



Published April 27th, 2022

Orinda again closes the door on Marin Clean Energy

By Sora O'Doherty

Yet again the Orinda City Council has refused to even consider the possibility of joining Marin Clean Energy. Mayor Dennis Fay expressed himself to be "extremely disappointed" as his motion to explore the questions surrounding joining the community choice aggregator failed to receive a second from Vice Mayor Inga Miller or council members Amy Worth or Nick Kosla. Council Member Darlene Gee recused herself because her husband is retired from Pacific Gas and Electric Co.

Marin Clean Energy is one of a number of community choice aggregators in the state of California and was the first in California. Launched by Marin County in 2010, MCE provides electricity service to more than a million residents and businesses in 34 member communities across four Bay Area counties: Contra Costa, Napa, Marin and Solano. Contra Costa County is a member community, as are 14 of the 19 cities within the county, save only Orinda, Antioch, Brentwood, Clayton, and Hercules.

The item was on the April 19 agenda as a matter initiated after Miramonte High School student Kaitlyn Roach asked the city to consider joining MCE. Roach is president of the school's Climate Action Club, and recently succeeded in getting the city to agree to commit to joining Sustainable Contra Costa County. The council had two controversial items on its agenda, and attracted very large numbers of people attending the Zoom meeting. The council proceeded to consider the draft Housing Element first (see story, Page A7). The discussion went on for hours. At some point, the council realized that it would have to continue some other matters on the agenda, and did so, but kept the discussion about MCE until the end of the evening, requiring votes to extend the meeting past 11 p.m. twice.

The matter was introduced by City Manager David Biggs, who noted that staff provided some background, but if the council was interested in revisiting the question of joining MCE, he suggested that they could invite MCE and PG&E to come and make presentations to answer the council's questions. Biggs added that the city of Fairfield is the most recent to join MCE, and that he had talked to the city about their experience. Biggs also reported talking to the mayor and staff in Lafayette, who said that joining MCE was a little bit time consuming, but that the amount of time required after getting in is "pretty minimal." Biggs also talked to the MCE member from Danville.

The council received some 22 emails before the meeting about MCE and heard public comments during the meeting. Roach urged the council to join MCE and make it easy and effective to support cleaner energy in the future.

Nick Waranoff strongly objected to the item. "If MCE were that good," he said, "it would be an opt-in program, not an opt-out one." (The legislation allowing CCAs requires that they be opt-out.) He made a number of points, including that PG&E offers fully renewable energy just like MCE does (although PG&E's 100% renewable energy is not currently available), and that "once you get into a joint powers agreement, there is no exit."

A fact sheet provide by MCE to the city council earlier states that a jurisdiction could withdraw from the JPA, but could be responsible for reimbursing MCE for the long-term energy contracts purchased on behalf of the jurisdiction. However, it might be possible for MCE to make adjustments to short-term energy contracts, according to MCE. "If another new jurisdiction is joining MCE near the same time, the energy purchased on behalf of the existing jurisdiction could be transitioned to the new jurisdiction." Since its inception in 2010, no community has left MCE's JPA.

Most of the public comments, both in writing and at the Zoom meeting, were staunch supporters of joining MCE. Latika Malkani, a member of the Supplemental Sales Tax Oversight Committee, addressed a few big picture points. When the matter came before the council in the past, she said, MCE and CCAs were very new, but now there is so much information available showing that the concept has been tested and proved very successful in other communities. "I am a huge supporter," she said, "and now Orinda is behind the game, having not signed on to a CCA and given our residents a choice." Malkani added that many other students would have spoken if the council had reached the matter earlier in the evening.

Former Moraga Mayor Lynda Deschambault said, "When I was the mayor of Moraga I used to look to Orinda, but Orinda has really fallen behind the curve." She urged the council to move forward to at least put the matter on a future agenda, as did Mike Roemer, Matt Forgarty, and Charles Porges. Supporters who submitted written comments included the League of Women Voters. A professor from Berkeley's Haas Graduate Business School, offered the council an analysis of CCAs in general and urged them to perhaps shop around before selecting one.

Waranoff and Judy Sherwood were the only written comments opposing MCE, with Sherwood suggesting that MCE is "nothing but a scam," and unregulated. Speaking to the Lamorinda Weekly after the meeting, Jenna Tenney, MCE's Marketing and Communications Manager, explained that while the California Public Utilities Commission does not regulate MCE's rate setting, it does regulate other aspects of the business. Rates are set by MCE's board, which is made up of representatives of local governments.

Miller argued that in voting on things that are going to be the basis of rates, Lafayette and Moraga have like a 1% of the vote. MCE has stated that its board operates generally under a one-community-one-vote policy and has never called a weighted vote based on the electric load of each member community. Miller agreed with Waranoff. "It doesn't smell right," she said; "if it was so great, they wouldn't keep courting us." Worth appreciated all of Miller's comments. She said that in her experience, JPAs require a tremendous amount of time, suggesting that city staff, including the city attorney, would have to look at every one of the JPA's contracts. "It's a huge commitment," she concluded.

In response to Worth's comment after the meeting, MCE stated that joining a CCA JPA often brings more

resources and support to city staff. "We provide additional programs to the community and support GHG and energy savings reporting for city staff."

Council Member Nick Kosla asked, "It feels good and it sounds nice, but what does it really mean?" He wondered how Orinda joining MCE would actually impact climate change.

Reach the reporter at: sora@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA