

**APPROVED**

**JUN 05 2014**

**MARIN CLEAN ENERGY**

**MARIN CLEAN ENERGY  
BOARD MEETING  
THURSDAY, May 1, 2014  
7:00 P.M.  
SAN RAFAEL CORPORATE CENTER, TAMALPAIS ROOM  
750 LINDARO STREET, SAN RAFAEL, CA 94901**

**Roll Call**

**Present:** Damon Connolly, City of San Rafael, Chair  
Bob McCaskill, City of Belvedere  
Sloan Bailey, Town of Corte Madera  
Larry Bragman, Town of Fairfax  
Kevin Haroff, City of Larkspur  
Denise Athas, City of Novato  
Tom Butt, City of Richmond  
Katie Hoertkorn, Town of Ross, Alternate  
Ford Greene, Town of San Anselmo  
Ray Withy, City of Sausalito  
Emmett O'Donnell, Town of Tiburon

**Absent:** Kathrin Sears, County of Marin  
Garry Lion, City of Mill Valley

**Staff:** Dawn Weisz, Executive Officer  
Shalini Swaroop, Regulatory Counsel  
Jamie Tuckey, Communications Director  
Beckie Menten, Energy Efficiency Director  
Greg Brehm, Director of Power Resources  
Meaghan Doran, Energy Efficiency Program Specialist  
Greg Morse, Business Analyst  
John Dalessi, Technical Consultant  
Kirby Dusel, Technical Consultant  
Emily Goodwin, Director of Internal Operations  
Darlene Jackson, Clerk

**Public Session:** 7:11PM

**Agenda Item #1- Board Announcements (Discussion)**

**None**

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**Agenda Item #2 – Public Open Time (Discussion)**

Member of the public Roy Phillips, owner of REP Energy, along with his partner Frank Gobar is working on several projects in Marin and expressed his desire to sell energy to MCE specifically at the Cooley Quarry which is located outside of Novato. He spoke about the lengthy process they've had to endure and the challenges therein. He and Mr. Gobar started this project over a year ago which cost them approximately \$70K for the startup. They have been stuck in the planning process for approximately 6 months but have a public hearing that is coming up in June. While the planning department has been helpful they are limited in how quickly they are able to expedite things. Mr. Phillips is hopeful their project will be approved and a categorical exemption will be given to them due to the amount of work they've invested in the project. Mr. Phillips indicated that Panasonic will be providing construction financing as well as a production guarantee and several banks have expressed their willingness to finance the project with MCE at the current rate. However, without a signed Power Purchase Agreement (PPA), the banks are hesitant in their commitment to funding the project. He asked if it is possible to receive a conditional approval or a letter of intent from MCE, based on the planning department's final approval that would lock in the current PPA rate which REP could then present to the banks.

Chair Connolly explained this is not an agenda item and under the Brown Act guidelines, the Board cannot comment on items not already on the agenda. Director Connolly clarified that Mr. Phillips was referring to a Feed-in-Tariff ("FIT") project and that Mr. Phillips had talked to MCE staff about the process. Mr. Phillips indicated that he was in fact referring to the FIT and he had spoken to MCE staff. Executive Officer Dawn Weisz offered to discuss this project with Mr. Phillips to follow up on his question.

**Agenda Item #3 – Report from Executive Officer (Discussion)**

Executive Officer Dawn Weisz reported on the following:

Ms. Weisz announced that Sonoma Clean Power launched today and that Lancaster in Southern California is preparing to announce their launch in early 2015. Lancaster was in Sacramento testifying along with MCE and others opposing parties on the AB2145 hearing.

Ms. Weisz shared the City of Richmond and MCE were presented an award from "Breath of California" for our significant Greenhouse Gas reductions. MCE jointly accepted the award with Richmond's Mayor Gayle McLaughlin last week at the awards ceremony which was held in San Francisco. She congratulated and thanked the City of Richmond for collaborating with MCE and she believes it says a lot about the great work MCE and Richmond are able to do together.

She also announced that in light of all the new developments on the CCA front and the related press activity, a Google Alert is recommended for the Board.

Emily Goodwin, Director of Internal Operations presented the Google Alert resource and shared the simple process to set up for the alerts. She explained the benefits of having a direct link to receive alerts and real time press feeds. Ms. Goodwin highly recommends that each Board member sign up to receive the customized Google alerts.

Ms. Weisz announced that Beth Kelly, Regulatory Director had her baby and his name is Jack.

