramatic difference in generation charges suggests significant opportunities for potential rate reductions for EBCE customers if our rates were calculated independently and not tied to PG&E's.

I'm asking the Board to consider directing staff to evaluate other ways of setting rates for customers, given EBCE's successful operations so far.

Sincerely, your loyal customer,

Jim Lutz

PS: I am a member of the Community Advisory Committee, but I am submitting this comment on behalf of myself.

PPS: My original email to [PublicComment@ebce.org](mailto:PublicComment@ebce.org) was returned by google mail with a message the group I was trying to contact (publiccomment) may not exist or I didn't have permission to post messages to the group.

- **Stephen Taylor:** community member, Berkeley  
Submitted June 5, 2023; Resubmitted June 12, 2023 (due to technical issues related to the email address)

Dear EBCE:

In response to your request for comment on your proposed new rate plan, please rest assured that I support lowering your rates relative to PG&E, to create a 3% discount or greater.

Sincerely,

Stephen A. Taylor  
Berkeley, CA

## Attachments

1. PDF of Presentation made during webinars

2. PDF of Public Comments Summary Report Presentation to the BOD

# 2023-2024 EBCE Value Proposition: Public Comment



# Public Meeting Reminders

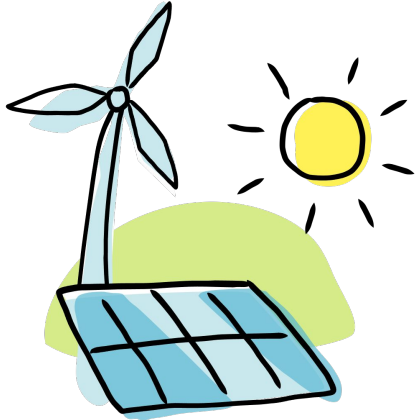
- Thank you for participating in our public meeting
- The video and audio from this meeting will be posted on our website
- We will provide a brief introduction to the proposed policy and then allow for your comments
  - Everyone will be muted until the public comment period
- Please be prepared to provide:
  - Your name
  - Organization, if applicable
  - City of residence or business location
  - Your comment

# What is EBCE?

**East Bay Community Energy (EBCE)** is our local power supplier committed to providing Alameda County and the city of Tracy with more renewable energy at lower rates. EBCE reinvests earnings back into the community to create local jobs, administer customer programs, and catalyze sustainable development.

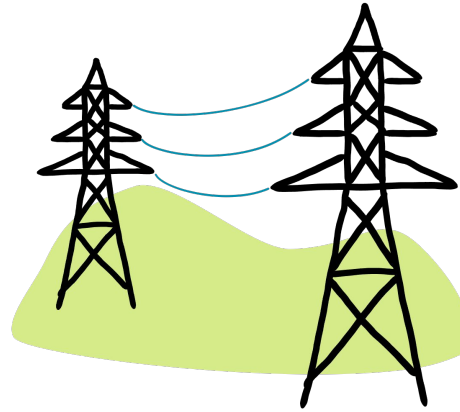


# How it Works



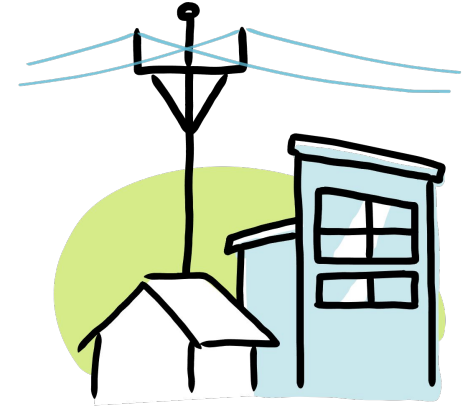
## EBCE BUYS CLEAN POWER

EBCE buys from, and is building, clean power plants. EBCE sells the energy to customers at low rates.



## PG&E DELIVERS THE POWER

EBCE's power is delivered to customers by PG&E. Customers pay PG&E for power delivery as they always have.



## YOU GET THE POWER AND ALL THE BENEFITS

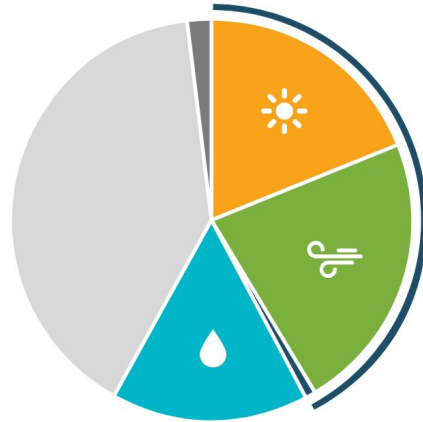
You benefit from cleaner energy, low rates, local governance, and innovative programs.

# Definitions



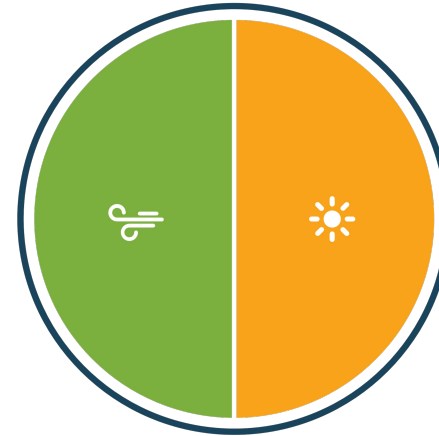
# EBCE Service Plan Choices Today

Attachment Staff Report Item 17D



## BRIGHT CHOICE

Rates 3% below PG&E with a goal to be carbon-free by 2030



## RENEWABLE 100

100% California solar & wind energy at \$0.0075 (¾) cent per kilowatt-hour above PG&E rates

### KEY

- Wind
- Solar
- Hydro
- Biomass & Biowaste, Geothermal, Eligible Hydroelectric
- Other or Unspecified
- Natural Gas
- Nuclear



# Default Service

Jurisdiction	Commercial	Residential	CARE/FERA/ Medical Baseline
Albany, Berkeley, Dublin, Emeryville, Hayward, Pleasanton, San Leandro	Renewable 100	Renewable 100	Bright Choice
Piedmont	Bright Choice	Renewable 100	Bright Choice
Livermore, Newark, Oakland, Tracy, Union City, and County of Alameda	Bright Choice	Bright Choice	Bright Choice

- **Rates** – what EBCE charges customers for electricity, currently updated when PG&E changes their generation rates or fees
- **(Rate) Value proposition** – the cost comparison to PG&E rates based on EBCE product
  - *EBCE brings additional value to our community. This is only about the direct financial value to our customers.*

**EBCE has saved Bright Choice customers  
over \$37 million since 2018**

# 2023-2024 Recommendations



- Energy prices are high this year
- PG&E raised their generation rates
  - EBCE sets our rates based on PG&E rates - today offering a 3% discount compared to PG&E
- EBCE's rates to procure power have also increased, but not as much as PG&E's rates

## Value proposition update:

- Increase the **Bright Choice** discount from **3%** to **5%** savings to PG&E
- Decrease the **Renewable 100** premium from **\$0.0075 (¾ of a penny)** to **\$0.0025 (¼ of a penny)** above PG&E
- \$50 bill credit to all CARE & FERA customers

*Potential for an annual on-bill credit to customers depending on market conditions. Credit would be applied during the subsequent fiscal year.*

# Residential Bill Estimates

Customer Type: Residential	2022-2023 (Today)	2023-2024 (after July)
Bright Choice Discount	3%	5%
Average Residential Bright Choice Electric Bill	\$129.12	\$128.15
Monthly Savings to PG&E	\$1.45	\$2.42
Renewable 100 Premium	\$0.0075 per kWh ( $\frac{3}{4}$ of one cent)	\$0.0025 per kWh ( $\frac{1}{4}$ of one cent)
Average Residential Renewable 100 Electric Bill	\$134.04	\$132.21
Monthly Renewable 100 Premium	\$2.74	\$0.91

# Small Commercial Bill Estimates

Customer Type: Small Commercial	2022-2023 (Today)	2023-2024 (after July)
Bright Choice Discount	3%	5%
Average Bright Choice Electric Bill	\$479.78	\$476.11
Monthly Savings to PG&E	\$5.50	\$9.17
Renewable 100 Premium	\$0.0075 per kWh ( $\frac{3}{4}$ of one cent)	\$0.0025 per kWh ( $\frac{1}{4}$ of one cent)
Average Renewable 100 Electric Bill	\$498.53	\$491.53
Monthly Renewable 100 Premium	\$10.50	\$3.50

# Large Commercial Bill Estimates

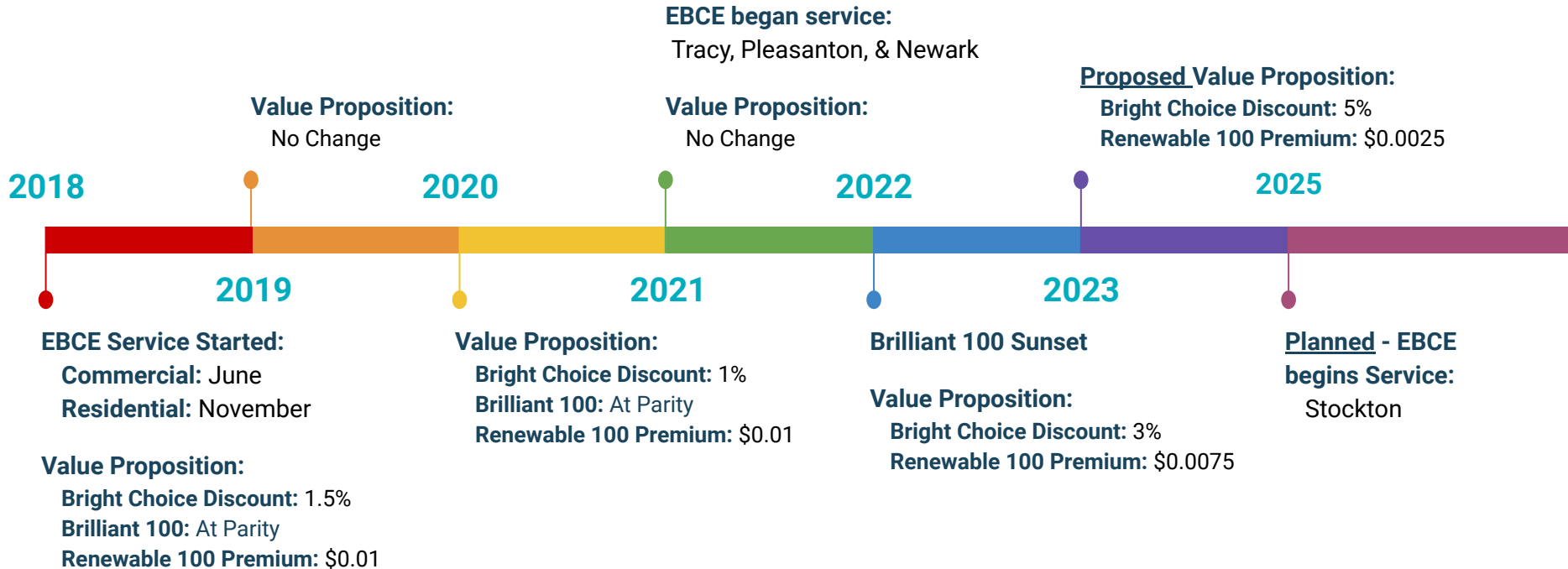
Customer Type: Large Commercial	2022-2023 (Today)	2023-2024 (after July)
Bright Choice Discount	3%	5%
Average Bright Choice Electric Bill	\$61,963.27	\$61,359.87
Monthly Savings to PG&E	\$905.09	\$1,508.49
Renewable 100 Premium	\$0.0075 per kWh (¾ of one cent)	\$0.0025 per kWh (¼ of one cent)
Average Renewable 100 Electric Bill	\$65,103.37	\$63,901.00
Monthly Renewable 100 Premium	\$1,803.55	\$601.18



