

EBCE Public Comment received for 9/18/23 Community Advisory Committee Meeting

Letter #	Name	Date
1	Jessica Tovar	9/18/2023
2	Tom Kelly	9/15/2023
3	Tim Frank	9/18/2023



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

Dear East Bay Community Energy Board of Directors,

With the formation of East Bay Community Energy (EBCE) agency in 2016, the joint powers succeeded in providing their constituent territories with a public alternative to investor-owned energy procurement with the explicit intent to promote and provide local, clean energy resources that are more reliable, resilient and affordable *and* to do so centering equity in workforce development, rates, distributed energy resources etc. However, the agency's success in fulfilling its mandate can only be evaluated through thorough accountability to the public it serves. In turn, community accountability is only possible insofar as the agency is transparent to the public about its decision making, business partnerships, programs etc.

Several issues of transparency and inequity have continued at East Bay Community Energy in the past years. We ask that these issues be dealt with promptly in the ways suggested and that this enumeration of concerns be used as guidance for how the board can and should hold the staff accountable to transparent and equitable practices.

1. Performance data on the metrics have not been provided yet the 2018 Local Development Business Plan *Clear and Transparent Reporting* section states: "A clear and cogent set of metrics efficiently reported over time is more effective than an overly complex reporting system that creates undue burden on EBCE staff and confusion among community stakeholders". Most pressing, given the active Request for Proposals (RFP) on phase 2 of the municipal critical facilities is lack of a jobs report and the missing language on workforce standards in the RFP. We suggest the board take this concern up at the next board meeting to adopt agency wide standards.

2. The resilience and virtual power plant program that facilitates microgrid development within the service territory needs to work more closely with communities in order to bundle the benefits of resilience and procurement needs. This pertains to both community-facing municipal critical facilities and community based organizations (CBO). With respect to the former, we ask that EBCE clearly designate the division of funds between community facing and non-community facing resilient municipal facilities and commit to working with CBOs to identify which locations are best suited to provide emergency resilience services to the public.

Regarding the latter, while the 2023-2024 budget states that EBCE does not have the resources to include CBO sponsored sites into the community resilience program, there is \$14.75 million of currently unallocated funds in the budget which should be allocated to including CBOs in the program. East Bay Clean Power Alliance acknowledges that \$2 million has been dedicated to provide technical assistance to CBOs hoping to access microgrid and resilience funds, however, there is no need for this support to be restricted to technical assistance. Rather, this \$14.75 million can support leveraging federal and state funding for CBOs to be more directly incorporated into the virtual power plant, which also further reduces EBCE procurement needs. In addition, the EBCE surplus funds have in total almost \$100 million. While we understand the need for some rainy day funds, \$100 million in reserve account funding for a public agency is unnecessary compared to the

urgency of CBO led resilience programs to serve communities vulnerable to power shut offs and unforeseen crises. We also ask for the “streamlined process” for CBOs to receive technical assistance be released as soon as possible.

3. East Bay Clean Power Alliance acknowledges the long-anticipated RFP for Community Innovation Grants. We appreciate that \$300,000 for a 3-year project, makes the grant a significant effort. However, it is concerning that the very first grant in this round has become a “community *investment* grant” focusing on education around induction cooktops. Restricting the goals of the grant to “education and awareness” reduces the scope of benefits organizations could deliver, particularly to low income communities of color. Those communities will need support for replacing gas ranges with expensive induction ranges, which may also require even more expensive electrical panel upgrades alongside education. While “lack of information and familiarity” and “emotional connection” with gas may be contributing factors, slow adoption of induction appliances, particularly in equity priority communities cannot reasonably be attributed to lack of information, when such significant financial impediments are present.

The language of this RFP is not representative of the intent of community innovation grants, which as laid out in the Local Development Business Plan, are intended to “deliver social and environmental benefits” and prioritize disadvantaged communities. Furthermore, the solicitation should be in the form of an accessible community grant application. The restrictions on the one hand to education and awareness and secondly to induction cooktops do not provide meaningful benefits. Furthermore the language of the RFP makes it inaccessible to smaller community based organizations despite their real ties to communities that may be more effective in the first place and in need of the funds. This also furthers a systemic barrier where large non-profits with existing programs, funds and development capacity can easily undercut funding opportunities from small CBOs. The future community grants application needs to be written with more of a lens towards equity and accessibility for small CBOs and the communities they serve. We recommend the following changes for future community innovation grants.

