

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



March 9, 2020

Nick Chaset, CEO  
East Bay Community Energy  
1999 Harrison Street  
Suite 800  
Oakland, CA 94612

**RE: Letter Certifying East Bay Community Energy's Addendum No. 1 Implementation Plan and Statement of Intent**

Dear Mr. Chaset:

The California Public Utilities Commission's Energy Division has reviewed East Bay Community Energy's Addendum No. 1 Implementation Plan and Statement of Intent, which was submitted to us on December 20, 2019 to begin phase-in of service to the cities of Pleasanton, Newark and Tracy, effective January 1, 2021.

Pursuant to Public Utilities Code Section 366.2 (c)(7), within 90 days after the Community Choice Aggregator (CCA) establishing load aggregation files an Implementation Plan, the California Public Utilities Commission is required to certify that it has received the Implementation Plan, including any additional information necessary to determine a cost-recovery mechanism.

Public Utilities Code Section 366.2 (c)(3) requires a CCA Implementation Plan to contain all of the following:

- A) An organizational structure of the program, its operations, and its funding.
- B) Rate setting and other costs to participants.
- C) Provisions for disclosure and due process in setting rates and allocating costs among participants.
- D) The methods for entering and terminating agreements with other entities.
- E) The rights and responsibilities of program participants, including, but not limited to, consumer protection procedures, credit issues, and shutoff procedures.
- F) Details regarding the termination of the program.
- G) A description of the third parties that will be supplying electricity under the program, including, but not limited to, information about financial, technical and operational capabilities.

Pursuant to Public Utilities Code Section 366.2 (c)(4), a CCA is also to prepare and provide for all of the following:

- A) A statement of intent; and
- B) Provision(s) that provide for:
  - 1) Universal access;
  - 2) Reliability;
  - 3) Equitable treatment of all classes of customers; and
  - 4) Compliance with any legal requirements concerning aggregated service.

The California Public Utilities Commission hereby certifies that the Addendum No. 1 Implementation Plan and Statement of Intent submitted by East Bay Community Energy contains the information required by Public Utilities Code Section 366.2 (c). Should there be any modification to the Implementation Plan, including but not limited to the start date, anticipated load and phase-in schedule, East Bay Community Energy shall submit an updated Implementation Plan to the California Public Utilities Commission in the same manner it submitted the original plan.

Pursuant to P.U. Code Section 366.2 (c)(7), the California Public Utilities Commission is required to provide East Bay Community Energy with “its findings regarding any cost recovery that must be paid by customers of the community choice aggregator to prevent a shifting of costs as provided for in P.U. Code Section 366.2 subdivisions (d), (e) and (f).” The costs referenced in P.U. Code Section 366.2 subdivisions (d), (e) and (f) are recovered via separate charges for: (1) Power Charge Indifference Adjustment (per kWh); (2) DWR Bond Charge (per kWh); and (3) Competition Transition Charge (CTC) (per kWh). By this letter, the California Public Utilities Commission informs East Bay Community Energy that these costs are identified on each of Pacific Gas & Electric’s customer-class-specific tariff sheets, in the “Special Conditions” section, sub-section “Billing,” in the section labeled “Direct Access (DA) and Community Choice Aggregation (CCA) customers” and in the column labeled “Community Choice Aggregation Cost Responsibility Surcharge (CCA CRS).”

Sincerely,

A handwritten signature in blue ink, appearing to read 'ER', with the letters 'FOR' written in blue ink below it.

Edward Randolph  
Deputy Executive Director for Energy and Climate Policy/  
Director, Energy Division

cc:

Eric Jacobson., PG&E ([PGETariffs@pge.com](mailto:PGETariffs@pge.com)) and USPS)

Mitchell Shapson ([Mitchell.Shapson@cpuc.ca.gov](mailto:Mitchell.Shapson@cpuc.ca.gov))

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