Average Large Commercial (B19) customer uses 162,700 kWh per month and has a demand of 487 kW



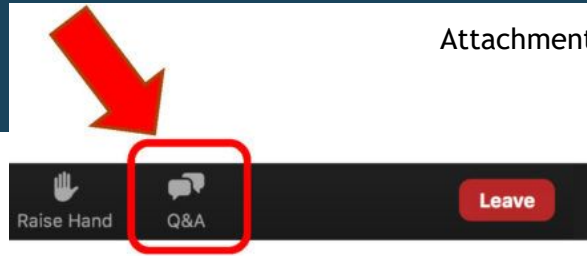
# East Bay Community Energy Timeline



# Public Comment Period



# How to Participate



- Click on the Q&A bubble
- Enter your name, city, and organization into the text box
  - Note that everyone on the call will see what you type into the chat box
- We will call on each speaker in the order we received the chat, we'll then disable the mute feature for each speaker
- Please be conscientious of the time. Every speaker will be allowed three minutes.
- Note that this webinar is being recorded and will be posted to our website



# Thank You for Participating

- **EBCE staff's next steps:**
  - Post this webinar, including the audio recording of your comments, on our website at [ebce.org/rates](https://ebce.org/rates)
  - Summarize all public comments in the staff report to Board
  - Present summary and value proposition recommendation at Board of Directors meeting on **June 21** as part of the next fiscal year's budget
- **Additional comment opportunities:**
  - **Written** comments may be emailed to [PublicComment@ebce.org](mailto:PublicComment@ebce.org)
- **All comments are due by Friday, June 9, 2023 at 8 AM**

# Comments

## Welcome at:

[PublicComment@ebce.org](mailto:PublicComment@ebce.org)



# Public Comments Summary Report

June 21, 2023



Webinars	Written Comments
<p>Thursday, May 25, 2023, at 6pm</p> <ul style="list-style-type: none"><li>● 6 registered, 2 Attended</li><li>● 0 Public Comments</li></ul> <p>Saturday, June 3, 2023, at 9:00am</p> <ul style="list-style-type: none"><li>● 5 registered, 1 Attended</li><li>● 0 Public Comments</li></ul> <p>Tuesday, May 31, 2023, at 12pm</p> <ul style="list-style-type: none"><li>● 8 registered, 3 attendees</li><li>● 2 Public Comments</li></ul>	<p>Opened on May 18</p> <p>Closed at 8am on Friday, June 9</p> <ul style="list-style-type: none"><li>● 2 written comments received</li></ul>



# Respondent Demographics

City of Residence/Business	Written	Verbal
Berkeley	1	
Oakland	1	1
Danville		1
<b>TOTAL</b>	<b>2</b>	<b>2</b>

Unique respondents = 3





# Outreach and Interactions

Attachment Staff Report Item 17E

Date	Source	# of Views or Opens
5/18/2023	Email	3,016 total opens 1,790 unique opens
5/18/2023	Facebook	31
5/18/2023	Twitter	58
5/18/2023	Instagram	59
5/18/2023	LinkedIn	301
5/23/2023	NextDoor	11,212
5/24/2023	Facebook	25
5/24/2023	Twitter	84
5/24/2023	Instagram	43



# Summary of Comments

Comments	Occurrence
<b>Cost:</b> <ul style="list-style-type: none"><li>Support for 2023-2024 Value Proposition</li><li>De-pegging EBCE's generation rates from PG&amp;E for a Cost-of-Service Generation Rate Model</li></ul>	1 1
<b>Billing:</b> <ul style="list-style-type: none"><li>Reduced length and Complexity of PG&amp;E bills</li></ul>	1
Community Choice Aggregation (CCA): <ul style="list-style-type: none"><li>General Support for Community Choice Aggregation</li></ul>	1





CAC Item C6  
Staff Report Item 19

**TO:** East Bay Community Energy Board of Directors

**FROM:** Annie Henderson, Vice President of Marketing & Account Services;  
Theresa McDermit, Head of Brand

**SUBJECT:** New Brand Name Proposal

**DATE:** June 21, 2023

---

### **Recommendation**

Approve a Resolution authorizing the use of Ava Community Energy as the market-facing brand name for our agency and directing staff to use the new name in all marketing materials starting October 2023 or as determined by direction of the CEO.

### **Background and Discussion**

In recent years, EBCE has dramatically increased its focus on actively promoting and enabling electrification, decarbonization, and efficiency initiatives while maintaining its ongoing commitment to the delivery of clean power at low prices. Since early 2022, staff have led an effort to define and articulate an updated brand strategy in support of this broadening mandate.

In December of 2022, an RFP was issued for a partner to support the evolution of our brand identity. And in February of this year, the Board approved the request to move forward with a preferred supplier. Since that time, we have worked swiftly to build out our evolved brand identity, beginning with the recommended brand name.

To arrive at this naming recommendation, we followed this detailed process:

*Strategic Alignment and Naming Criteria:* We established a framework for evaluating potential names to guide subsequent steps in the process. These guardrails helped ensure that an eventual name fulfill our objectives for a name change which broadly fall into two categories:

- 1) Ease of use, memorability; ability to support our expanded engagement efforts
- 2) Inclusivity; welcoming to all constituents including those outside of the “East Bay.”

*Ideation:* In the initial phase, over 150 names were generated and reviewed. Promising candidates were screened for availability at a high level.

*Feedback:* In an iterative process, the most promising candidate names were shared with agency leadership, select staff, and members of the ad hoc committees of the Board of Directors and Community Advisory Committee. Several rounds of feedback and review yielded a small set of finalist names.

*Clearance and Protection:* We’ve taken care to ensure the appropriateness and availability of our recommended name with the following actions:

- A full trademark search was conducted by our counsel, DWT. They found no relevant competing claims on the name
- Native speakers of the most frequently spoken languages in our territory are reviewing the name to ensure there are no unintended linguistic or cultural associations
- Relevant URLs and social media handles were secured
- A placeholder trademark filing was prepared to signal our intent to use and protect the recommended name upon approval.

At this time, staff is proposing that Ava Community Energy be adopted as a “DBA” and that the agency use the new name in marketing materials. Resolutions, contracts, and legal filings would still be done under the agency’s legal name, East Bay Community Energy Authority. If the Board desires to legally change the name of the agency for all purposes, it may authorize staff to conduct further research and take necessary actions to accomplish this goal. It is anticipated that the Joint Powers Agreement would have to be amended to achieve this and individual approval of all of the member agencies may be required.

### **Fiscal Impact**

Fiscal impact is driven by the need to communicate any changes to our brand identity and the creation / recreation of branded materials. Actual costs will be determined once the full extent and timing of changes are known. The funding for implementation and outreach on a new brand identity is included in the amount presented to the board for approval as part of the FY23/24 budget.

### **Committee Recommendation**

Ad hoc committees of the Board of Directors and CAC have stated their support for adoption of the recommended name for marketing purposes. The Executive Committee discussed this proposal on June 7, 2023. Feedback was generally supportive. Comments from board members and members of the public centered on focusing the name and messaging on our role as a public agency and regions served, while avoiding personification. The name proposal was also presented for feedback to the Marketing, Regulatory, and Legislative Committee on June 16th. The MRL Committee provided positive feedback and there were no comments from members of the public.

### **Attachments**

- A. Resolution
- B. New Name Proposal ppt.

**RESOLUTION NO. R-2023-XX**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY**  
**TO APPROVE THE BRAND NAME OF AVA COMMUNITY ENERGY**

**WHEREAS** The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020. The city of Stockton in San Joaquin County was added as a member of EBCE and party to the JPA in September of 2022.

**WHEREAS** the agency will soon serve a larger portion of San Joaquin County and residents of that region do not broadly identify as being from the “East Bay”,

**WHEREAS** the agency is expanding its engagement with customers and would like to position itself as an influencer of individual consumer decisions that advance decarbonization efforts, and

**WHEREAS** a short, easy to say, memorable, and warm name will increase inclusivity and customer engagement.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Board of Directors approves the use of “Ava Community Energy” as the market facing brand name for the agency.

Section 2. Staff is hereby directed to use Ava Community Energy for all marketing materials related to the agency starting October 2023 or as determined by direction of the CEO.

ADOPTED AND APPROVED this 21<sup>st</sup> day of June, 2023.

---

Elisa Márquez, Chair

ATTEST:

---

Adrian Bankhead, Clerk of the Board

# New Brand Name Proposal

Board of Directors

JUNE 21, 2023





# Overview

- Background & Rationale
- Insights
- Stakeholder Engagement & Timelines
- Process & Considerations
- New Brand Name Proposal

# Background & Rationale

# EBCE Brand Evolution



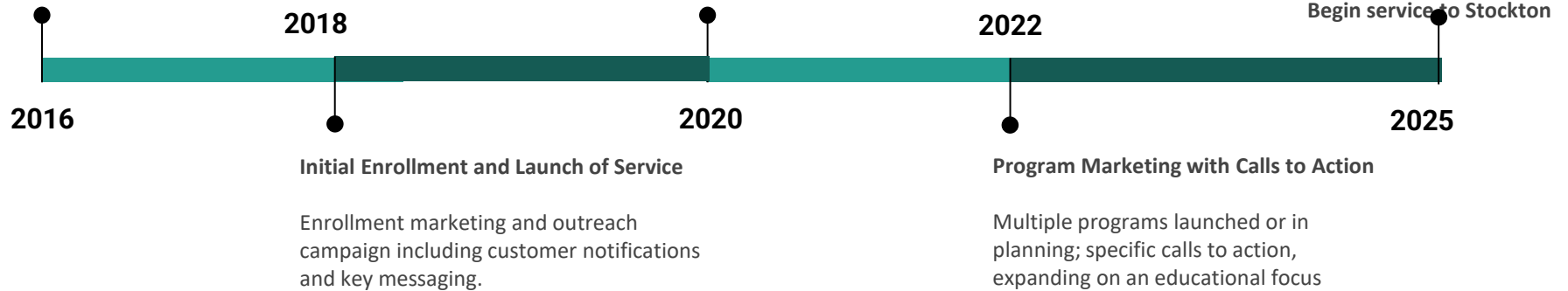
## Original Brand and Logo Development

County hired consultants to develop initial website, collateral, and logos.

## Updates to Look & Feel

Website update to give a more modern look and feel to the brand. Logo and key messaging remain unchanged.

First customer program offering.



# In the Beginning...

When we launched EBCE, our primary objective was to educate:

- What is a CCA?
- How does your bill work?
- EBCE is not a scam...

**CLEANER ELECTRICITY. LOWER RATES. LOCAL BENEFITS.**

Residents and businesses in Alameda County and 11 of its cities\* now have a new, greener choice for the electricity that powers our homes and businesses.

East Bay Community Energy (EBCE) is our new local power supplier, committed to providing our community with electricity generated from renewable sources such as solar and wind.

**BENEFITS**

- LOWER RATES**  
EBCE purchases cleaner energy at lower rates for residents and businesses.
- SUSTAINABILITY**  
You will reduce your greenhouse gas emissions, an easy and economical way to reduce your carbon footprint.
- RELIABILITY**  
EBCE procures cleaner electricity for our customers, and PG&E delivers that electricity to your home or business.
- LOCAL INVESTMENT**  
Net revenues will help fund local green energy projects and programs.

\*Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro and Union City

**LAUNCH SCHEDULE**

EBCE began providing service to municipal and business accounts in June 2018. Residential customers will be enrolled in November 2018. Customers with rooftop solar will be enrolled in 2019 around the time of their annual true-up with PG&E.