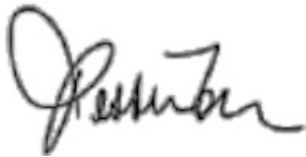
1. Grant applications should be directed towards a broader scope of issues, for example the full range of building decarbonization rather than one limited technology.
2. Grant applications should allow for and encourage small organizations serving a part of the service territory to apply for a portion of the full grant. This enables a far more tailored approach to community outreach. As such, smaller grants at \$50,000 are crucial in addition to larger \$100,000 for the next three years.
3. Community Innovation Grants should not be limited to education and awareness but should fund projects that also leverage funding and facilitate access to new technologies. The Induction Cooktop Lending Program and giveaways alone are insufficient for meaningful health or energy benefits.
4. Community input on the grant application design and process should be implemented.
5. A subcommittee made up of Community Advisory Committee members and Board members should field applications and make the grant awards. As they had in 2019.
6. Funding for community innovation grants has not been issued since 2019 and was reinstated in June of 2022, therefore EBCE should release grant opportunities as soon as possible as access to the funds is overdue.

4. After having avoided a costly misappropriation of EBCE funds in a \$15 million charity gift to UCSF Benioff Children’s Hospital, direct information about the reallocation of these funds has not been provided. In June at the agency’s board meeting, staff indicated that they had identified a health care provider with research capabilities, had secured verbal agreement to support the health care partnership, had identified several

non-profit partners to manage health care partnerships and were hiring a building electrification channel manager. None of these secured partnerships were disclosed. Especially given the lack of transparency and illegal nature of this \$15M gift of ratepayer funds, it is of the utmost importance that EBCE staff provide clarity on who they will be partnering with, and provide clarity on geographic locations and exact numbers and types of stoves provided.

These four primary concerns of transparency and equity at East Bay Community Energy are indicative of a longer history at the agency. Public accountability through verifiable metrics and feedback, access to resources for disadvantaged communities, and long term investment in communities through workforce standards and collaborations with CBOs have been systematically deprioritized. The very formation of East Bay Community Energy was a community effort, we at East Bay Clean Power Alliance hope to see this new board support the agency in living up to its mandate.

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 Guadalupe Tovar, East Bay Clean Power Alliance



Adrian Bankhead <abankhead@ebce.org>

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## EBCE emissions associated with EV charging vs. PG&E

1 message

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**Tom Kelly** <tkelly@kyotousa.org>  
To: Anne Olivia Eldred <anneolivia.eldred@gmail.com>  
Cc: Adrian Bankhead <abankhead@ebce.org>

Mon, Sep 18, 2023 at 1:58 PM

Anne Olivia,

Attached is a comparison of GHG emissions associated with charging your EV with Bright Choice vs. PG&E. Once again, EBCE falls far short of its only competition and adds to the growing climate calamity the planet is facing. Those who switch to a EV to fight climate change and also receive Bright Choice are actually making the problem worse rather than better. Let's do something about it!

Tom Kelly

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 **Compparing PG&E and EBCE on EV charging emissions.xlsx**  
11K

**Bright Choice - PG&E Comparison: EV Charging**

CO2 released from gasoline			
Burning gasoline	8,887	grams CO2/gallon	<a href="https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle">https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle</a>
ICE vehicle fuel economy	30	MPG	Fleet average - 25.4 MPG in 2021
Gasoline vehicle emissions	296	grams CO2/mile	
Emissions on the CA electric grid	282	grams CO2/kWh	<a href="https://app.electricitymaps.com/map">https://app.electricitymaps.com/map</a> Average in California for 12 months - September 2022 to August 2023
EV charging on CA electric grid (3.7 miles/kWh)	80	grams CO2/mile	
PG&E data (2021)			
2021 PG&E emissions	96	lbs. CO2/MWh	2022 Power Content Label is not yet available, but is likely to be 50% less than 2021
EV charging on PG&E electricity	44	grams CO2/kWh	
EV charging on PG&E electricity (3.7 miles/kWh)	12	grams CO2/mile	
EBCE data 2022)			
2022 EBCE Bright Choice emissions	496	lbs. CO2/MWh	
EV charging on EBCE's Bright Choice	225	grams CO2/kWh	
EV charging on EBCE's Bright Choice (3.7 miles/kWh)	61	grams CO2/mile	



Proposed by CCA Workforce and EJ Alliance

<https://action.greencal.org/action/wej>

September 18, 2023

**DRAFT: East Bay Community Energy (EBCE) Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy**

**PREAMBLE**

**WHEREAS**, EBCE, as a Community Choice Aggregation, is a mission-driven public agency, collectively financed by constituent public ratepayers, with an obligation and opportunity to support and protect workers and the communities hosting EBCE's clean energy projects.