Ms. Weisz responded to questions from the Board.

**Agenda Item #4 – Consent Calendar (Discussion/Action)**

- C.1 4.3.14 Board Minutes
- C.2 Monthly Budget Report
- C.3 Approved Contract Update
- C.4 MCE Position Transition from Extra Hire to Regular Hire
- C.5 Amendment to Agreement with Windstream

**M/s Greene/Athas (passed 10-0-0) approved all items on the consent calendar. Directors Bragman, Lion and Sears were absent.**

**Agenda Item #5 –Records Retention Adjustment (Discussion/Action)**

Emily Goodwin, Internal Operations Director presented this item.

Ms. Goodwin reminded the Board that the Records Retention Policy 003 has been reviewed several times and with minor adjustments being made to the Policy as approved by external counsel, the following changes to Policy 003, Records Retention are being recommended:

- Executed Contracts – 10 years after termination date of the contract.
- Board Approved Decisions – retained in perpetuity
- Board and Committee Meeting Materials – retained in perpetuity
- Board Approved Budgets – retained in perpetuity
- Customer-Specific Usage Information and Data – retained for 5 years
- Personnel Information – 10 years after employee end date
- Accounting Records – 7 years in accordance with MCE’s CPA Firm

Ms. Goodwin responded to questions from the Board.

**M/s Butt/O’Donnell (10-0-0 passed) approved Records Retention Adjustment. Directors Bragman, Lion and Sears were absent.**

**NOTE: Director Bragman arrived at the beginning of this presentation.**

**Agenda Item #6 – Results of membership Analysis for the unincorporated County of Napa (Discussion)**

Kirby Dusel, Technical Consultant presented this item.

Mr. Dusel shared a summary of MCE’s current policy regarding new membership requirements for completion of a quantitative analysis as part of its preliminary evaluative process and the timeline associated with the prospective addition of Napa County.

The primary focus of the quantitative analysis is to determine the anticipated net rate impacts that would affect MCE’s existing customer base following the addition of the prospective new community. The quantitative analysis must demonstrate that the addition of the prospective new community will result in a projected net rate reduction for MCE’s existing customer base which is a threshold requirement that must be met before MCE proceeds with further membership activities. In addition, the quantitative analysis addresses the projected environmental impacts that would result from offering CCA service to the prospective new community. The analysis prospectively

determines whether or not the new community will accelerate greenhouse gas (GHG) reductions, beyond those reductions already achieved by MCE's existing membership, while increasing the amount of renewable energy being used within California's energy market.

Mr. Dusel shared that the quantitative analysis indicated a couple of things:

- ✓ The additional customer base within Napa County would likely result in an approximate 3% rate reduction for MCE customers, including all existing and prospective accounts, and
- ✓ Including Napa County in MCE's membership would increase the amount of renewable energy being used in California's energy market by approximately 72,000 MWh per year while reducing GHG emissions by an estimated 21 million pounds of carbon dioxide equivalent per year.

Mr. Dusel spoke about the Napa County customer base and MCE's analysis of the potential new customers to estimate the revenues and costs associated with extending MCE service to Napa County. The data indicated the potential for nearly 16,000 new MCE customers with a potential increase in annual electricity sales of approximately 336,000 MWh per year. He pointed out the interesting difference between MCE and Napa County is that Napa County includes a significantly more Agricultural and Pumping accounts and proportionately fewer residential accounts.

The Napa County Agricultural and Pumping accounts are relatively small in terms of electricity consumption but, on the other hand, the residential sector in Napa County uses nearly 70% more electricity per capita than the current MCE residential customer base. The Napa County commercial sector also exhibits higher average electricity consumption than MCE's current commercial base. The average monthly usage of Napa County customers is nearly twice as high as that of the current MCE customer base.

Mr. Dusel discussed MCE hourly load profile and shared charts showing Napa County's peak vs MCE's peak profile. He discussed key assumptions and projected outcomes of rate impacts as being:

- ✓ Service would be initiated to Napa County customers in April, 2015.
- ✓ Rate impact analysis assumed that 85% of customers who would be offered CCA service would elect to participate in the MCE program; this assumption blended findings from previous phases of enrollment in Marin and Richmond.
- ✓ Participatory rate equates or translates to an increase in annual MCE electricity sales of 288,319 MWh or approximately 22%.