Year	Month	Event
2018	June	Municipal & Business Accounts Enrolled
	September-December	Enrollment Notices
	November	Residential Accounts Enrolled
	January-December	Solar Customer Enrollment
2019	Jan	
	Feb	
	Mar	
	Apr	
	May	
	Jun	
	Jul	
	Aug	
	Sep	
	Oct	
	Nov	
	Dec	

**CONTACT US**

- ebce.org
- /EastBayCommunityEnergy
- @PoweredbyEBCE
- customer-support@ebce.org
- 1-833-699-EBCE (3223)

**EAST BAY COMMUNITY ENERGY**

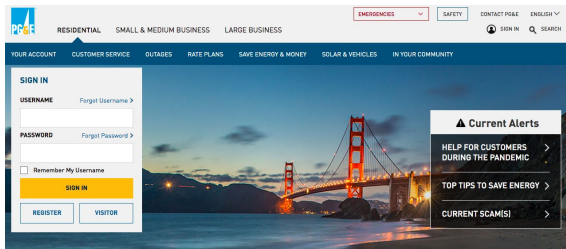
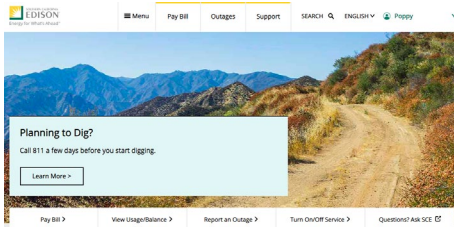
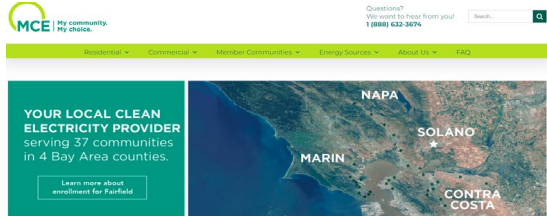
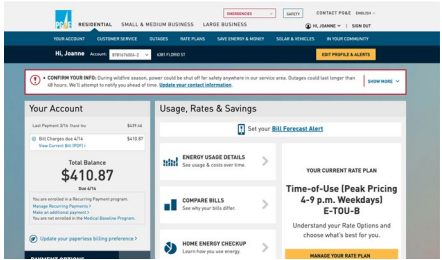
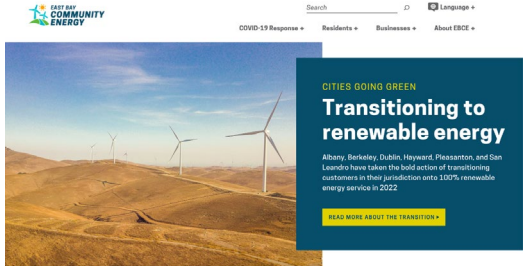
**CREATING A BRIGHTER, CLEANER FUTURE FOR OUR COMMUNITIES**

**A BRIGHT CHOICE**

# A Brand Expression to Support Education and Trust

Our brand expression is:

- Very literal; we have a highly descriptive name and logo
- Self-referential; our messaging has traditionally focused on what we do (as opposed to what that means for the consumer)
- Familiar; our “look” is similar to many other CCAs or IOUs



# We've Been Successful

On track to implement the strategy for **100% clean by 2030**

**95% average retention rate** across our service area

**Steady expansion** of our service area; Pleasanton, Newark + Tracy 2022; Stockton 2024



2022 National Notable Achievement Award for Land Revitalization Team Excellence

**\$21 million** spent on local programs like battery energy storage, induction cooking, and electric heat pump water heaters

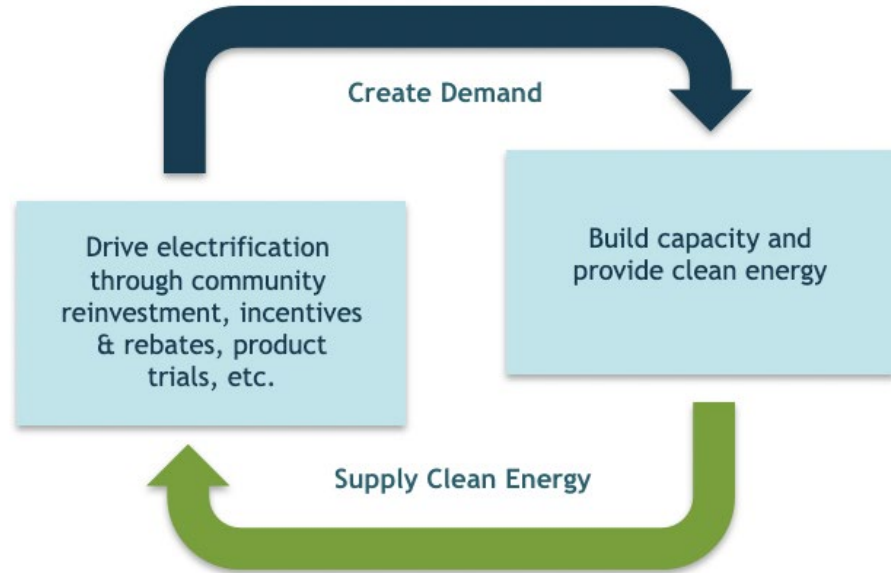
**\$19 million** annual customer savings vs. what would have been paid for PG&E service

**1,015 megawatts** of new wind, solar, and battery storage, including projects in Alameda County



# We Continue to Mature and Evolve to Better Serve our Communities

- We are moving from simply filling demand to creating it
- Growing capacity and expertise to stand up consumer- and commercial-facing programs that expose customers to electric alternatives and speed their adoption, accelerating decarbonization



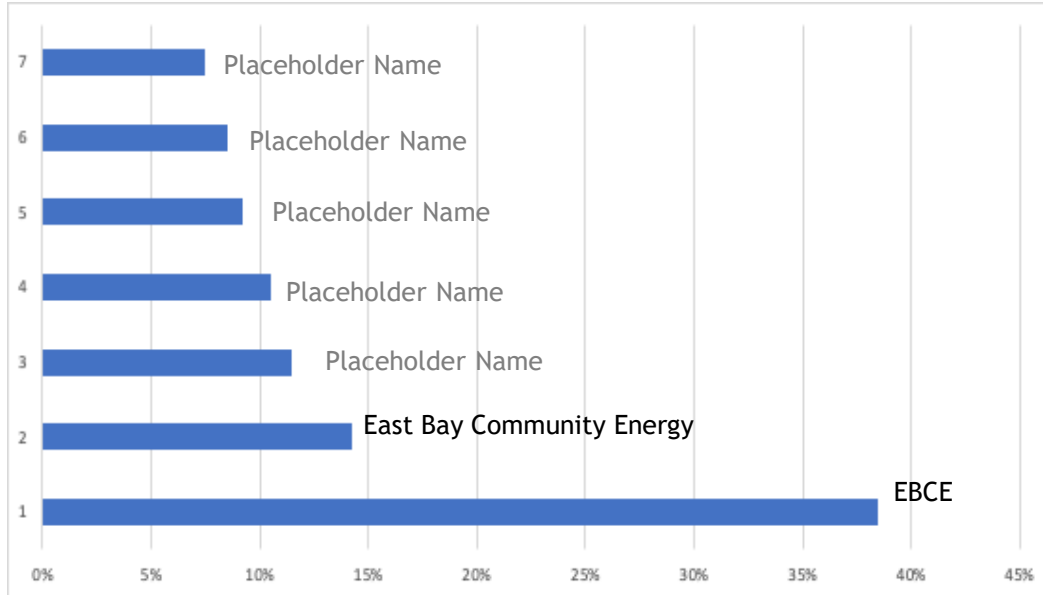
# Insights



# Our Name is a Barrier to Success in San Joaquin County\*

Attachment Staff Report Item 19B

Q12. Which one of these names is your least favorite?



Q13: Why?

EBCE

- Acronyms are off-putting; hard to remember

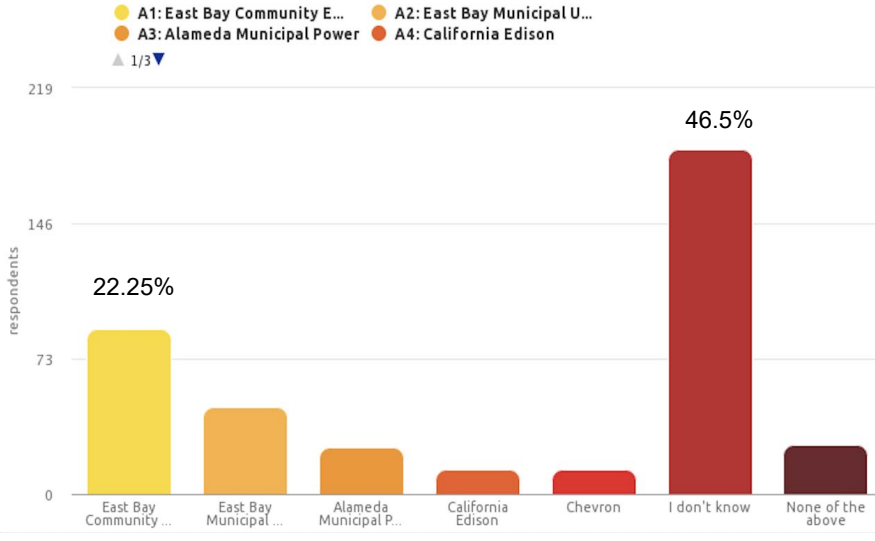
East Bay Community Energy

- San Joaquin County not part of East Bay; East Bay too expensive / doesn't represent my values

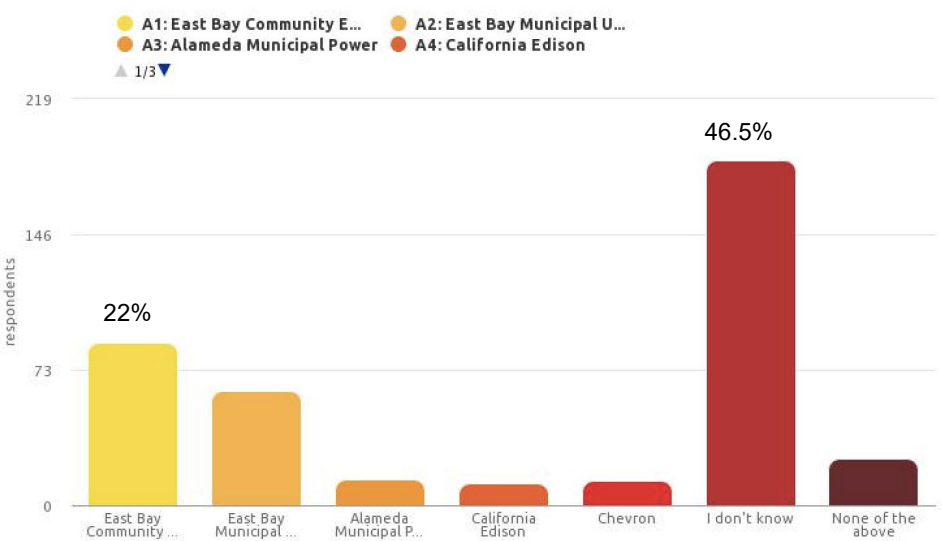
\*n=400; 57.5% of sample from Stockton

### Unaided Awareness

Question: PG&E manages the electricity system in your area. You also have an option for generation service (power plants). Is that...