**WHEREAS**, EBCE, a mission-driven public agency committed to diversity, equity, and inclusion, has the opportunity to align with and support the values and mission of high-road union construction trade labor and environmental justice organizations striving to create sustainable and equitable communities.

**WHEREAS**, Central Coast Community Energy (3CE), a peer CCA to EBCE, adopted similar standards to the recommended standards below in June 2023 after extensive deliberation by its Board of Directors and Citizens Advisory Committee,

**WHEREAS**, 3CE'S procurement standards serve as a foundation for best practices and build on similar standards adopted earlier by Peninsula Clean Energy and the San Francisco Public Utilities Commission (CleanPowerSF)

**WHEREAS** x% of customers in existing service territory are CARE, FERA, or Medical baseline customers, and x% in San Joaquin Counties (staff support requested to advise on these values).

**WHEREAS**, rate payer dollars can create local benefits through the creation of jobs and supporting local, small local, and emerging businesses in our service territory by keeping dollars in circulation

**WHEREAS**, EBCE's Joint Powers Agency Agreement, dated effective November 1, 2016, as amended by Resolution No. 2018-23 dated June 20, 2018, declares the agency's purpose as follows:

- Provide electricity rates that are lower or competitive with those offered by PG&E for similar products;
- Develop an electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E, and **one that supports the achievement of the parties' greenhouse gas reduction goals** and the comparable goals of all participating jurisdictions;
- Establish an energy portfolio that **prioritizes the use and development of local renewable resources** and minimizes the use of unbundled renewable energy credits;
- Promote an energy portfolio that **incorporates energy efficiency and demand response programs and has aggressive reduced consumption goals**;
- **Demonstrate quantifiable economic benefits to the region (e.g. union and prevailing wage jobs, local workforce development, new energy programs, and increased local energy investments)**;
- **Recognize the value of workers in existing jobs that support the energy infrastructure of Alameda County and Northern California.** The Authority, as a leader in the shift to a clean energy, commits to ensuring it will **take steps to minimize any adverse impacts to these workers to ensure a "just transition" to the new clean energy economy**;
- Deliver clean energy programs and projects **using a stable, skilled workforce through such mechanisms as project labor agreements or other workforce programs that are cost effective, designed to avoid work stoppages, and ensure quality**;
- Promote personal and community ownership of renewable resources, spurring **equitable economic development and increased resilience, especially in low income communities**;
- Provide and manage lower cost energy supplies in a manner that **provides cost savings to low-income households and promotes public health in areas impacted by energy production**; and
- Create an administering agency that is financially sustainable, responsive to regional priorities, well managed, and a leader in fair and equitable treatment of employees through **adopting appropriate best practices employment policies, including, but not limited to, promoting efficient consideration of petitions to unionize and providing appropriate wages and benefits.**



## THEREFORE, BE IT RESOLVED THAT,

In support of competitive, clean, and renewable power supply, as well as the development of a local and diverse workforce, the Governing Board of East Bay Community Energy (EBCE) shall adopt the following **Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy** asserting a preference for enhanced workforce, environmental, and environmental justice standards for all EBCE's clean energy programs and projects.

### I. DEFINITIONS

1. **Regulatory Value:** The project's anticipated ability to satisfy EBCE's regulatory compliance requirements, such as Resource Adequacy, Renewable Portfolio Standard, integrated resource planning, and other binding orders or directives received from regulatory bodies.
2. **Market Value:** The project's projected revenues across all relevant day-ahead, real-time and ancillary markets. Market Value shall also assess a project's ability to manage, shift, or arbitrage existing EBCE generation to maximize revenue and renewable energy generation on behalf of EBCE and its customers.
3. **Counterparty Risk:** The risk that a counterparty will fail to perform, or adequately remedy, its obligations. Counterparty Risk is inclusive of Development Risk.
4. **Development Risk:** The risk that the project is unable to obtain interconnection, deliverability, site control, entitlements, financing, or other necessary development milestones required to deliver the project on or ahead of the anticipated online date.
5. **Energy Offtake Agreement:** Includes Power Purchase Agreements, Energy Storage Agreements, Resource Adequacy Only Agreements, or other energy-related products where EBCE does not own, develop, or construct the generation or storage facility. Instead, EBCE's participation in the Project is limited to receiving energy and any applicable attributes at a set price and term.
6. **Journey person:** Is a worker who either:
  1. Graduated from a California state-approved apprenticeship program for the applicable occupation or, when located outside California, approved for federal purposes pursuant to apprenticeship regulations adopted by the Secretary of Labor, or
  2. Has at least as many hours of on-the-job experience in an applicable occupation as would be required to graduate from an apprenticeship

program for the applicable occupation that is approved by the California Division of Apprenticeship Standards.

