

Case Study: East Bay Community Energy Rejects Nuclear Deal Victory for East Bay Clean Power Alliance



On the 50th Anniversary of Earth Day, The governing board of [East Bay Community Energy \(EBCE\)](#), the public energy services provider for Alameda County cities, voted 10-5 to keep PG&E’s dangerous Diablo Canyon nuclear energy out of EBCE’s 2020 power mix.

The vote represented a big victory for the [East Bay Clean Power Alliance](#), which mobilized community opposition to a scheme by which PG&E intended to dump nuclear power on EBCE, an agency set up to develop local renewable energy to benefit East Bay community residents and businesses. “Buying nuclear power from PG&E was the last thing on anyone’s mind when we created EBCE in 2017” said Jessica Tovar, Coordinator of the Alliance. “It was outrageous that we should have to fight this battle in 2020.”



The decision to reject nuclear showed how grassroots organizing can be successful even against daunting odds. The highly contested vote took place on live stream, in the midst of a global pandemic, while communities were sheltering in place and public participation was limited. Sixty-four community members—including youth—waited four hours for the last item on the EBCE Board’s agenda to give passionate public testimony against buying nuclear energy to power the East Bay.

Background

Back in early October 2019, the Alliance was hearing rumors of East Bay Community Energy’s CEO pitching nuclear energy to other Bay Area Community Choice energy programs¹ and later that month, he casually mentioned to the EBCE Board a deal by which EBCE would be able to obtain carbon-free energy from PG&E—mostly nuclear—for “free.”

The statement alarmed clean energy advocates. In November, the Alliance informed the Board that community members who advocated for establishing EBCE would not be okay with including nuclear energy in the agency’s power mix.

EBCE staff referred to the PG&E offer as “carbon free energy,” consisting of large hydro and nuclear. The majority of the offer was PG&E’s nuclear energy from Diablo Canyon in San Luis Obispo.² PG&E was seeking to dump its excess nuclear power on Community Choice customers so as to continue to ensure that the utility profits from Diablo Canyon’s overpriced nuclear energy through the financial support of the California Public Utility Commission (CPUC).

But understanding the nature of the nuclear offer proved elusive, as the EBCE Board and community continued to be mystified by staff reports. Was PG&E’s offer of nuclear energy actually at no cost, as claimed by staff? How much money would EBCE actually save by

accepting that energy? Why would it be in the interest of EBCE and our community to provide a market for PG&E's excess Diablo Canyon nuclear power?

Confronted by confusing and inconsistent staff reports, East Bay Clean Power Alliance developed its own [fact sheet](#) to inform the community and board about PG&E's nuclear offer.

The fact sheet showed that the purported savings to EBCE of buying PG&E's nuclear energy was just a fraction of the costs to EBCE customers that continued operation of Diablo Canyon was adding to their electricity bills through the Power Charge Indifference Adjustment (PCIA). The PCIA is an ongoing fee that the CPUC assesses on EBCE customers for having left PG&E. It is estimated that about one-third of the PCIA fees subsidize Diablo Canyon nuclear power.

The bigger picture looked more like PG&E dumping nuclear power on EBCE as a way to bail out the utility while at the same time saddling EBCE customers with unwanted nuclear energy.

Community Response

In the months leading up to the April 22 vote, the [East Bay Clean Power Alliance](#), consisting of over 60 East Bay organizations, went into high gear to oppose any addition of nuclear energy to EBCE's mix. Doing so would not only violate Oakland, Berkeley, and Hayward's "nuclear-free city" ordinances, but also the understanding that established EBCE as a coal-free, nuclear-free energy provider, one committed to safe, clean energy sources like solar, wind, and battery storage and programs that reduce energy waste and consumption.

The Alliance researched and provided information regarding the actual conditions of purchase of PG&E's nuclear energy, spoke out at all EBCE Board meetings for five months, wrote numerous letters to and met with individual Board members, created and distributed buttons and stickers opposing the nuclear option, opposed the CPUC decision to allow the nuclear sale, spoke at public assemblies, garnered 500 signatures on a petition opposing the nuclear deal, secured opposition from EBCE's Community Advisory Committee, got articles written in local media, and reached out through social media to mobilize the opposition of community-based organizations across the East Bay.



Button used to mobilize against-nuclear energy in East Bay.

The Vote

The most moving and inspirational part of the April 22 EBCE board meeting was youth testimony from two organizations: Rose Foundation's New Voices are Rising and Youth vs. the Apocalypse. This included youth like Celia Malone, who is Navajo and spoke about nuclear mining and dumping in her family's native lands. Twelve-year-old Samara Ixchel Nuño said, "In a place like California known for earthquakes, you are putting us in danger."

The motion to reject nuclear in 2020 was made by EBCE Board member Scott Haggerty, who represents unincorporated Alameda County and seconded by Jesse Arreguin of Berkeley.³ Many

of the Board members who supported the motion admitted their vote was influenced by the strong public opposition to adding nuclear energy to EBCE’s energy mix.

“Knowing that our testimonies were powerful enough to shape and influence the Board members’ thoughts on nuclear power demonstrates why young people need to speak up,” said Lisbeth Ibarra. “There are still more fights to be won, but with young people gathering together, I have no doubt that we can win,” said Celia Malone. Simon Bhuller Riordan agreed: “It’s important that they [the Board members] know the youth are still watching their decisions that they make in the future,” he said.

“I am thankful to Supervisor Scott Haggerty and the rest of the East Bay Community Energy Board who voted in favor of the community—especially our outspoken youth.” said the Alliance’s Tovar. “East Bay Community Energy can be a precedent-setting model for a public agency that hears the community’s demand for clean energy and rejects false solutions to climate change.”



The Lessons

There are many lessons to be gleaned from this case study of successful community organizing to hold a Community Choice agency accountable to the community it is supposed to serve. It shows how agency staff cannot be depended on to provide accurate unbiased information to agency decision-makers, how decision makers defer to agency staff rather than community-based advocates, how a powerful organizing campaign can mobilize the community to sway decision-makers despite these obstacles, and how community organizing is essential to making a Community Choice agency serve community needs. While Community Choice represents a potential democratization of energy as compared to the private monopoly utilities, it takes strong public engagement for that potential to be realized.

¹ Community Choice programs like EBCE, now numbering 19 in California, were established to give the public “the power to choose” (under California Assembly Bill 117 in 2002) where their electricity comes from and what kind of energy it is. In the East Bay, the community, led by the East Bay Clean Power Alliance, established EBCE in 2017 to prioritize local clean energy development, with an emphasis on creating clean energy jobs, community wealth, lower cost energy, less dependence on risky remote transmission, and equitable solutions to climate change. Nuclear energy is none of these.

² The plant is slated to be shut down in 2024/2025 and is the target of early shutdown efforts at the California Public Utilities Commission. The call for early shutdown is due to the serious safety issues of running the plant, the skyrocketing costs of production in recent years, and the loss of over half of PG&E’s nuclear customers to Community Choice energy programs (like EBCE).

³ Voting in favor of the motion were: Nick Pilch of Albany, Melissa Hernandez of Dublin, Dianne Martinez of Emeryville, Vinnie Bacon of Fremont, Ed Hernandez of San Leandro, Dan Arriola of Tracy, Jaime Patino of Union City, and Dan Kalb of Oakland. Voting against the motion were: Al Mendall of Hayward, Trish Munro of Livermore, Michael Hannon of Newark, Tim Rood of Piedmont, and Jerry Pentin of Pleasanton.