May 2022



October 2022

# Stakeholder Engagement & Timelines

## Meetings and Public Information - 2022 to early 2023

- 4/1/22 - Presented [brand refresh concept](#) to MRL Subcommittee
- 10/19/22 - BOD meeting [CEO Report](#) notes hiring of Head of Brand
- 12/14/22 - BOD meeting [CEO Report](#) provides update on brand efforts
- 12/15/22 - [RFP](#) posted for partner to support Brand Identity Evolution
- 2/15/23 - BOD meeting consent agenda for [approval of contract](#) for Brand & Visual Identity Services

# Winter/Spring 2023

- **February**
  - Ad Hoc Committees of the Board and CAC established; initial meetings
- **March**
  - Survey of stakeholders, customers, and staff
  - Presentation to MuniPals
- **April**
  - Ad Hoc Committee meetings
  - Presentation to Exec Comm, CAC, and Board
- **May**
  - Ad Hoc Committee meetings
  - Update in CEO Report to Board
  - Presentation on brand at Marketing & Account Services Special Board Retreat
  - Special meeting of the MuniPals

# June 2023

Info and discussion

- **June 7**
  - Executive Committee
- **June 16**
- Marketing, Regulatory, & Legislative Committee
- **June 20**
  - Community Advisory Committee

Discussion and vote

- **June 21**
  - Board of Directors Meeting

# Reference: Ad Hoc Committees

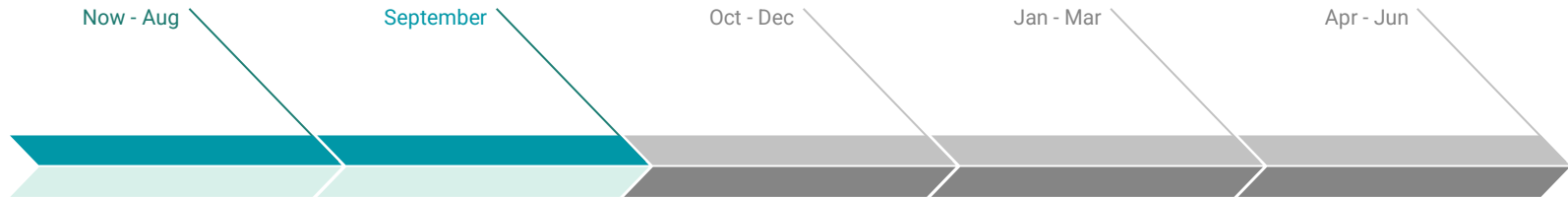
Name	EBCE Role	Jurisdiction Role
Elisa Márquez	Current Chair	Supervisor, Alameda County
Dan Kalb	Former Chair	Councilmember, Oakland
Jaime Patiño	Former Chair of MRL Subcommittee	Councilmember, Union City
Matt Bedolla	Director	Councilmember, Tracy
Dan Wright	Director	Councilmember, Stockton
Anne-Olivia Eldred	Chair of CAC	Oakland resident
Ed Hernandez	Vice Chair of CAC	San Leandro resident
Jim Lutz	At-Large Member of CAC	Oakland resident

# Committee Feedback

<b>Ad Hoc Committees</b>	Support from both Board and CAC members for new name
<b>Executive Committee</b>	Feedback was generally supportive. Comments from board members and members of the public centered on focusing the name and messaging on role as a public agency and regions served, while avoiding personification.
<b>Marketing, Regulatory, &amp; Legislative Committee</b>	Feedback was positive. No public comments were given.



# Ahead: Implementing our Evolved Name & Brand (Staff Report Item 19B)



## Plan, Prepare, Build

- Catalog / update all branded assets
- Build launch plan x audience
- Create toolkits x audience (e.g. logo, guidelines, FAQ, messaging, social posts, newsletter content)

## Stakeholder Enablement

- Communications and training for internal and external stakeholders (e.g. all employees, MuniPals, sponsored entities, program partners)

## Soft Launch

- Notice customers
- Reskin website
- Apply brand to external touchpoints
- Social media campaign
- Outreach at events

## Robust Comms

- Integrated campaign to inform and build excitement among our constituents (e.g. radio, buses, BART, OOH)
- Launch evolved website
- Measure awareness

## Transition to Steady State\*

- Begin messaging shift from introduction to steady state
- Continue elevated level of outreach with programs focus
- Integrate tracking data and stakeholder input to drive additional activities

\* Timing influenced by results of tracking survey

# Process & Considerations

3CE - Central Coast Community Energy  
AVCE - Apple Valley Choice Energy  
CEA - Clean Energy Alliance  
CCA - Community Choice Aggregation  
CPA - Clean Power Alliance

EBCE - East Bay Community Energy



Opportunity to evolve our name

- From locally descriptive and limiting to evocative and flexible for expansion
- From a complex, forced acronym to a short and memorable name that energizes our customers, employees, and partners

LE - Lancaster Energy  
MCE - Marin Clean Energy  
OCPA - Orange County Power Authority  
PG&E - Pacific Gas & Energy  
RCEA - Redwood Coast Energy Authority  
RMEA - Rancho Mirage Energy Authority  
SCE - Southern California Edison  
SCP - Sonoma Clean Power  
SDCP - San Diego Community Power  
SJCE - San Jose Clean Energy  
SJP - San Jacinto Power  
SVCE - Silicon Valley Clean Energy

## East Bay Community Energy

(EBCE)

- Descriptive of single region
- Generates local identity
- In-line with CCA category
- Descriptive, adds context
- Anchors the category
- Increases trademark-ability

↓

Descriptive name limits regional expansion  
Lengthy acronym EBCE is used throughout but lacks meaning



## Newname

Community Energy

- Evocative of progress
- Generates inclusion
- Short & stands apart
- Primary, customer-facing brand name (DBA)
- Descriptive, adds context
- Anchors the category
- Increases trademark-ability
- Secondary-level messaging, where needed

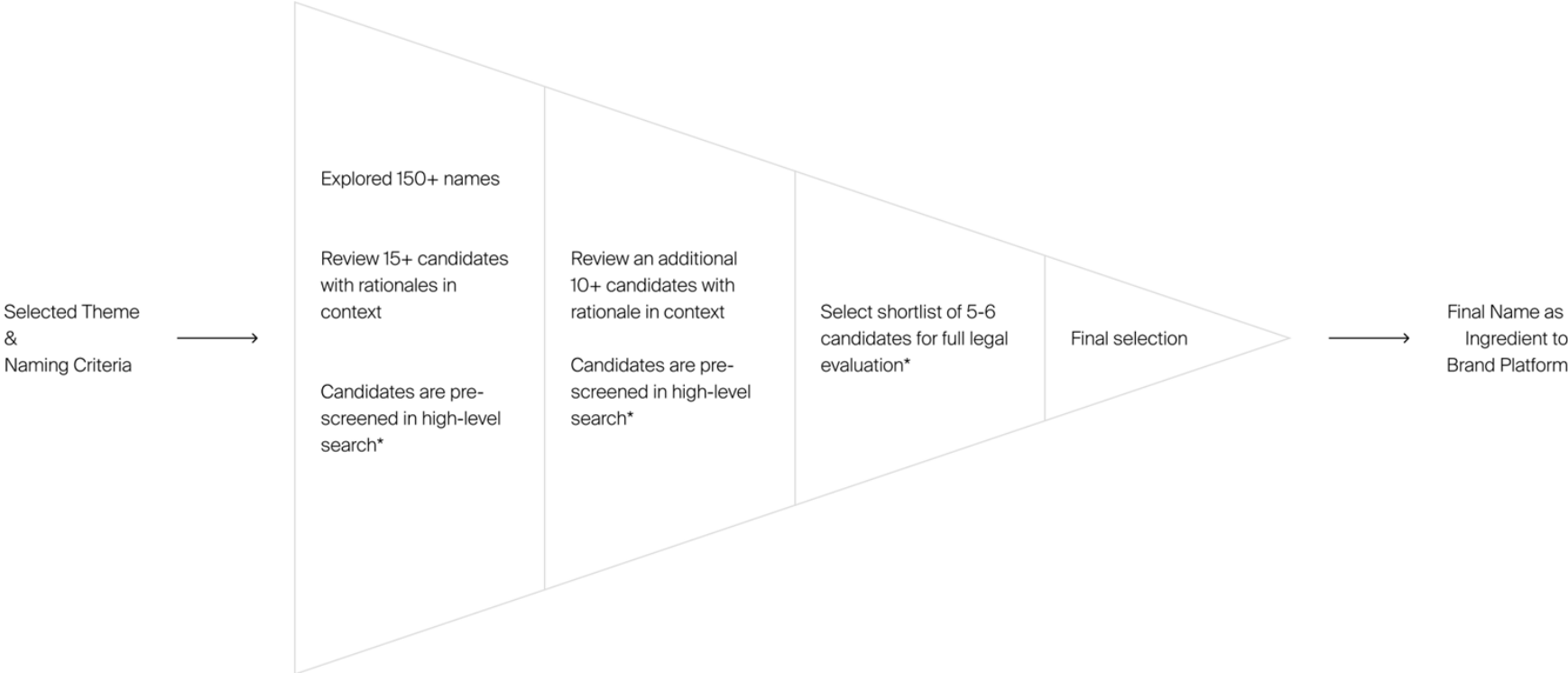
↓

Evocative name is flexible for service & geographic expansion  
DBA (Doing Business As) name is customer & employee- facing  
Registered company name can remain different

# Naming Criteria

1. Signals energy, community, or progress
2. Evokes momentum, positivity, and togetherness
3. Flexible for business and service area expansion
4. Balances uniqueness with reliability
5. Based on easy-to-understand words
6. Sounds and looks interesting; ideally also wearable
7. Stands out from clean tech/smart home innovators
8. Works in connection with “Community Energy” but without creating negative acronyms
9. Ownable as URL and available as trademark

# Naming Process



# Name Proposal

# Considerations

- Legal check is complete and clear - name is available for use
  - Other top contenders did not pass initial legal review, presenting risk of litigation
- Trademark registration submitted
- Cultural / Linguistic search completed; no conflicts found
- Social media handles and URLs have been secured in advance of revealing the name publicly
- Name proposal is the outcome of many months of working with the ad hoc committees, public engagement, consultant engagement, internal staff analysis, and legal review



# Ava

Ava Community Energy

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Origin

Coined from Alameda County + Valley

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Rationale

Signals approachability  
Evokes humanity and optimism  
Short, warm, and memorable

Language

“East Bay Community Energy is now **Ava**”

“We’d like to thank **Ava Community Energy** for being the Climate Justice Sponsor of the Oakland Roots.”

“The next speaker is from **Ava Community Energy**, servicing Alameda County to the Central Valley.”

We are Ava Community Energy

Ava is powering better living with clean, affordable energy.

[Learn More](#)

Attachment Staff Report Item 19B



We are Ava Community Energy

Ava is powering  
better business  
with clean,  
affordable energy.

[Learn More](#)

Attachment Staff Report Item 19B



# Ava

Ava Community Energy



CAC Item C7

Consent Item 12

**TO:** East Bay Community Energy Board of Directors

**FROM:** Alex DiGiorgio, Public Engagement Manager

**SUBJECT:** City of Stockton Community Advisory Committee (CAC) seat and term extension for current regional members (Action item)

**DATE:** June 21, 2023

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### **Recommendation**

- 1) Approve creating an interim CAC seat to represent the City of Stockton;
- 2) Approve a six-month term extension for current CAC members, extending their term through December 2023

### **Background and Discussion**

On October 21, 2020, the Board of Directors [approved updates to the CAC Guide and Appointment process](#). These updates were made to ensure proper representation and engagement of the CAC, particularly given the inclusion of EBCE's new communities in the cities of Newark, Pleasanton, and Tracy. The updates included the following: The addition of three seats (increasing the size of the CAC to twelve active seats to address the voting shares); configuring the apportionment of CAC seats to EBCE Service Area Regions; appointing one Alternate Member for each EBCE Service Area Region, for a total of five; and engaging the Mayors' Conference to appoint two at-large Members.

