AB 2145

Information Packet

What is AB 2145?

AB 2145, the Utility Monopoly Power Grab of 2014, has been introduced in the State Assembly. It is meant to reverse the Community Choice Aggregation law (AB 117) passed in 2002 and prevent Community Choice energy programs from being established in California.

Community Choice is a mechanism that allows cities, counties and other government entities to aggregate individual electricity customers within a defined area for the purpose of providing electricity and related energy services. Six states, including California, allow local governments to procure their own electricity supplies, with the incumbent utility continuing to operate the transmission and distribution lines. Community Choice programs provide local control over energy supply (but are distinct from municipal utilities, which own the distribution infrastructure).

Local communities have been motivated to establish Community Choice programs as an alternative to big corporate utilities. Based on local preferences for increased levels of renewable energy sources, local agencies can more quickly transition to a renewable energy model, encourage local investment in energy resource development, reduce greenhouse gases, procure electricity at more stable or lower prices, and provide the impetus to modernize the electricity grid to support a sustainable decentralized energy system.

Two Community Choice programs have already been established in California – in Marin and Sonoma Counties. More than a dozen other communities across California are in varying stages of program development.

By law, Community Choice programs can automatically enroll electricity customers, who can choose to opt out and stay with the incumbent utility. AB 2145 would change this essential aspect of the law, making it impossible for Community Choice programs to effectively compete with the big corporate utilities. AB 2145 thereby eliminates Community Choice as an alternative way for communities to procure electricity services.

If enacted, AB 2145 will limit local energy choice, thwart California’s environmental goals, infringe on local government decision-making power, diminish local communities’ ability to create local clean energy jobs, and will effectively destroy the future of Community Choice energy in California.
Why Oppose AB 2145?

- **AB 2145 is meant to strengthen the big corporate utility monopoly.**
  The law would essentially reverse AB 117, the Community Choice Aggregation law of 2002, which was meant to provide communities with a choice of electricity service provider. Communities have not had that choice for about 100 years.

- **Communities want a choice of electricity service provider.**
  Communities want a choice of where their electricity comes from. AB 2145 infringes on local government’s ability to make energy decisions that can benefit their communities. By strengthening the utility monopoly, it also denies electricity customers the ability to choose an alternative energy services provider.

- **Community Choice can provide for many community benefits.**
  In addition to fostering healthy competition, Community Choice enables communities to develop local renewable energy resources, create clean energy jobs, stabilize or lower electricity prices, reduce greenhouse gas emissions, stimulate local economies, retain wealth in their communities, improve health, and strengthen resilience.

- **Communities need Community Choice to address climate change**
  Community Choice is one of the most powerful vehicles for establishing a clean energy future: for enabling climate action plans, local clean energy development, and energy demand reduction. This is how we develop new businesses, provide jobs, and create economic opportunity while lowering greenhouse gas emissions.

- **AB 2145 would change the law to make it impossible to establish Community Choice programs**
  It would change AB 117 to prevent a Community Choice program from automatically enrolling customers, which is necessary to level the playing field with the monopoly utilities and provide a viable, competitive offering. AB 2145 would destroy the future of Community Choice energy in California.

- **More than a dozen California counties are exploring or establishing Community Choice programs.**
  Communities in the following California counties have initiatives for establishing Community Choice programs: San Diego, Santa Barbara, Riverside, San Luis Obispo, San Benito, Monterrey, Santa Cruz, Santa Clara, San Francisco, Alameda, Contra Costa, Napa, and Mendocino. AB 2145 would render these efforts futile.

- **Hundreds of organizations have already voiced opposition to AB 2145**
  Within a week of its introduction in the Assembly, hundreds of organizations have expressed opposition to the bill. These include several local governments around the State; Sierra Club California; The Utility Reform Network; LEAN Energy U.S.; Local Clean Energy Alliance; the California Public Utility Commission’s Office of Ratepayer Advocates; the California State Association of Counties; the League of California Cities; Communities for a Better Environment; CLEAN Coalition; Retail Energy Supply Association; Alliance for Retail Energy Markets; Marin World Wildlife Fund US; and the California Solar Energy Industries Association.