Incremental revenues and costs were quantified for the Napa County customer additions. The surplus is assumed to offset a share of MCE's fixed costs and could be used to reduce overall MCE rates. The incremental cost analysis accounts for ongoing costs related to additional power supplies, customer billing, customer service support (call center), and PG&E service fees associated with the additional customers. One-time costs associated with the expansion of MCE to Napa County were shown in one of the charts presented by Mr. Dusel.

Mr. Dusel further explained the rate impact analysis indicates that the addition of Napa County customers to MCE's total customer base would provide benefits to MCE ratepayers and, it is estimated that expanding MCE service to Napa County with current market power supply costs would allow for MCE rates to be 3% lower than without the expansion.

He shared that additional costs related to the expansion would be incurred prior to initiation of service to the new customers. These costs would be incurred for regulatory, resource planning and procurement activities that would be necessary to incorporate the new member community and its customers into MCE as well as for communication

and outreach to the new customers. The projected implementation costs related to a Napa County expansion are expected to be less than the \$450,000 spent in preparation for the expansion to Richmond.

### **Renewable Energy Impacts**

Mr. Dusel discussed that renewable energy requirements were calculated for Napa County to ensure compliance with the statewide Renewables Portfolio Standard (RPS) as well as the more aggressive MCE renewable energy content standards adopted by MCE. The total renewable energy requirement associated with prospective expansion to Napa County would be approximately 144,000 MWh annually. Including Napa County electric customers in MCE service will increase the amount of renewable energy being used in California's energy market by approximately 72,000 MWh annually based on the increased renewable energy procurement targets voluntarily adopted by MCE's governing Board relative to California's then-current RPS mandate (which must be followed by PG&E).

### **GHG Impacts**

Mr. Dusel further explained with regard to projected GHG emission reductions that would result from the expansion of MCE service to Napa County, estimates were derived by comparing the most current, validated emission statistics related to the MCE and PG&E electric supply portfolios.

Mr. Dusel responded to questions from the Board and Ms. Weisz explained some next steps after presenting analysis for Napa County are: (1) Napa County adopting a CCA ordinance which will trigger (2) MCE's efforts to get the Implementation Plan revised which would be brought to the Board for approval and 3) MCE's procurement initiation that will be needed to serve Napa County. She also shared that prior to bringing expansion requests to the Board, MCE considers whether or not there are energy efficiency opportunities, renewable energy installation opportunities available and opportunities for more Feed-in-Tariff (FIT) projects. Ms. Weisz shared what has been seen in the Napa County expansion is a higher than expected potential for energy efficiency opportunities and NEM, solar development.

Member of the public Roy Phillips asked if there were any geographical limitations to other California communities interested in joining MCE. Ms. Weisz responded to his question by explaining that there is no physical or technical limitation for MCE expansion. She then revisited the MCE expansion process which includes (1) affiliate membership, and (2) special consideration. There is a policy in place for the special consideration category but written process has not yet been developed for special consideration communities. Ms. Weisz responded to a question from Director Greene concerning the tracking of AB1245 as it relates to other communities interested in becoming CCAs and the effect AB2145 would have on those communities. She assured the Board that MCE would continue watching AB2145 closely and engaging very closely. If the outcome does not look promising MCE would then make plans to accelerate the enrollment process for Napa County by implementing a "fast track" approach for the interested community.

Patrick Lowe, Natural Resources Conservation Manager for Napa County spoke. On behalf of Napa County, Mr. Lowe expressed they are happy to have the opportunity to become a member of MCE. There are an incredible number of opportunities within the community, some of which MCE staff has addressed relating to the wineries. Napa County has worked with several wineries and understands challenges they face with PG&E. Napa does substantial outreach with several environmental programs and has a good working relationship with wineries as well as other industrial and agricultural properties. He expressed that Napa County looks forward to working with MCE staff and the Board.

**Agenda Item #7 – Power Purchase Agreement with Calpine Energy Services, L.P. for Renewable Energy Supply (Discussion)**

Greg Brehm Director of Power Resources presented this item.

Mr. Brehm provided a brief overview and history of the agreement between Calpine Energy Services and MCE. Subsequent to execution of the original agreement between Calpine and MCE, staff identified a net short position for 2014 and 2015 because of under production in MCE's existing landfill gas contracts and slightly higher than expected load. As a result staff negotiated a short term, "as available" confirmation for 15,000 MWh in 2014 and 10,000 in 2015. This transaction supplements MCE's existing Renewable Energy ("RE") supply portfolio with a highly desirable, locally situated geothermal resource.