Since then, the CAC has been composed of twelve active seats ("Members") and five alternate seats ("Alternates").

As reflected in the table below, the CAC seat allocations approximate the voting shares percentage of each member jurisdiction:

EBCE Service Area Region	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH Fremont, Union City and Newark	27%	3	1
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large	N/A	1	N/A
At-Large	N/A	1	N/A

By assigning seats to EBCE Service Area Regions, EBCE can engage the city/county Board members for outreach and appointment nominations. This regional apportionment was also intended to ensure equitable representation of all EBCE communities on the CAC.

The CAC currently has eleven members serving (i.e., nine Regional members and two At-Large members) with one Member vacancies (South region). All five Alternate seats are currently vacant.

Below is a table with the current make-up of the CAC:

EBCE Service Area Region	Current CAC Representation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	Anne Olivia Eldred (Chair) Cynthia Landry (Member) Lisa Hu (Member) [Alternate vacancy]
EAST Dublin, Livermore, and Pleasanton	Joel Liu (Member); [Alternate vacancy]
SOUTH Fremont, Union City, and Newark	Shiva Swaminathan (Member) Vijay Lakshman (Member) [Member vacancy] [Alternate vacancy]
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	Ernie Pacheco (Member) Lorraine Souza (Member) [Alternate vacancy]



SAN JOAQUIN COUNTY Tracy	Harman Ratia (Member) [Alternate vacancy]
At Large	Ed Hernandez (Vice Chair)
At Large	Jim Lutz (Member)

All active Regional CAC members have communicated with staff to confirm their desire to remain on the Committee if a six-month term extension is approved by the Board.

***Recommendation 1: Approve the addition of a new, interim CAC seat to represent the City of Stockton via Resolution at the June 21 Board of Directors meeting***

In March 2023, EBCE received the California Public Utility Commission’s (CPUC) certification recognizing the City of Stockton (“Stockton”) as a member of EBCE’s Joint Powers Authority (“JPA”). This came in response to EBCE’s timely filing of an updated Implementation Plan to include Stockton within EBCE’s service area. Shortly thereafter, Stockton City Council Member Dan Wright was sworn in to represent Stockton among EBCE’s Board of Directors.

Per Sec.4.9 of EBCE’s Joint Powers Agreement, the Board is entitled to establish a Community Advisory Committee (CAC) to advise Board members on a wide range of subjects. As EBCE’s service area has expanded to include new jurisdictions, the CAC’s size and structure has been adjusted by the Board to accommodate appointments by incoming Board members representing these new communities.

In anticipation of EBCE's inclusion of Stockton, and since Stockton’s JPA membership became certified by the CPUC, Stockton’s elected officials and community members have requested that a seat be created on the CAC to represent Stockton’s interests and perspective (please refer to the attached 5/19/23 email from Councilmember Wright to EBCE staff). In response, staff proposes the Board consider approving an additional, interim seat to be filled by a representative appointed by Stockton through whatever process Stockton’s staff and elected leaders deem appropriate.

The additional seat is proposed to be interim because current CAC members have previously been appointed on a regional basis (aside from the two At-Large members), rather than by individual jurisdictions. As discussed below, EBCE staff intend to consider proposing additional structural adjustments, and/or expansions of the CAC, in anticipation of future service area expansion (e.g., staff may recommend each individual EBCE jurisdiction is entitled to appointment a CAC member, instead of regional appointments). Any future adjustments to the size and/or structure of the CAC will regard the City of Stockton’s representation as a high priority and will be undertaken with the involvement of Stockton’s Board member/Alternate.

***Recommendation 2: Approve a six-month term extension for the CAC’s current Regional members via Resolution at the June 21 Board of Directors meeting***

As mentioned above, staff also propose to extend the terms of current Regional CAC members by at least six months (i.e., through December 2023). The terms of current Regional members are set to end on June 30<sup>th</sup>. EBCE staff have communicated with the current CAC Chair and every Regional Member to confirm their desire to continue serving in their current capacities through December 2023. All but one of the current Regional members have expressed their desire to continue serving on the CAC should a six-month extension be approved by the Board of Directors. That member (from the South region) is no longer active on the CAC.

As proposed, a six-month term extension would provide the following benefits:

1. **Consistency and continuity during EBCE's name change and rebrand exploration.** In response to EBCE's expanding service area and inclusion of new communities, EBCE is currently evaluating the possibility of changing EBCE's name and updating its brand identity. The CAC has provided valuable feedback and insight throughout this process to date. To help ensure robust community input, staff recommends maintaining the same CAC representation until the rebranding exploration is complete.
2. **Aligning the service terms of the CAC's Regional members with At Large members.** Unlike the CAC's Regional members, the Committee's two At Large members are appointed by the Alameda County Mayors' Conference. As a result, the timing of these appointments is currently misaligned by six months. By approving a six-month term extension, all CAC members will have terms ending on the same term cycle. These terms can be staggered by future Board action along with any additional adjustments considered by the Board.
3. **Providing more time to consider future adjustments to the CAC's size and structure.** By December 2023, EBCE staff anticipate having a clearer sense of what additional cities and/or counties (if any) intend to join EBCE's JPA. This will help staff advise the Board on how best to restructure the CAC (if at all) so that it continues to effectively represent and accurately reflect the communities EBCE serves.

### **Fiscal Impact**

The addition of one new interim seat for Stockton will increase the CAC stipend budget from \$20,400 to approximately \$30,000. The additional stipend will be disbursed once the new interim CAC member is sworn-in and begins serving at regular monthly meetings.

### **Committee Recommendation**

EBCE's Executive Committee considered the staff recommendations above at their June 6, 2023, meeting as a discussion item. All current/active Regional CAC members have communicated to staff their desire to remain on the Committee if a six month term extension is approved by the Board.

## **Attachments**

- A. Resolution
- B. May 19, 2023, email to EBCE staff from Stockton City Councilmember and EBCE Board Member Dan Wright requesting Stockton's representation on the Community Advisory Committee (CAC)

**RESOLUTION NO. R-2023-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE THE ADDITION OF AN INTERIM SEAT FOR THE CITY OF STOCKTON ON THE COMMUNITY ADVISORY COMMITTEE AND TO EXTEND THE CURRENT TERMS OF ALL REGIONAL MEMBERS BY SIX MONTHS**

**WHEREAS** The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020. The City of Stockton, located in San Joaquin County, was added as a member of EBCE and a party to the JPA in March of 2022.

**WHEREAS**, the Board of Directors approved the Community Advisory Committee Guide and Appointment Process (“Guide”) on November 10, 2019, which outlines the committee seats, qualifications, and appointment process; and

**WHEREAS**, at the October 21, 2020, meeting, the Board of Directors approved updates to the Guide language to include the new service area, assign seats based on EBCE Service Area Regions, shorten current and future member terms to two years, increase the size of the Committee Advisory Committee (“CAC”) by two (2) additional at-large seats, allocate one (1) alternate seat for each Service Area Region, and request the Mayors’ Conference fill the two (2) at-large seats; and

**WHEREAS**, from December 15, 2020, to February 15, 2021, EBCE staff facilitated an online application process through which members of the public could apply to be considered for appointment to the CAC by the Board Members representing the jurisdictions within their respective EBCE Service Area Regions.

**WHEREAS**, twenty-six applications were received during the application period, with at least two applicants from every EBCE Service Area Region, and

**WHEREAS**, the Board Members from each EBCE region reviewed the applications from their respective planning areas and recommended the applicants to be considered for appointment by the Board of Directors; and

**WHEREAS**, two new Regional CAC Members and three Alternate Members were appointed at the April 21, 2021, Board meeting; and three new Regional CAC Members and one Alternate Member were appointed at the May 19, 2021, Board meeting; and

**WHEREAS**, in November 2021, the Alameda County Mayors’ Conference confirmed the appointment of the CAC’s two at-large Members; and

WHEREAS, on May 19, 2023, the City of Stockton’s EBCE Board Member communicated in writing to staff their request to create an additional seat on the CAC to represent Stockton; and

WHEREAS, the current terms for the CAC’s Regional Members end June 30, 2023; and

WHEREAS, EBCE’s staff and Board of Directors are currently engaged in a CCA name and brand change exploration; and the CAC’s consultation and feedback has been helpful in that effort to date; and

WHEREAS, EBCE’s staff expects the CCA name and brand change exploration and/or implementation process to continue for at least several more months; and the loss of continuity with a change in CAC membership would undermine these efforts; and

WHEREAS, by June 2023, all current Regional CAC members confirmed their intentions of continuing to serve on the CAC if a six-month term extension were to be approved by the Board of Directors;

WHEREAS, on June 6, 2023, EBCE staff sought direction from the Executive Committee, regarding the prospect of creating an additional, interim CAC seat for Stockton; and extending the current terms for Regional CAC Members by six months (i.e., through December 31, 2023); and

WHEREAS, in anticipation of potential future expansion of EBCE’s service area and JPA membership, EBCE staff intend to provide recommendations to the Board regarding any adjustments to the CAC’s size and structure by December 2023.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Board of Directors hereby authorizes the creation of an interim CAC seat for the City of Stockton; and

Section 2. The Board of Directors hereby authorizes a six-month term extension (through December 31, 2023) for the current Regional CAC members outlined below:

EBCE Service Area Region	Current CAC Representation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	Anne Olivia Eldred (Chair) Cynthia Landry (Member) Lisa Hu (Member)
EAST Dublin, Livermore, and Pleasanton	Joel Liu (Member);
SOUTH	Shiva Swaminathan (Member) Vijay Lakshman (Member)

Fremont, Union City, and Newark	
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	Ernie Pacheco (Member) Lorraine Souza (Member)
SAN JOAQUIN COUNTY Tracy	Harman Ratia (Member)

ADOPTED AND APPROVED this 21<sup>st</sup> day of June, 2023.

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Elisa Márquez, Chair

ATTEST:

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Adrian Bankhead, Assistant Clerk of the Board



Alex DiGiorgio &lt;adigiorgio@ebce.org&gt;

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**CAC Representative**

4 messages

**Dan Wright** <Dan.Wright@stocktonca.gov>

Fri, May 19, 2023 at 2:44 PM

To: Alex DiGiorgio &lt;adigiorgio@ebce.org&gt;

Cc: Adrian Bankhead &lt;abankhead@ebce.org&gt;, Nick Chaset &lt;nchaset@ebce.org&gt;, Eliza Garza &lt;Eliza.Garza@stocktonca.gov&gt;, Kevin Lincoln &lt;Kevin.Lincoln@stocktonca.gov&gt;, Kimberly Warmsley &lt;Kimberly.Warmsley@stocktonca.gov&gt;

Alex,

It was great running into you at the Hydrogen event in Dublin on Wednesday. I'm excited about adding a Stockton representative to the EBCE Citizens Advisory Council. When you folks send the official request for a representative, please send it to our City Clerk, Eliza Garza ([eliza.garza@stocktonca.gov](mailto:eliza.garza@stocktonca.gov)) with a cc to Mayor Lincoln, Vice Mayor Warmsley, and me. She will be the person to organize the selection process that the Council will utilize to make the selection.

Thanks!

