



**REGULAR MEETING of the  
Legislative & Regulatory Committee of the  
Clean Power Alliance of Southern California**

**Wednesday, October 24, 2018**

**10:00 a.m.**

555 W. 5th Street, 35<sup>th</sup> Floor

Los Angeles, CA 90013

*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 Jacquelyn Betha, at least two (2) working days before the meeting at [jbetha@cleanpoweralliance.org](mailto:jbetha@cleanpoweralliance.org) or (213) 269-5870, ext.1001. Notification in advance of the meeting will enable us to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it.*

*Members of the public may also participate in this meeting remotely at the following addresses:*

*Carson City Hall  
Executive Conference Room  
701 E. Carson Street, Carson, CA 90745*

*West Hollywood City Hall  
3<sup>rd</sup> Floor, City Manager's Conference Room  
8300 Santa Monica Blvd, West Hollywood, CA 90069*

*Redondo Beach City Hall  
West Wing Conference Room  
415 Diamond Street, Redondo Beach, CA 90277*

**I. WELCOME & ROLL CALL**

**II. PUBLIC COMMENT**

*This item is reserved for persons wishing to address the Committee on any Clean Power Alliance-related matters not on today's agenda. Public comments on matters on today's 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 requested to complete a speaker's slip. If you have anything that you wish to be distributed to the Committee and included in the official record, please hand it to a member of the staff who will distribute the information to the Committee members and staff. Speakers are customarily limited to two minutes, but an extension can be provided at the discretion of the Committee Chair.*

**III. CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9: (1)

**IV. REGULAR AGENDA**

2. Approve Minutes from May 23, 2018 Legislative & Regulatory Committee Meeting
3. Discuss Legislative & Regulatory Principles for Clean Power Alliance

**V. COMMITTEE MEMBER COMMENTS**

**VI. ADJOURN**

*Public records that relate to any item on the open session agenda for a regular Meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all, or a majority of, the members of the Committee. The Board of Directors has designated Clean Power Alliance, 555 W. 5<sup>th</sup> Street, 35<sup>th</sup> Floor, Los Angeles, CA 90013, for making those public records available for inspection. The documents are also available online at*

*[www.cleanpoweralliance.org](http://www.cleanpoweralliance.org).*

REGULAR MEETING of the  
 Legislative & Regulatory Committee of the  
 Clean Power Alliance of Southern California  
 Wednesday, May 23, 2018, 10:00 a.m.

555 West 5<sup>th</sup> Street, 35<sup>th</sup> Floor  
 Los Angeles, California 90013

*Carson City Hall  
 Executive Conference Room  
 701 E. Carson Street  
 Carson, CA 90745*

*Natural Resources Defense Council  
 1314 2nd Street  
 Santa Monica, CA 90401*

*Manhattan Beach City Hall  
 2<sup>nd</sup> Floor Conference Room  
 1400 Highland Ave.  
 Manhattan Beach, CA 90266*

*West Hollywood City Hall  
 1<sup>st</sup> Floor, RSH Hearing Room  
 8300 Santa Monica Blvd.  
 West Hollywood, CA 90069*

**MINUTES**

**I. WELCOME AND ROLL CALL**

Committee Chair Lindsey Horvath called the meeting to order. Board Secretary Jacquelyn Betha conducted roll call.

<b>Roll Call</b>				
1	<b>Carson</b>	Cedric Hicks	Committee Member	Present
2	<b>Manhattan Beach</b>	Amy Howorth	Committee Member	Present
3	<b>Santa Monica</b>	David Pettit	Committee Member	Present
4	<b>West Hollywood</b>	Lindsey Horvath	Committee Chair	Present

**II. PUBLIC COMMENT**

There were no public comments.

**III. REGULAR AGENDA**

1. Role of the Committee

Committee members discussed the role of this Committee to advise on regulatory and legislative matters, to consider actions by the legislature and activity from the California Public Utilities Commission, also to provide recommendations to the Executive Committee and Board of Directors. The Committee discussed the importance of taking a proactive approach to advance policies and advocacy goals.

2. Development of Legislative and Regulatory Policy Principles and Positions

The Committee discussed the importance of developing a set of guiding principles and clearly stated positions regarding regulatory and legislative issues that impact Clean Power Alliance and community choice in general. Staff indicated that it will circulate the CalCCA legislative principles for the Committee's review. The Committee discussed key areas for consideration in these legislative principles including protecting CPA's autonomy and local control by its Board of Directors, ensuring fair treatment of CPA customers by the CPUC, support for performance-based environmental initiatives that exceed prescriptive state mandates, and the growth in renewable energy capacity at the local level.

3. Reviewed and Discussed Draft Letter to Legislators

Staff updated the Committee on a previous discussion held with the Executive Committee regarding sending a letter to the State Legislators representing CPA service territory informing them of recent information on CCAs released by the CPUC. The Committee reached a consensus that a

good time to send this letter would be in advance of the CPUC / CEC en banc.

4. Protocol and Delegation of Authority for Timely Matters

Staff reported that there are instances when CPA should respond in a timely manner to urgent legislative or regulatory matters, and requested the Committee's input on establishing a protocol for such a response. The Committee provided feedback that the CPA Chair, Vice-Chairs, Legislative & Regulatory Committee Chair, and Executive Director could collectively respond in these instances, and that this item should be brought to the Board for consideration at its June meeting.

5. CalCCA Legislative and Regulatory Protocol

CPA Executive Director, Ted Bardacke, updated the Committee on the advocacy activity occurring at the CalCCA level, and indicated that staff will seek consultation from this Committee in his role on the CalCCA Board.

**IV. COMMITTEE MEMBER COMMENTS**

Committee members expressed positive comments regarding the collaboration amongst this Committee.

**V. ADJOURN**

Committee Chair Horvath adjourned the meeting.



## Staff Report – Agenda Item 3

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**To:** Clean Power Alliance (CPA) Legislative & Regulatory Committee  
**From:** Ted Bardacke, Executive Director  
**Subject:** CPA Legislative and Regulatory Policy Platform  
**Date:** October 24, 2018

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### **STAFF RECOMMENDATION**

Recommend that the CPA Legislative & Regulatory Committee approve the proposed 2019 CPA Legislative and Regulatory Policy Platform.

### **PROPOSED POLICY PLATFORM**

Over the past several months CPA's Legislative & Regulatory Committee has discussed and refined a Legislative and Regulatory Policy Platform to serve as a framework for CPA's advocacy and policy efforts. Staff is now proposing that the Committee approve this platform so that it can be further discussed at the November 7 Executive Committee meeting and, potentially, be considered by the Board of Directors at its upcoming meeting on November 15.

The proposed Legislative and Regulatory Policy Platform is centered around four basic principles:

- 1) Protecting CPA's local control and autonomy by its members, especially with regards to finances and power procurement.
- 2) Ensuring fair treatment of CPA customers by the CPUC and establishing a level regulatory playing field between community choice aggregators and IOUs.
- 3) Supporting performance-based benchmarks for ratepayer advocacy and social justice.

- 4) Pursuing environmental initiatives that exceed prescriptive State mandates, promote the growth in renewable energy capacity at the local level, and reduce fossil fuel dependency.

Having a Board-approved platform will allow both Board members and staff to pursue actions at the legislative and regulatory levels in a consistent manner and with the understanding that they are pursuing actions in the best interest of the organization and its mission, its member agencies, and its customers. The platform will also enable the organization to move swiftly to respond to events in Sacramento (Legislative/Executive) and San Francisco (California Public Utilities Commission) and provides firm guidance to the Executive Director on what positions should be taken on legislative and regulatory matters that come before the CalCCA Board of Directors. Except under the circumstances approved by the Board on June 7, 2018 when the Chair, Vice-Chairs, the Legislative & Regulatory Committee Chair, and the Executive Director could act on behalf of the organization, all CPA positions on individual bills would still be presented to the full Board for approval.

In addition, the Committee has discussed the importance of establishing a platform before the new Governor takes office, so that the organization can be articulating a clear and consistent message with the new administration and its appointees as they prepare to take office.

The proposed Legislative and Regulatory Policy Platform was developed with an eye towards consistency with CalCCA's legislative and regulatory principles, with modifications that differentiate CPA from the issues affecting CCAs in PG&E territory and are responsive to our customer base and member agency priorities. Staff is now assessing the proposed platform against some specific legislative and regulatory initiatives being considered by CalCCA. These potential initiatives include:

- Fixes to the PCIA to promote better IOU portfolio management and reduce costs to all customers

- Transparency and modernization of IOU data management to put CCAs on a level playing field
- Creation of a “next level” CCA – Community-Owned Utility that could be free from most CPUC oversight.
- Measures to ensure that CCA’s get proper credit for their investments in energy storage, electric vehicle initiatives and other electrification and GHG reduction initiatives.

By and large, these specific CalCCA initiatives align with the proposed policy platform. However, they lack a specific emphasis on low-income customers and DACs that is contained in principle number 3; with 24% of our residential customers on low-income programs and our service territory containing 16% of all DACs in the State of California, staff will ensure that their advocacy maintains a special focus on these customers and communities.

Attachments: 1) Proposed Legislative and Regulatory Platform  
2) Protocol on Urgent Legislative and Regulatory Matters  
(Approved June 7, 2018)





## 2019 Legislative and Regulatory Policy Platform

*Adopted XX*

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### **Overview and Purpose**

The Clean Power Alliance (CPA) Legislative and Regulatory Policy Platform serves as a guide to the CPA Board of Directors and CPA staff in their advocacy efforts and engagement on policy matters of interest to CPA. The Platform allows both Board members and staff to pursue actions at the legislative and regulatory levels in a consistent manner and with the understanding that they are pursuing actions in the best interest of the organization and its mission, its member agencies, and its customers. The Platform will also enable the organization to move swiftly to respond to events in Sacramento (Legislative / Executive) and San Francisco (California Public Utilities Commission). The Platform also provides firm guidance to the Executive Director on what positions should be taken on legislative and regulatory matters that come before the California Community Choice Association (CalCCA) Board of Directors.

Except under the circumstances approved by the CPA Board on June 7, 2018, when the Chair, Vice-Chairs, Legislative & Regulatory Committee Chair, and Executive Director may act on behalf of the organization, all CPA positions on individual bills will be presented to the full Board for approval.

### **Policy Principles**

The Legislative and Regulatory Policy Platform is centered around four basic principles:

1. Protecting CPA's local control and autonomy by its members, especially with regards to finances and power procurement.
2. Ensuring fair treatment of CPA customers by the CPUC and establishing a level regulatory playing field between community choice aggregators and IOUs.
3. Supporting performance-based benchmarks for ratepayer advocacy and social justice.
4. Pursuing environmental initiatives that exceed prescriptive State mandates, promote the growth in renewable energy capacity at the local level, and reduce fossil fuel dependency.

## **Policy Platform**

### Local Control, Finance, and Power Procurement

CPA will pursue legislative and regulatory activity that:

- Supports the authority of CPA and its Board to retain local control over its activities
- Supports the protection of CPA's procurement autonomy
- Supports the ability of CPA to maintain control over its financial decisions

### Equitable Treatment of CPA Customers

CPA will pursue legislative and regulatory activity that:

- Supports the fair and equitable treatment of CPA customers by the CPUC
- Supports the indifference of CPA ratepayers to load migration between LSEs
- Supports the creation of a level regulatory playing field between CCAs and IOUs

### Ratepayer Advocacy and Social Justice

CPA will pursue legislative and regulatory activity that:

- Supports the protection of low-income customers, disadvantaged communities, and other vulnerable populations in CPA service territory
- Supports supplier diversity and workforce development among CPA activities
- Supports the ability for CPA to benchmark its performance on industry objectives

### Environmental Leadership

CPA will pursue legislative and regulatory activity that:

- Supports the exceedance of State mandates for environmental performance
- Supports the ability for CPA to promote growth in renewable energy capacity and electrification at the local level
- Supports the ability for CPA and its members to achieve goals for greenhouse gas emissions reductions, climate action planning, and fossil fuel independence

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**CPA Board of Directors Staff Report from June 7, 2018**

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**To:** Clean Power Alliance (CPA) Board of Directors

**From:** Ted Bardacke, Executive Director

**Subject:** Authorize Board Chair and Vice-Chairs, Legislative & Regulatory Committee Chair, and Executive Director to Timely Respond on CPA's Behalf on Urgent Legislative and Regulatory Matters

**Date:** June 7, 2018 – Agenda Item 8

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**RECOMMENDATION**

Authorize the Board Chair and Vice-Chairs, the Legislative & Regulatory Committee Chair, and the Executive Director to collectively and timely respond on CPA's behalf when urgent legislative and regulatory matters arise.

**BACKGROUND AND DISCUSSION**

CPA will face a number of legislative and regulatory challenges over the course of the next several years. The most recent example is the release of a draft white paper on customer choice by California Public Utilities Commission (CPUC) President Michael Picker that, using erroneous statements and under the guise of "asking questions," claims that CCAs and other customer choice programs pose a threat to the reliability of California's electricity system. Later this month there will be a joint session of the CPUC and the California Energy Commission (CEC) that many believe will be the springboard to a new legislative effort to more tightly regulate or constrain CCAs.

At the May 16, 2018 Executive Committee meeting, discussion centered around not only how to respond to this attack, but also the procedure for doing so in a timely matter, particularly in instances where securing prior Board of Directors approval may not be feasible. In the fall, based on work by the Legislative & Regulatory Committee, it is expected that the Board will consider a set of policy principles that will guide the

organization in the consideration of and response to specific bills, regulatory action or other policy initiatives. Key areas for consideration in these legislative principles include protecting CPA's autonomy and local control by its Board of Directors, ensuring fair treatment of CPA customers by the CPUC, support for performance-based environmental initiatives that exceed prescriptive state mandates, and the growth in renewable energy capacity at the local level.

In the meantime, a protocol for providing a timely response would be advantageous to the organization. The Legislative & Regulatory Committee discussed this issue at its May 23, 2018 meeting and recommended that the Board of Directors approve a protocol that enables CPA to act during times of urgency to conduct important advocacy on behalf of the Alliance.

Together, both the Legislative & Regulatory and Executive Committees recommend that the Board of Directors delegate authority to a group consisting of the Board Chair, Board Vice-Chairs, Legislative & Regulatory Committee Chair, and Executive Director to collectively respond on behalf of CPA on urgent legislative, regulatory or policy matters when it is determined that there is an immediate need to act and the full Board of Directors are unable to provide timely direction.

Under this proposed protocol, the Legislative & Regulatory Committee members and the full Board would be informed of any action taken by this group and would continue to be consulted as time allows.