7. **Local Hire:** A stated preference for project employment opportunities for qualified workers in descending priority:
  1. A resident within the nearest communities in proximity to the project, by radius as reasonably determined on a project-by-project basis;
    - a) Additional preference shall be given, where the radius includes a city, town, or census-designated location within EBCE's service territory, to the workers within those portions of the service territory.
  2. A resident within the county where the project is being constructed;
  3. A resident within EBCE's service territory.
  
8. **Skilled and Trained Workforce:** A Skilled & Trained Workforce consists of all workers performing work in an apprenticeable occupation in the building and construction trades who are either skilled journeypersons or apprentices registered in an apprenticeship program approved by the chief of the Division of Apprenticeship Standards, as defined in Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the California Public Contract Code.
  
9. **Targeted Hire Program:** A pipeline program which creates opportunities for Under-Represented Workers to (a) enter Registered Apprenticeship Programs and (b) obtain work hours needed to successfully complete their apprenticeship, through partnering with a Multi-Craft Core Curriculum (MC3) pre-apprenticeship program or programs, or equivalent industry and union-recognized certificated career training and placement program, that recruits, supports, and prepares Under-Represented Workers to succeed in skilled construction trades apprenticeships.
  
10. **Under-Represented Worker:** A jobseeker who, at the time of hiring or within the last twelve months, satisfies at least one of the following categories:
  1. Experiencing or at risk of homelessness
  2. Being a custodial single parent
  3. Currently receiving public assistance
  4. Lacking a GED or high school diploma
  5. Having been continuously unemployed or underemployed for the past 6 months
  6. Having been emancipated from the foster care system

7. Being a veteran of the United States Military
8. Being a member of a tribal community
9. Having a previous incarcerated or justice involvement history
10. At-Risk Youth: a person 18-24 years old who is disconnected from school and/or work
11. Low income (household income is below the current HUD threshold for Low Income Households in their county of residence)

## II. PROJECT SELECTION METHODOLOGY

Projects will be prioritized for selection based on EBCE's evaluation of the criteria set forth below.

### A. Contributions to EBCE's 100% Renewable Energy by 2030 Goal

1. Assessment and evaluation of proposed projects' operational performance and market economics to ensure selected projects maximize regulatory and market value to EBCE and its customers.
2. Assessment and evaluation of Counterparty and Development Risk.
3. Avoids unbundled or Category 3 RECs and non-RPS carbon-free attributes

### B. Workforce and Local Workforce Development

EBCE is committed to stimulating our local economy through, among other measures, supporting Projects committing to apply prevailing wage rates, supporting participants and/or graduates of apprenticeship and pre-apprenticeship programs, supporting a local Skilled and Trained Workforce, and to achieve EBCE's local and targeted hire objectives.

1. EBCE will prioritize Energy Offtake Agreements where the developer is committed to:
  - a. Highest priority projects will commit to:
    - i. A multi-trade project labor agreement that incorporates EBCE's Local and Targeted Hire objectives as follows:
      1. A goal of 30% of all project labor hours performed by Local Hires, and;
      2. Participation in a Targeted Hire Program with a goal of 10% of all project hours performed by Under-Represented Worker apprentices.
  - b. Medium-priority projects will commit to:
    - i. Utilization of a Skilled and Trained Workforce and commitment that construction work will be performed by appropriate Journeypersons and apprentices from a state-approved apprenticeship training program; and
    - ii. Utilization of prevailing hourly wage and benefit rates as determined by the California Department of Industrial Relations.