Dan Wright

Council Member, District 2

City of Stockton

[dan.wright@stocktonca.gov](mailto:dan.wright@stocktonca.gov)

(209) 937-8244

<https://www.facebook.com/CouncilmemberDanWright><https://www.instagram.com/vicemayorwright/><https://twitter.com/danwrightca>

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**Eliza Garza** <Eliza.Garza@stocktonca.gov>

Sat, May 20, 2023 at 3:52 PM

To: Dan Wright &lt;Dan.Wright@stocktonca.gov&gt;, Alex DiGiorgio &lt;adigiorgio@ebce.org&gt;

Cc: Adrian Bankhead &lt;abankhead@ebce.org&gt;, Nick Chaset &lt;nchaset@ebce.org&gt;, Kevin Lincoln &lt;Kevin.Lincoln@stocktonca.gov&gt;, Kimberly Warmsley &lt;Kimberly.Warmsley@stocktonca.gov&gt;

Received. I'll be on the lookout.

Eliza

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**From:** Dan Wright <[Dan.Wright@stocktonca.gov](mailto:Dan.Wright@stocktonca.gov)>**Sent:** Friday, May 19, 2023 2:44:54 PM**To:** Alex DiGiorgio <[adigiorgio@ebce.org](mailto:adigiorgio@ebce.org)>**Cc:** Adrian Bankhead <[abankhead@ebce.org](mailto:abankhead@ebce.org)>; Nick Chaset <[nchaset@ebce.org](mailto:nchaset@ebce.org)>; Eliza Garza <[Eliza.Garza@stocktonca.gov](mailto:Eliza.Garza@stocktonca.gov)>; Kevin Lincoln <[Kevin.Lincoln@stocktonca.gov](mailto:Kevin.Lincoln@stocktonca.gov)>; Kimberly Warmsley <[Kimberly.Warmsley@stocktonca.gov](mailto:Kimberly.Warmsley@stocktonca.gov)>**Subject:** CAC Representative

[Quoted text hidden]

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**Alex DiGiorgio** <adigiorgio@ebce.org>

Mon, May 22, 2023 at 4:28 PM

To: Eliza Garza &lt;Eliza.Garza@stocktonca.gov&gt;

Cc: Dan Wright &lt;Dan.Wright@stocktonca.gov&gt;, Adrian Bankhead &lt;abankhead@ebce.org&gt;, Nick Chaset &lt;nchaset@ebce.org&gt;, Kevin Lincoln &lt;Kevin.Lincoln@stocktonca.gov&gt;, Kimberly Warmsley &lt;Kimberly.Warmsley@stocktonca.gov&gt;

Thank you, Councilmember Wright! It was great to see you last week as well.

Re the City's CAC appointment: I'll be sure to proceed as you describe below.

Eliza, it's a pleasure to be connected with you. I'll be sure to reach out once EBCE's Board takes action and we're ready to coordinate Stockton's CAC appointment.

Many thanks again,

Alex

[Quoted text hidden]

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**Alex DiGiorgio, JD** (he/him) | Public Engagement Manager

[East Bay Community Energy](#)

[ADiGiorgio@ebce.org](mailto:ADiGiorgio@ebce.org) | 510-993-7562

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**Eliza Garza** <[Eliza.Garza@stocktonca.gov](mailto:Eliza.Garza@stocktonca.gov)>

Mon, May 22, 2023 at 8:43 PM

To: Alex DiGiorgio <[adigiorgio@ebce.org](mailto:adigiorgio@ebce.org)>

Cc: Dan Wright <[Dan.Wright@stocktonca.gov](mailto:Dan.Wright@stocktonca.gov)>, Adrian Bankhead <[abankhead@ebce.org](mailto:abankhead@ebce.org)>, Nick Chaset <[nchaset@ebce.org](mailto:nchaset@ebce.org)>, Kevin Lincoln <[Kevin.Lincoln@stocktonca.gov](mailto:Kevin.Lincoln@stocktonca.gov)>, Kimberly Warmesley <[Kimberly.Warmsley@stocktonca.gov](mailto:Kimberly.Warmsley@stocktonca.gov)>

Sounds good. Thank you.

Eliza

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**From:** Alex DiGiorgio <[adigiorgio@ebce.org](mailto:adigiorgio@ebce.org)>

**Sent:** Monday, May 22, 2023 4:28:36 PM

**To:** Eliza Garza <[Eliza.Garza@stocktonca.gov](mailto:Eliza.Garza@stocktonca.gov)>

**Cc:** Dan Wright <[Dan.Wright@stocktonca.gov](mailto:Dan.Wright@stocktonca.gov)>; Adrian Bankhead <[abankhead@ebce.org](mailto:abankhead@ebce.org)>; Nick Chaset <[nchaset@ebce.org](mailto:nchaset@ebce.org)>; Kevin Lincoln <[Kevin.Lincoln@stocktonca.gov](mailto:Kevin.Lincoln@stocktonca.gov)>; Kimberly Warmesley <[Kimberly.Warmsley@stocktonca.gov](mailto:Kimberly.Warmsley@stocktonca.gov)>

**Subject:** Re: CAC Representative

**CAUTION:** This email originated from outside the City of Stockton. Do not click any links or open attachments if this is unsolicited email.

[Quoted text hidden]



EBCE Board of Directors Public Comment received for 6/21/23 Meeting

Letter #	Name	Date
1	Tom Kelly	6/1/2023
2	Jim Lutz	6/8/2023
3	Jessica Tovar	6/19/2023
4	Jessica Tovar	6/19/2023

Board of Directors and Community Advisory Committee  
East Bay Community Energy

Re: EBCE Management Missteps that have Cost Ratepayers Millions

Dear Members of the EBCE Board of Directors and Community Advisory Committee,

Over the past few years, I have consistently advocated for an improvement in the power content of EBCE's default product *Bright Choice*. For many of us, clean, carbon free electricity was the primary reason for pressing for the development of a local community choice program. Evidence of those efforts can be found in EBCE's formation documents which clearly and repeatedly state that EBCE will do better than PG&E on greenhouse gas emissions. In fact, the enabling legislation signed by the City of Stockton states that by joining EBCE, Stockton will reduce its greenhouse gas emissions from electricity. The Joint Powers Agreement signed by Stockton states that EBCE will provide electricity with a lower greenhouse gas intensity than PG&E. Based on EBCE's plan for making *Bright Choice* carbon free by 2030, neither the promises made by Stockton to its constituents, nor by EBCE to its member jurisdictions, are true.

As an advocate, I try to understand the reasons why my efforts do not always succeed. Am I wrong? Is my reasoning faulty? Is there something I am missing? Until recently, I thought that the drive by EBCE to maximize its reserves, and in doing so, improve its credit rating could be the underlying reason why EBCE kept purchasing carbon intensive electricity. But, today, I am wondering if the real reason is simply that EBCE management lacks the experience and qualifications to adequately manage what will soon become a billion-dollar corporation.

Over the past year or so, we have seen a number of very costly actions by EBCE management that have affected the reputation of the agency and deprived ratepayers of cleaner, cheaper electricity and enhanced local programs. I estimate those financial losses to ratepayers at more than \$20M. The cost of the loss of credibility and confidence in EBCE management cannot be adequately calculated. Those costly actions include:

A. The repeated failure of EBCE to meet its Resource Adequacy obligations.

The CPUC has assessed EBCE \$6.3M in penalties since February 2019 for its failure to meet its RA obligations. Surprisingly, EBCE management seems to think that it

was simply “gaming” the system by paying the fines rather than acquiring the RA. CEO Nick Chaset made a comment to that effect at the 5/15/23 Community Advisory Committee meeting<sup>1</sup>, namely “EBCE customers were better off” by paying the penalties rather than acquiring the RA. Mr. Chaset claimed that EBCE was “unable” to acquire RA during the periods covered by the penalties (4 years), in spite of the fact that other CCAs were able to do so (with the exception of Central Coast Community Energy). Marie Fontenot, EBCE’s Vice President, Power Resources, responded to a letter from the Sierra Club that raised its concerns about the RA issue. She writes:

*EBCE wishes to clarify for Sierra Club of San Francisco Bay that RA penalties were **in lieu of** procurement of RA and therefore the costs of the penalties were equal to or less than the price EBCE would have paid for RA, and as a result the payment of penalties did not have the effect of raising EBCE’s procurement costs, nor did they have a negative impact on customer rates and funding for EBCE’s customer programs.*

What Mr. Chaset and Ms. Fontenot fail to mention is that EBCE’s inability to meet its RA obligations led to at least a one-year delay in the enrollment of Stockton electricity customers in EBCE. That failure has the following financial consequences:

- 1) A loss to EBCE in 2024 of \$17.8M in anticipated net revenues.<sup>2</sup>
- 2) An additional cost to Stockton ratepayers of approximately \$1.5M<sup>3</sup> who must remain with PG&E for at least a year longer.
- 3) In 2022, EBCE issued an RFO for “ZERO-EMISSION MEDIUM AND HEAVY-DUTY GOODS MOVEMENT PROJECT LOANS” from providers in eligible jurisdictions within Alameda County and the cities of Tracy and Stockton.<sup>4</sup> It may no longer be the case that any contracts that serve the City and Port of Stockton are valid. EBCE ratepayers should not be shouldering costs associated with those contracts.

<sup>1</sup> 5/15/23 CAC meeting video at 1 hour 35 minutes 20 seconds. See, <https://ebce.org/meetings/community-advisory-committee-meeting-5-15-23/>

<sup>2</sup> [https://res.cloudinary.com/diactiwk7/image/upload/v1663374090/11\\_Item\\_11\\_-\\_Inclusion\\_of\\_New\\_Communities\\_-\\_Stockton\\_kic4j9.pdf](https://res.cloudinary.com/diactiwk7/image/upload/v1663374090/11_Item_11_-_Inclusion_of_New_Communities_-_Stockton_kic4j9.pdf) (page 7)

<sup>3</sup> Letter to City of Stockton – May 12, 2022

<sup>4</sup> [https://res.cloudinary.com/diactiwk7/image/upload/v1664499492/REVISED\\_9.27.22\\_-\\_RFO\\_for\\_ZERO-EMISSION\\_MEDIUM\\_AND\\_HEAVY-DUTY\\_GOODS\\_MOVEMENT\\_PROJECT\\_LOANS\\_9.12\\_-\\_Copy\\_kfqviw.pdf](https://res.cloudinary.com/diactiwk7/image/upload/v1664499492/REVISED_9.27.22_-_RFO_for_ZERO-EMISSION_MEDIUM_AND_HEAVY-DUTY_GOODS_MOVEMENT_PROJECT_LOANS_9.12_-_Copy_kfqviw.pdf)

It is also the case that these managerial missteps have had a negative impact on EBCE's standing within the CCA community and among its customers which EBCE spends significant amount of marketing dollars on enhancing.

B. EBCE's purchase of office building – July 9, 2021 - \$8.5M

As we now know, the cost of upgrading the purchased building increased from the Board approved amount of \$7M to \$14M. It appears that EBCE has spent approximately \$770,000 on upgrades to the building. Staff have now received approval from the Board to lease office space. The future of the building is unknown, however, in the current commercial real estate market, the sale price of the building may not be enough to cover EBCE's costs.

C. Proposal to "gift" UCSF's Benioff Children's Hospital \$15M

Fortunately, the widespread community opposition to the CEO Chaset's questionable proposal to gift \$15M in ratepayer funds to Oakland's Children's Hospital was successful. And it now looks as if those funds will be re-directed to a program that is consistent with EBCE's mission. Nevertheless, significant staff time, Board involvement, and community organizing to question the gift was expended. This represents not only a financial cost, but yet another situation that calls into the question the ability of the current management staff to operate the agency successfully, cost effectively, and without serious risks to the agency's reputation, stability and future.

It is time for the EBCE Board to take a very close look at EBCE's management team and take whatever actions are needed to prevent the type of actions taken by the current management that have cost ratepayers millions of dollars and undermined the reputation of the agency.