Staff has negotiated mutually agreeable terms with Calpine to address short term (2014 and 2015) renewable energy needs. This agreement will provide MCE customers with necessary renewable energy (with positive optics coming from a local resource), filling projected deficits that would otherwise occur during the 2014 and 2015 calendar years.

Mr. Brehm explained that the Geysers project is a good fit for MCE's resource portfolio based on the following considerations:

- ✓ Project size and expected energy production will support the future renewable energy requirements of MCE customers.
- ✓ Timing of initial energy deliveries under the agreement is aligned with planned reduction in renewable energy deliveries under SENA agreement.
- ✓ The project is being operated by an experienced team, which is currently supplying power from various projects to MCE and other multiple counterparties.
- ✓ The project is located within California and meets the highest value renewable portfolio standards category ("Bucket 1").
- ✓ The project is highly viable and has been producing power since 1960.

Mr. Brehm responded to questions from the Board.

**Agenda Item #8 – Energy Efficiency Update (Discussion)**

Beckie Menten, Director of Energy Efficiency presented this item.

Ms. Menten shared that she would focus on three major items tonight:

She shared that a revamped version of the School Program design rolled out today. MCE worked with Strategic Energy Innovations ("SEI") last year and they produced an intense inter-classroom curriculum designed to help kids get excited about energy, then go home and conduct an energy assessment on their own homes using MCE's MyEnergyTool. It was a great program but MCE discovered a number of action plans generated on the web portal, based on the amount of money put into it, were not delivering the expected results to meet their target. As a result, the Energy Efficiency ("EE") team met again with SEI to strategize on what MCE could do to maximize the EE dollars and reach as many people as possible with the current available resources.

It was decided that the following steps would be implemented:

- ✓ Go into the schools and actually create an assembly rather than meeting with one classroom at a time, they would meet with the entire school with at one time. A kid-friendly video has been produced, designed to get the kids excited and engaged about energy.
- ✓ Walk-a-thon model designed to empower the kids as ambassadors for MyEnergyTool and send them out into the community to get as many pledges as they can from neighbors and friends. The idea is that MCE would actually pay the school money for every pledge received from the community. Some of the other incentive structures are awards for the kids with the most pledges and awards for the classroom that gets the most action plans. The EE team is hopeful that this model will get more kids as well as parents excited about investing in the school and, ultimately will create community buy-in.

PEI is starting with two schools in the Spring, they will see how the program works and make any necessary adjustments to the program in the Fall. The first assembly kicked off today at Lou Sutton School in Novato and the second assembly will be next week at Hamilton School in Novato. They hope to have six schools involved by the Fall 2014.

#### **Green Loan Program**

Ms. Menten reported they are continuing an ad campaign that was started in April and will run throughout May 2014 that includes both a print campaign and an online campaign, running through Marin County and the City of Richmond.

She reported in addition to the print and online campaigns, there is on the ground outreach as well. Material has been developed for distribution at different retail locations; specifically at Fairfax lumber Saturday, May 3<sup>rd</sup> and Marin Ace Hardware next week. Such outreach creates an opportunity for the EE team to talk with folks who are interested in doing projects in person and showcase the various products the Energy Efficiency Program has to offer. Rafael Silberblatt, Program Coordinator and Meaghan Doran, Energy Efficiency Program Specialist, both have been working diligently to line up more opportunities for interfacing with the community.

Ms. Menten shared and discussed the MCE full page ad that appears in the Marin Home Magazine which is published by the Marin Builders' Association.

#### **Home Energy Advisor**

Ms. Menten reported that as of April 30th, 42 referrals have been made to the Green Home Loan program and 7 customers who called had already heard of the program. She is hopeful that the referrals will translate into applications and she will be able to report back to the Board at the June meeting.

#### **2016 Energy Efficiency Portfolio Planning**

Ms. Menten shared that the Energy Efficiency Team will try as much as possible to make this a grassroots effort and work with the community in earlier stages to solicit input from the community and well known, local EE experts about not only where energy is being used throughout the territory, but what other programs are out there. The goal is to find out where incentives are needed to drive action in the marketplace or where education is more effective, instead of being motivated by a financial incentive.