- iii. Demonstrated commitment to Local and Targeted Hire, including utilization of a multi-craft core curriculum (MC3) pre-apprenticeship program, or equivalent industry and union-recognized pre-apprenticeship certification, for outreach, preparation, support and referral of Targeted Hires.
      - c. Low-priority projects would fail to meet II.B.1.a or II.B.1.b above but may demonstrate other commitments to local workforce development.
2. When considering contractors or developers for EBCE-owned energy generation or storage projects requiring a Large Generator Interconnection Agreement from the California Independent System Operator (currently 20MW and above, but subject to change from time to time), EBCE shall commit to:
  - a. Negotiate a multi-trade project labor agreement that will incorporate EBCE's local and targeted hire objectives as follows:
    - i. A goal of 30% of all project labor hours performed by Local Hires, and;
    - ii. Participation in a Targeted Hire Program with a goal of 10% of all project hours performed by Under-Represented Worker apprentices..
3. When considering contractors or developers for EBCE-owned energy generation or storage projects requiring a Small Generator Interconnection Agreement from the California Independent System Operator (currently applies to projects under 20MW, but subject to change from time to time), EBCE will commit to:
  - a. Utilization of a Skilled and Trained Workforce and a commitment that construction work will be performed by appropriate Journeypersons and Apprentices from a state-approved apprenticeship training program.
  - b. Utilization of prevailing hourly wage and benefit rates as determined by the California Department of Industrial Relations.
  - c. Demonstrated commitment to Local and Targeted Hires.
    - i. A goal of 30% of all project labor hours performed by Local Hires while incenting, through a negotiated contract structure, the contractor or developer to achieve a minimum of 60% of all project labor hours performed by Local Hires, and;
    - ii. Participation in a Targeted Hire Program with a goal of 10% of all labor hours performed by Under-Represented Worker apprentices, while incenting, through a negotiated contract structure, the contractor or developer to achieve the 10% goal.

### C. Innovation

EBCE recognizes that reaching 100% Renewable Energy by 2030 will require significant improvements and innovation in battery technologies, renewable baseload, dispatchable renewable resources, and renewable generation technologies, among other opportunities.

1. EBCE will prioritize projects that accelerate decarbonization, provide local resiliency, provide EBCE a competitive advantage, and/or reduce costs

for EBCE customers while remaining cost competitive with established market alternatives. Innovation will be recognized among projects that:

- a. Include new or improved technologies or methodologies with a demonstrated potential feasibility;
- b. Achieve scale for existing technologies to benefit EBCE customers; or
- c. Reduce or eliminate barriers to adoption of local scaled technologies.

D. Location

EBCE prioritizes projects in the following order:

1. Projects located within EBCE's service territory
2. Projects located within California.
3. Out-of-state projects

E. Environmental Stewardship

EBCE is committed to leading by providing customers with energy that delivers benefits for air, water, and the natural environment while avoiding impacts to important lands, species, and waters.

1. EBCE will prioritize projects that:
  - a. Avoid sensitive habitats for any endangered plant or animal species or other environmentally sensitive areas<sup>1</sup> and comply with conservation plans such as the Desert Renewable Energy Conservation Plan (DRECP)<sup>2</sup>;
  - b. The developer and local land use authority have established an enforceable development agreement which, in part, sets forth measures to mitigate impacts to sensitive habitat or environmentally sensitive area; then
  - c. The developer commits to measurable offset efforts within the vicinity of the proposed project.

F. Benefits Accruing to Underserved Communities

EBCE seeks to deliver economic, environmental, and social benefits to the communities that it serves by providing cleaner electricity at competitive rates, developing local resources that drive new investments, and creating increased demand for high-paying jobs. EBCE is committed to helping low-income and environmental justice communities overcome barriers to their access to public investments, resources, education, and information about energy service and policy.

EBCE will prioritize projects that:

1. Invest in low-income and environmental justice communities

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<sup>1</sup> Refer to Nature Conservancy's [Power of Place West](#) Report (2022).

<sup>2</sup> Refer to [Desert Renewable Energy Conservation Plan \(2016\)](#).

2. Demonstrate contact and collaboration with local community organizations and stakeholder groups representing a broad diversity of demographics and interests, particularly low income and environmental justice communities, to identify and address benefits and impacts of projects and ensure project benefits are communicated and accessible to the local community.
3. Commit to meaningful engagement<sup>3</sup> with local communities throughout the entitlement and construction processes to identify and address benefits and impacts of projects and ensure project benefits are communicated and accessible to the local community.

### **III. EVALUATION, SELECTION AND REPORTING**

- A. EBCE will assess and select project proposals in accordance with this Project Selection Methodology and report detailed results of such assessment at the time of the project approval.
- B. EBCE's annual report will compile and report information regarding the impact of the Project Selection Methodology.

### **IV. CA COMMUNITY POWER**

- A. EBCE's representative to the CA Community Power Board shall advocate for adoption of a CA Community Power Workforce, Environmental, and Environmental Justice Standards for Clean Energy Project Selection Policy consistent with the terms of this resolution.
- B. EBCE's representative to the CA Community Power Board shall advocate to form a public advisory committee, including labor, environmental and equity representatives, to ensure transparency and public engagement in CA Community Power's operations and procurement practices.

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<sup>3</sup> Meaningful engagement means implementing five recommendations for best practices from [Building a Just Energy Future - A framework for community choice aggregators to power equity and democracy in California, 2020 report by the California Environmental Justice Alliance](#)