Sincerely,

Tom Kelly  
Berkeley

cc: Jessica Tovar



Adrian Bankhead &lt;abankhead@ebce.org&gt;

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## 2023-2024 Value Proposition

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**'Jim Lutz' via Clerk of the Board** <COB@ebce.org>

Thu, Jun 8, 2023 at 11:11 PM

Reply-To: Jim Lutz &lt;jlutz@lmi.net&gt;

To: Clerk of the Board &lt;COB@ebce.org&gt;, info@ebce.org

Dear EBCE Board,

I am submitting this comment in response to the EBCE 2023-2024 Proposed Value Proposition Webinar I attended on June 6. The rate changes proposed by staff were to increase the Bright Choice discount relative to PG&E rates from 3% to 5% and to reduce the Renewable 100 premium relative to PG&E rates from ¾% to ¼%.

Since EBCE began, its rates have always been established relative to PG&E's rates for comparable products. While this may have been appropriate for a newly established community energy agency, it is no longer necessary. I believe this practice is now leading EBCE to charge its customers more than it should.

A more fiscally responsible method of setting rates would be to estimate operating costs, including appropriate market volatility risks and maintaining prudent reserves, and then divide those costs across the total projected energy sales, while preserving the current incremental rate differences between the various EBCE products (Bright Choice and Renewable 100) and rate classes.

EBCE states that, as a Renewable 100 customer, I'm paying only ¾ percent more per kWh today than I would be paying if I were a PG&E customer. While I believe this to be true, there is no way I can confirm it by examining my own PG&E bill.

To get a rough estimate of the reasonableness of EBCE electric generation charges, I compared my November 2022 PG&E bill with the November bill of a friend of mine who lives in Alameda. My EBCE generation-only charges divided by my kWh usage for the month was 13.81 cents per kWh. The energy charges from the Alameda Municipal Power (AMP) bill for the same month was 11.72 cents per kWh. For basically the same rate class, EBCE generation charges were 17.8% higher than AMP energy charges. While I do not know what EBCE is paying to procure electricity, to me this dramatic difference in generation charges suggests significant opportunities for potential rate reductions for EBCE customers if our rates were calculated independently and not tied to PG&E's.

I'm asking the Board to consider directing staff to evaluate other ways of setting rates for customers, given EBCE's successful operations so far.

Sincerely, your loyal customer,

Jim Lutz

PS: I am a member of the Community Advisory Committee, but I am submitting this comment on behalf of myself.

PPS: My original email to [PublicComment@ebce.org](mailto:PublicComment@ebce.org) was returned by google mail with a message the group I was trying to contact (publiccomment) may not exist or I didn't have permission to post messages to the group.



**Jessica Guadalupe Tovar**  
339 15th St #208 Oakland, CA 94612  
415-766-7766

**Subject: Increase Community Based Energy Resilience budget**

**June 19, 2023**

## **Call on East Bay Community Energy (EBCE) to resource Community-Based Energy Resilience**

We, the undersigned community-based organizations, members and supporters of the East Bay Clean Power Alliance, call for the Board of Directors of East Bay Community Energy (EBCE) to increase funding at least five-fold in the 2023-2024 budget for *Community Resilience*. This funding is needed to begin planning and implementing community-based microgrids at community-trusted resilience hubs.

While we support the 2022-initiated *Resilient Critical Municipal Facilities* project and its continued funding in 2023-2024, many “critical municipal facilities,” such as police and fire stations are not community-based nor community-trusted spaces. As such those facilities do not make appropriate resilience hubs for low-income, people of color, immigrant, disabled, or senior community members during, or in the aftermath of disasters and power shut-offs.

Meanwhile, the need for access to emergency energy services during climate-related and other crises, particularly in communities long neglected due to systemic injustice, has increased dramatically, and can be expected to become more urgent as accelerating climate chaos brings wildfires, smoke, hurricane-force storms, life-threatening heat, and utility power shutoffs (PSPS).

EBCE customers in our communities already suffer from high energy burden due to soaring, out of reach energy bills. Other energy inequities include poor quality housing with inadequate insulation, electrical panels, wiring, etc. Power shut-offs planned, or unplanned, aggravate already stretched household budgets and disproportionately high energy burdens with lost food, jobs and other complications.

We are calling for EBCE to do more to address these serious inequities in energy access, which mostly affect Black, Indigenous, people of color and immigrants. The EBCE microgrid project for municipal agencies should be adapted to include community-accessible and community-trusted places. We applaud the decision to begin including schools, but would like to see community

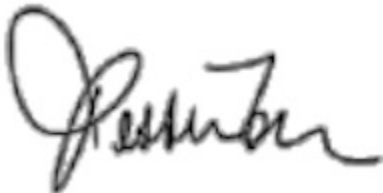
centers, shelters, senior centers, places of worship and other community identified locations be included. Ultimately, community-based microgrids could help reduce energy bills, provide energy resilience, and benefit local distribution and even transmission grids. California leads the nation in having the most schools with solar panels installed and that adding battery storage would make them the best candidates for community resilience centers.

In the five years that EBCE has operated, the overwhelming majority of the Local Development budget has been delegated to projects that benefit middle and affluent customers and businesses. For example, incentive programs for expensive items such as heat pump water heaters and induction ranges only work for those with disposable incomes. EV Charging stations do little to help low-income communities and could create more harm by accelerating rising rents and other costs in our communities.

Our organizations supported efforts by the East Bay Clean Power Alliance starting in 2014 to establish East Bay Community Energy. We worked to ensure that social justice and energy equity were stated goals of the program. We stood with the effort to create a Local Development Business Plan that would bring economic and environmental opportunities to communities long neglected by local governments.

**We urge the EBCE Board of Directors to honor these central goals by voting for a five-fold increase in (\$10M vs \$2M or \$4M) the *Community Resilience* budget for resourcing microgrids for Community Based Organizations.**

Clean Power to the People,



Jessica Guadalupe Tovar

**East Bay Clean Power Alliance  
SolidarityINFOService  
Northern California Solar Association  
Sunflower Alliance  
Californians for Energy Choice  
Reclaim Our Power: Utility Justice Campaign  
Sustainable Food Network LLC  
West Oakland Environmental Indicators Project (WOEIP)  
San Francisco Bay Physicians for Social Responsibility  
Sierra Club**



Adrian Bankhead &lt;abankhead@ebce.org&gt;

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## Need for public workshop on \$15M Health E Homes program

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Jessica Tovar &lt;jessica@localcleanenergy.org&gt;

Mon, Jun 19, 2023 at 2:14 PM

To: Adrian Bankhead &lt;abankhead@ebce.org&gt;, Clerk of the Board &lt;cob@ebce.org&gt;

Dear EBCE Board of Directors, Community Advisory Committee and Alternates, I am following up on concerns regarding the Health-E Communities \$15M embedded in the budget item.

The item is in the [budget](#) to approve the first \$5M out of the \$15M from the June 2022 budget in the program. According to what CEO Nick Chaset shared with the board, the \$250,000 was secured from an [unnamed foundation](#) to fund an [undisclosed electrification health and air study](#) in conjunction with [undisclosed partners](#). The EBCE \$5M was said to start the delivery and installation of induction cooktops, while we applaud the board for redirecting the funds towards EBCE's energy commitments, we are concerned that the details of this effort are still unclear to the public, including our community health professionals. As a result, I recommend the EBCE board instruct staff to clearly outline the details of this study, partners and exactly what the funds will cover, so that the public can effectively weigh in.

The \$15M dollars initially arranged with UCSF Benioff was a contentious legal issue as the arrangement was made without a full public and transparent process and sought to give away an unprecedented amount of public funds. It would be necessary for the use of these funds to be shared in detail with the public, the Community Advisory Committee and the Board of Directors so that we can effectively weigh in on the issue. In [November 16, 2022 the EBCE board of directors voted on an item that required a full transparent follow up to how the \\$15M would be used](#). We would appreciate the follow through on the transparency.

I am linking the original letter sent by the [East Bay Clean Power Alliance on June 7](#) and again [June 15 with signatory organizations](#). Original letter from the [Law offices of Chatten-Brown, Carstens & Minter](#) Sept 29, 2022.

Thank you,  
Jessica Tovar

[Jessica Guadalupe Tovar](#),

[Local Clean Energy Alliance](#), [Energy Democracy Organizer](#)

[East Bay Clean Power Alliance](#), [Coordinator](#)

[339 15th Street Suite 208 Oakland CA, 94612](#)

[jessica@localcleanenergy.org](mailto:jessica@localcleanenergy.org) [415-766-7766](tel:415-766-7766)

[Support my work with a donation](#)

[Community Choice](#), [Community Power video](#), [Community vision for Solutions video](#), [EBCE fund asthma prevention now!](#)

Letter #4





**East Bay Clean Power Alliance**  
**Jessica Tovar**  
**339 15th Street #208 Oakland, CA 94612**  
[jessica@localcleanenergy.org](mailto:jessica@localcleanenergy.org) **415-766-7766**

Subject: UPDATED w/ Signatories-Reject \$15M UCSF Benioff Children's Hospital donation – We Demand EBCE Fund Asthma Prevention by Investing in a just transition for Environmental Justice Communities

June 15, 2022

Dear EBCE Board of Directors,

East Bay Clean Power Alliance writes today to urge you to reject the budget proposal by the EBCE Staff to donate \$15 million of EBCE electricity customers' funds to the UCSF Benioff Children's Hospital to create an endowed professorship and undefined asthma program. Instead EBCE should invest that amount of money in Local Development Business Plan programs that advance equitable access to local clean energy for EBCE's customers, directly reducing root causes and triggers of asthma. Local pollution from industrial sources<sup>1</sup> and in-home<sup>2</sup> are directly linked to childhood triggers and adult onset asthma in environmental justice communities.

The proposal to donate \$15 million of EBCE's net from 2021-2022, was only made available for public comment the Monday before the May 18, 2022 Board of Directors meeting. This hardly meets the "completely transparent<sup>3</sup>" process advertised on the EBCE agency's website. The proposed donation is shockingly misdirected in terms of EBCE's purpose as stated in the Joint Powers Agreement<sup>4</sup>, and dwarfs all prior community support donations.

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1

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3266016/#:~:text=Exposure%20to%20indoor%20air%20pollutants,respriatory%20disorders%20such%20as%20asthma.>

<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503605/> ;  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8180519/>

<sup>3</sup> <https://ebce.org/about/>  
Processes and decisions are completely transparent..."

<sup>4</sup>[https://res.cloudinary.com/diactiwk7/image/upload/fl\\_sanitiz\\_e,q\\_auto/east-bay-community-energy-implementation-plan-1.pdf](https://res.cloudinary.com/diactiwk7/image/upload/fl_sanitiz_e,q_auto/east-bay-community-energy-implementation-plan-1.pdf)

The purpose of this Agreement is to establish an independent public agency in order to exercise powers common to each Party and any other powers granted to the Authority under state law to participate as a group in the CCA Program pursuant to Public Utilities Code Section 366.2(c)(12); to ..... study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs; and, to exercise all other powers necessary and incidental to accomplishing this purpose.

\$15M to an already well-funded UCSF Benioff Children's Hospital<sup>5</sup> in Oakland to create the, "East Bay Community Energy Asthma Program," might sound good but it flies in the face of community calls for 40% investments in equity programs and projects<sup>6,7</sup> that would address root causes of asthma and prevention of triggers. Such projects like microgrids - islandable solar + storage or building decarbonization & electrification retrofits that reduce or eliminate methane gas exposure. The California Environmental Justice Alliance (CEJA), *Building a Just Energy Future*<sup>8</sup>, and EBCE's own *Local Development Business Plan*<sup>9</sup> are two key roadmaps for East Bay Community Energy to jumpstart a just transition for clean energy jobs and a building healthy communities.