The plan is to have a series of meetings to kick this process off. The first meeting will be held in late May, and it will be an invitation only stakeholder planning session. The list of invitees will include the County of Marin, the City

of Richmond and Napa County. It will present an opportunity to get a number of people in a room to brainstorm and strategize about what can be done to improve the Energy Efficiency Program. The next scheduled meeting will take place on June 25<sup>th</sup> at Richmond City Hall 6-8PM and then on July 23<sup>rd</sup> possibly at the Marin County Civic Center. A listserv is also being developed and the community will be able to view and sign up at the Energy Efficiency website at: [mceCleanEnergy.org/ee](http://mceCleanEnergy.org/ee).

Ms. Menten responded to questions from the Board.

**Agenda Item #9 – Communications Update (Discussion)**

Jamie Tuckey, Communications Director presented this item.

Ms. Tuckey provided the following brief updates:

**Rates** – She confirmed and reminded everyone that today PG&E's rate increase went into effect. This increase translates into significant savings for MCE's customers and MCE's rates are still less than PG&E's rates. Based on those rates MCE expects to save its customers just under \$6M this fiscal year and that does not take into account an additional rate increase that PG&E has proposed later this year.

Ms. Tuckey explained as part of MCE's rate analyses for its customers, research was conducted to determine what MCE saved the City of San Rafael. Last year the City of San Rafael saved upward of \$30K on its electricity bills by having MCE's Light Green service. With MCE's new rates this year and PG&E's increase the estimated savings to the City of San Rafael will be approximately \$47K. These are significant savings and other MCE service areas, specifically municipal customers, most likely have experienced similar savings. She indicated if the Board is interested in knowing the level of savings for their town or city, MCE would be happy to prepare a cost analysis for those service areas.

Ms. Tuckey shared that MCE is currently working with PG&E to develop a joint cost comparison that is sent out to all customers whether they are with PG&E or MCE. Per statute, it is a requirement that the information be sent out by July but the information will be mailed out early to mid-June. The mailer includes 1) a cost comparison for different customer classes, 2) a power sources comparison of what MCE submits for its power content label to the California Energy Commission (CEC), and 3) Greenhouse Gas Emission (GHG) for PG&E Deep Green and Light Green.

Ms. Tuckey shared in a recent press release that the County of Marin met its GHG targets 8 years ahead of schedule and this was due, in large part, to renewable power that is provided by MCE. The goal for the County of Marin was to reduce its GHG emissions by 15% of its 1990 levels by 2020.

Ms. Tuckey reported that they finalized the Heart Deep Green campaign at the end of April and the winners of the competition were the Marin Agricultural Land Trust, the Asian Pacific Environmental Network and the Sierra Club on behalf of the Clean Energy Coalition. MCE received 40 new Deep Green sign ups as a result of this campaign and the next campaign will target schools in the City of Richmond and Marin County. She also reported that the Syndicated Solar Program (SolShares) first public announcement went to approximately 4,000 people yesterday and 20 people have inquired about signing up for SolShares.

Ms. Tuckey responded to questions from the Board and members of the public.



### **Agenda Item #10 – Regulatory and Legislative Update (Discussion)**

Shalini Swaroop, Regulatory Counsel ceded the floor to Executive Officer, Dawn Weisz to discuss some of the Regulatory matters.

Ms. Weisz provided an update on AB2145 – In addition to the regular legal issues there are political, communications and operational impacts from this bill. There was a bill that was introduced early in this legislative session from Bradford's office on the Assembly side AB2145. MCE had been watching this bill since January but it was a spot bill and didn't have much content. The content was added a few weeks ago just one session day before it was to be heard in Committee. MCE looked at language that was added to the Amendment and it was very concerning. Ms. Weisz reminded the Board of Proposition 16 and what and indicated this bill is a bit of a rehash of that Proposition. Basically it would change the CCA structure in the State to make CCA's an opt-in program rather than an opt-out program.

It also has a couple other provisions that would not be workable due to practical constraints. It would require a CCA when filing its implementation plan before serving customers to provide a 5-year rate projection and comparison against the incumbent utility in a service territory, and to provide a 5-year GHG projection to the incumbent utility.

This requirement is not feasible since the IOUs do not know what their own rates will be until they've been approved by the CPUC which sometimes happens the day before rates go into effect and certainly not 5-years in advance. The GHG accounting typically is done 2 years after the fact. PG&E released their 2012 GHG emissions factor in February 2014. The 2-yr lag for GHG comparisons makes the projection requirements of the bill problematic as well.