- **AB 2145 is the latest in a series of attacks on Community Choice**
  AB 2145 follows in the footsteps of AB 976 in 2011/12, correctly vetoed by Governor Brown, and Proposition 16 in 2010, smartly defeated by the California electorate despite about $50 million spent by PG&E to pass it. AB 2145 represents a direct attack on the intent of AB 117 just as it is beginning to bear fruit in Marin and Sonoma Counties, and as many other communities throughout California are actively exploring Community Choice programs.
## California Organizations & Local Governments Opposing AB 2145

*(Updated 05/15/14)*

### Local Governments
- City of Benicia
- City of Berkeley
- City of Cupertino
- City of Hayward
- City of Lancaster
- City of Menlo Park
- City of Mountain View
- City of Richmond
- City of San Carlos
- City of San Pablo
- City of Santa Cruz
- City of Solana Beach
- City of Sunnyvale
- Town of Fairfax
- Alameda County
- Los Angeles County
- Marin County
- Santa Cruz County
- Sonoma County
- Monterey County
- San Benito County

### Elected Officials
- Councilmember Lynette McElhaney, City of Oakland
- Supervisor Brad Wagenknecht, Napa County
- Supervisor Scott Haggerty, Alameda County
- Supervisors Dianne Jacob and David Roberts, San Diego County
- Mayor Elizabeth Patterson, City of Benicia
- Vice Mayor Rod Sinks, City of Cupertino
- Vice Mayor Michael Winkler, City of Arcata

### Non-Profit Advocacy Organizations
- 350.org – Bay Area, San Francisco, San Diego, Sonoma County, and Santa Barbara chapters
- Asian Pacific Environmental Network
- Berkeley Climate Action Coalition
- Bay Localize
- Carbon Free Mountain View
- Clean Coalition
- Climate Protection Campaign
- Communities for a Better Environment
- Community Environmental Council
- Environment California
- Environmental Health Coalition (EHC)
- Galvin Electricity Initiative
- Global Exchange
- Greenlining Institute
- Greywater Action
- Kyoto USA
- Local Clean Energy Alliance
- Local Energy Aggregation Network (LEAN Energy US)
- Movement Generation Justice and Ecology Project
- New Voices Are Rising
- Organizing for America (OFA)-California
- Planting Justice
- Public Interest Coalition
- Rose Foundation for Communities & the Environment
- Sierra Club California
- The Utility Reform Network (TURN)
- Transition US
- World Wildlife Fund US
Community Choice Energy Programs
MCE - Marin Clean Energy
Sonoma Clean Power Authority

Emerging Community Choice Programs
Friends of San Diego Clean Energy
Monterey Bay Community Power, representing 21 communities in Monterey, San Benito and Santa Cruz Counties
San Diego Energy District Foundation
San Luis Obispo Clean Energy

Community Choice Advocacy Organizations
Clean Energy & Jobs Oakland Campaign of the Oakland Climate Action Coalition
Community Choice Energy Working Group of the Berkeley Climate Action Coalition
Local Energy Aggregation Network (LEAN Energy US)
San Francisco Clean Energy Advocates
Sierra Club Bay Chapter

Civic Organizations
The Action Hub, Richmond
Haight Ashbury Neighborhood Council
Joint Venture Monterey Bay
Kehilla Community Synagogue, Greening Committee
Mainstreet Moms
Our City San Francisco
People United for a Better Life in Oakland (PUEBLO)
Resilient Neighborhoods
Richmond Progressive Alliance
Sustainable Marin
Sustainable Napa County
Sustainable San Rafael and Novato
Victory Garden Foundation
West Oakland Environmental Indicators Project

Energy Sector & Energy Sector Associations
Alliance for Retail Energy Markets
California Energy Storage Alliance
California Solar Energy Industries Association
Commonwealth Energy Consortium, LLC
Energy 2001, Inc.
Energy Solidarity Cooperative
Enlightenment Energy
Everybody Solar
G2 Energy
Galvin Electricity Initiative
GenPower, Inc.
OurEvolution Energy and Engineering
Pacific Energy Advisors
Panasonic Eco Solutions North America (PESNA)
Planet EcoSystems
RE-volv
Recolte Energy
REP Energy Inc.
Retail Energy Suppliers Association
School Project for Utility Rate Reduction (SPURR)
Solar Energy Industries Association (SEIA)
SolEd Benefit Corporation
Sun Light & Power
Sungevity
West Coast Solar Energy
Western Power Trading Forum (WPTF)

Political Organizations
Green Party of California
Wellstone Democratic Renewal Club

Other/Private Sector
Braun Blaising McLaughlin & Smith, PC
Douglass & Liddell, PC
Green Ideals Inc
Rifkind Law Group
San Rafael Airport