The grant amount of \$15 million could be better used to increase equitable access to programs that directly reduce pollution from fossil fuel sources that have disproportionately plagued Black, Indigenous and People of Color (BIPOC) communities in the Bay Area. Current programs such as EBCE's Low to Moderate Building Electrification & Energy Efficiency program, could apply those funds to further support the elimination of gas-burning appliances and energy efficiency measures in homes of renters and very low income community members that are not currently represented within EBCE's LMI program approved in early 2022.

According to EBCE's calculation of building electrification retrofit costs, \$15 million is enough to completely cover the cost for approximately 395 homes/buildings. \$15M could also subsidize the solar and storage infrastructure for 60 community-owned resilience hubs that local community groups have been advocating for. Likewise, increasing funding in EBCE programs that promote the use of electrical medium and heavy duty vehicles could significantly reduce the high asthma rates in heavily burdened communities such as West Oakland.

EBCE has demonstrated its expertise in serving our communities with cleaner energy and is uniquely positioned to directly reduce the incidence of asthma within its jurisdiction by reducing fossil fuel pollution. The agency has no such expertise in biomedical research into the causes, medical prevention and treatment of asthma. This donation seems a misdirected, vanity-driven measure merely to put EBCE's

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<sup>5</sup> UCSF Benioff Children's Hospital owned \$2.3B in assets in 2019 and received \$569M from generous donors in 2021.

<sup>6</sup>[A Role for East Bay Community Energy in Advancing Equity for Environmental Justice](#)

<sup>7</sup>[Resolution Urging 40% Equity investments in East Bay Community Energy Programs and Policies](#)

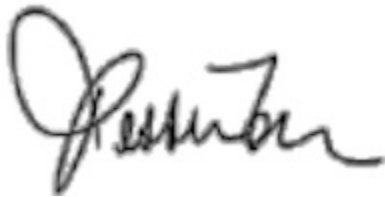
<sup>8</sup>[Building a Just Energy Future; A framework for community choice aggregators to power equity and democracy in California](#)

<sup>9</sup>[EBCE's Local Development Business Plan](#)

name on an important, local institution that is already financially well-endowed compared to frontline-environmental justice communities throughout Alameda County, Tracy and Stockton who do not have access to such resources. East Bay Clean Power Alliance urges the Board to reject this costly proposal and instead refocus our funds and investments back to EBCE's original goals and local development commitment by making direct investments that address root causes and repair the harms of environmental racism within the EBCE territory of which it serves.

As board member Sophie Hahn said, "... Our money should be used for purposes more directly related to our mission, but also, how about for things that don't have these sources of funds..." like helping people within EBCE territory transition off gas to electrification.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Tovar". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jessica Tovar, East Bay Clean Power Alliance

**Signatory organizations:**

California Nurses Association (CNA)

California Environmental Justice Alliance (CEJA-Statewide Environmental Justice)

Asian Pacific Environmental Network (APEN)

Communities for a Better Environment (CBE)

Building Energy Equity and Power Coalition (BEEP-Statewide Environmental Justice)

California Alliance for Community Energy (Statewide)

Californians for Energy Choice (Statewide)

SF Bay Physicians for Social Responsibility

Green the Church

SolidarityINFOService

People Organizing to Demand Environmental & Economic Rights (PODER)

Codepink SF Bay Area

Green Party of Alameda County

Women's Earth Matters

Friends of the Public Bank East Bay



**Hermosa Beach Office**  
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**San Diego Office**  
Phone: (619) 940-4522

**Chatten-Brown, Carstens & Minter LLP**  
2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
[www.cbcearthlaw.com](http://www.cbcearthlaw.com)

**Douglas Carstens**  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)  
Direct Dial:  
310-798-2400 Ext. 1

September 29, 2022

*Via Email ([cob@ebce.org](mailto:cob@ebce.org))*

East Bay Community Energy  
Executive Committee  
Board of Directors  
Community Advisory Committee  
1999 Harrison Street, Suite 800  
Oakland, CA 94612

Re: East Bay Community Energy Budget Fiscal Year 2022-2023; \$15 Million  
Donation of Ratepayer Funds

Dear Executive Committee Members, Board of Directors, and Community Advisory Committee Members,

On behalf of the Local Clean Energy Alliance (LCEA) and Sierra Club, we urge East Bay Community Energy (EBCE) to reject the proposal to give a \$15 million gift to UCSF Benioff Children’s Hospital as the use of funds in this manner would be contrary to the purpose of EBCE and would be a gift of public funds by a public agency in violation of the California Constitution. Assembly Bill 117 defines an “aggregator” as one of those entities that provides power supply services, including combining the loads of multiple end-use customers and facilitating the sale and purchase of electrical energy, transmission, and other services on behalf of the end-use customers<sup>1</sup>.

East Bay Community Energy is a Community Choice Aggregator (CCA) formed as a joint powers agency pursuant to Public Utilities Code section 331.1. The Public Utilities Code established the following purposes for CCAs: “a community choice aggregator is hereby authorized to aggregate the electrical load of interested electricity consumers within its boundaries to reduce transaction costs to consumers, provide consumer protections, and leverage the negotiation of contracts.”<sup>2</sup>

The EBCE proposal related to UCSF Benioff Children’s Hospitals is described in the June 15, 2022 EBCE Board of Supervisors Staff Report for Item 14 as follows:

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<sup>1</sup> Assembly Bill No. 117, available at [http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab\\_0101-0150/ab\\_117\\_bill\\_20020924\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0101-0150/ab_117_bill_20020924_chaptered.pdf).

<sup>2</sup> Pub. Util. Code, § 366.2.

*The East Bay Community Energy Asthma Program  
With \$15 million provided over 3 to 5 years, UCSF Benioff Children's Hospital Oakland  
would establish the East Bay Community Energy Asthma Program and the East Bay  
Community Energy Distinguished Professorship in Asthma. The program's goal: to  
vastly improve access to high-quality asthma care and prevention for underserved  
communities in the East Bay Area.<sup>3</sup>*

While improving access to health care and prevention of asthma is a laudable goal, it is not a goal that serves the limited purposes of EBCE as a community choice energy aggregator. The expenditure of \$15 million on a gift for such purposes would actually be contrary to EBCE's primary purpose. It would divert ratepayer funds from investments in equitable energy programs and projects that are within the limited purpose of EBCE **and** that would also have an effect on reducing and preventing asthma in environmental justice communities by addressing the root causes of air pollution. Many of those programs referred to in the Local Development Business Plan<sup>4</sup> would have a direct impact on reducing carbon dioxide emissions which are important triggers of asthma<sup>5</sup>. These projects include demand response, energy efficiency, microgrids, "islandable" solar technology that will not go down during a power outage, renewable energy storage, building decarbonization, and electrification retrofits that reduce or eliminate methane gas exposure. The \$15 million gift to UCSF would therefore be a prohibited gift of public funds and it would be a legal error for EBCE to give the funds and for UCSF to accept the funds.

California's Constitution specifically prohibits "gifts" of public resources, often referred to as the ban on "gifts of public funds."<sup>6</sup> This ban applies to all public agencies including EBCE as a community choice aggregator (CCA) formed pursuant to the Public Utilities Code.<sup>7</sup>

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<sup>3</sup> Page 78 of 122 of Agenda Packet for June 15, 2022 EBCE Board of Directors Meeting, available at: [https://res.cloudinary.com/diactiwk7/image/upload/v1654885486/Agenda\\_Packet\\_-\\_EBCE\\_BOD\\_061522\\_dqj5pc.pdf](https://res.cloudinary.com/diactiwk7/image/upload/v1654885486/Agenda_Packet_-_EBCE_BOD_061522_dqj5pc.pdf).

<sup>4</sup> Local Development Business Plan, available at: [https://res.cloudinary.com/diactiwk7/image/upload/local-development-business-plan\\_final\\_7-12-18\\_hi-res.pdf](https://res.cloudinary.com/diactiwk7/image/upload/local-development-business-plan_final_7-12-18_hi-res.pdf).

<sup>5</sup> Dosanjh A. Childhood asthma and anthropogenic CO(2) emissions. *J Asthma Allergy*. 2011;4:103-5. doi: 10.2147/JAA.S24565. Epub 2011 Oct 10. PMID: 22034574; PMCID: PMC3196488.

<sup>6</sup> See Cal. Const. art. XVI, § 6: "The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever . . ."

<sup>7</sup> Cal. Const. art. XVI, § 6 "applies to all other governmental entities." *Golden Gate Bridge Etc. Dist. v. Luehring* (1970) 4 Cal.App.3d 204, 207 (*Golden Gate Bridge*), citing *County of Los Angeles v. Riley* (1936) 6 Cal.2d 625, 627.

Although the California Constitution directly prohibits gifts of public funds, an exception for public purposes exists.<sup>8</sup> However, to demonstrate public purpose, the gift must both further the purpose of the donor entity—EBCE—and of the general interest of the people within that entity—the EBCE ratepayers.<sup>9</sup> As a special, limited purpose entity with its purpose and powers limited by statute and its joint power agreement, EBCE cannot demonstrate a public purpose for the proposed gift to UCSF and thus the gift would be prohibited by law.

Special or limited purpose entities, including joint powers authorities such as EBCE, do not have broad public purposes in the way that other entities such as cities and counties do; CCAs cannot undertake many kinds of activities in furtherance of the general welfare of their citizens. Therefore, as a limited purpose agency, EBCE “can have no interest other than furtherance in some way of the purpose for which it was created.”<sup>10</sup> Any gifts by EBCE would violate the California Constitution unless the expenditure falls within the specifically enumerated powers and purposes of that particular type of district—in this case, as defined by the Public Utilities Code and Joint Powers Authority.

EBCE cannot show that the gift was made in furtherance of the purpose for which the agency was created or, in other words, that it “would use the funds for purposes for which [the agency] itself could have used them.”<sup>11</sup> EBCE’s purpose is limited to activities relating to securing energy supply, reducing GHG emissions, promoting rate price stability, and fostering local economic benefits relating to energy and power development.<sup>12</sup> EBCE does not appear to have any purpose authorized by the Public Utilities Code or in its joint powers agreement to provide for medical care or to conduct any medical research. EBCE certainly could not provide medical care or conduct medical research on its own behalf.

***While we are extremely supportive of the need to support underserved communities from the harms associated with air pollution and other environmental burdens that these communities disproportionately bear, we believe the best, most direct way for EBCE to achieve this outcome is to apply ratepayer funds towards clean energy programs and projects, as it is charged to do.*** Not only would the gift fail to further EBCE’s purpose, it would actually be contrary to its purpose as an energy services supplier. The gift would be prohibited by law and thus EBCE and UCSF should cease expending resources on pursuing an agreement for such a prohibited gift of public funds.

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<sup>8</sup> *City and County of San Francisco v. Patterson* (1988) 202 Cal.App.3d 95, 103, citing *California Housing Finance Agency v. Elliott* (1976) 17 Cal.3d 575, 583; *County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 745, app. dism. *sub nom. County of Alameda v. California Welfare Rights Organization* (1972) 406 U.S. 913.

<sup>9</sup> *Golden Gate Bridge, supra*, 4 Cal.App.3d 204, 209.

<sup>10</sup> *Id.* at p. 210.

<sup>11</sup> *Golden Gate Bridge, supra*, 4 Cal.App.3d 204, 208.

<sup>12</sup> EBCE Joint Powers Agreement, p. 1.

Public Comment recieved for the June 21, 2023 EBCE Board of Directors Meeting  
East Bay Community Energy Executive Committee  
September 29, 2022  
Page 4

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sunjana Supekar". The signature is written in a cursive, flowing style.

Douglas Carstens  
Sunjana Supekar  
Chatten-Brown, Carstens & Minter