The primary concern is the opt-in nature of the bill and how that would impact future CCA programs, making it potentially infeasible for future CCA programs to launch and also impacting expansion of existing CCA programs.

This bill was heard for the first time on April 28<sup>th</sup> in the Assembly Utilities and Commerce Committee and the Chair of the Committee actually authored the bill which added an extra layer of challenges for those on the Committee to vote based on the facts. Nonetheless, MCE took a very high level effort to engage and educate committee members and those on the Assembly side. MCE worked with a coalition of many advocates, Sonoma Clean Power as well as the folks in Lancaster who are preparing to launch their own CCA in the near future. An enormous coalition of opposing groups was pulled together by Shalini Swaroop in four days. Some of those included the Sierra Club and local government agencies who have expressed interest in CCA. A tremendous amount of effort went into preparing for the hearing.

Some of what is happening around this bill is reminiscent of the MCE 2010 launch. A lot of misinformation is being circulated by the folks who are supporting this bill. They have four supporting entities with PG&E being one of the four. The misinformation being tossed around is frustrating to hear and is easily refutable but MCE was not able to refute at the time of the hearing. In an effort to rebut some of the negative statements and misinformation, a packet was created prior to the hearing to give folks an overview of who MCE is and what we are accomplishing. It talks a lot about our ability to reduce GHG emissions and to get more renewables onto the grid.

There is also a lot of discussion about customer engagement and some of the language addresses public disclosure and a concern about customers being made a default customer of a new entity when they had been served by a monopoly in the past. There is a lot of discussion in the packet about customer disclosure and engagement when MCE takes on enrolling a new community. Another bit of misinformation is related to MCE and its ties to union

labor. A substantial amount of information was pulled together in the packet indicating vendors used by MCE are in fact using union labor.

At Monday's Committee Hearing there was a presentation by the supporting side and PG&E did sit at the dais for this presentation. MCE was told by the people with whom PG&E are meeting that their number one legislative objective of the year is to get this bill passed. The misinformation continued with comments about MCE's power content, how its opt-out process worked, and job creation results and even used a report from 2009 before MCE was serving customers. There was no discussion about MCE's RPS compliance, no discussion about all the other State agencies with whom we are required to comply with and the fact that we are in good standing with all of these agencies.

After the supporting entities spoke they were asked if there were any supporters in the audience and no one stood up for them. There was an opportunity for opposing speakers to come up and MCE had four speakers come up from different jurisdictions. The speakers were: Joe Como from Office of Ratepayer Advocacy ("ORA"), Geoff Syphers, Chief Executive Officer of Sonoma Clean Power, Heather Swan from the City of Lancaster, and a representative from Mayor McLaughlin's Office, City of Richmond. About 35 people spoke opposing the bill. The bill passed out of the committee with no opposing votes.

Ms. Weisz shared next steps as being: 1) bill goes to appropriations committee on the assembly side, 2) bill goes to the assembly floor and, 3) bill heard in the Senate Energy Committee. Much lobbying is needed and Ms. Weisz informed the Board that staff may be calling on them to speak on behalf of MCE. She asked that if they planned on being in Sacramento to let her know so that she could connect them with Emily Pappas, MCE's representative in Sacramento. Ms. Weisz reminded everyone that we, as a local government agency, are outnumbered compared to IOU efforts and unable to camp out in front of the doors of the Committee members but the good news is MCE has the facts on its side. She also asked if any of the Board members have lobbyist in their jurisdictions, have ties to other organizations, or sit on boards where advocates might be interested in assisting MCE, to let her know.

Ms. Weisz responded to several questions from the Board related to Appropriations Committee timeline and Code of Conduct (Leno Legislation) which went into effect January 2012. She explained the full effect and intent of the Code of Conduct and that the CPUC was required to implement the Code but it was not fully implemented. Therefore CCAs are not protected against the outcomes originally intended for them to be protected against. The Code of Conduct requires an IOU to file a marketing plan if they plan to market in any CCA community. The reason for that is so there will be transparency. They would also need to create a separate entity to do their marketing without all the advantages the monopoly utility provider has such as customer lists.

Ms. Weisz and Ms. Swaroop responded to questions from Board. Ms. Weisz also suggested a few follow up action items for Board members to better engage their individual jurisdictions involved in the AB2145 matter. MCE plans on having some strategy sessions over the next few days and will keep the Board advised.

**Agenda Item #11 - Board Matters (Discussion)**

**None**

