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OAKLAND

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Approved as to Form and Legality

DRAFT

City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB

Resolution in OPPOSITION to Assembly Bill (AB) 2145 (Bradford) – state legislation that would effectively impede local jurisdictions' ability to create workable electricity community choice aggregation programs by replacing the current opt-out structure with an opt-in structure

WHEREAS, existing state power regulation rules provide that customers may aggregate their electric loads using community choice aggregators (CCA) and require customers to affirmatively opt-out of an implemented CCA; and

WHEREAS, AB 2145 authored by Assemblymember Steven Bradford would replace the existing opt-out requirement for CCAs with an opt-in mechanism; and

WHEREAS, a letter to Assemblymember Bradford from the Local Clean Energy Alliance in Oakland refers to AB 2145 as the "Monopoly Protection Bill" and notes that it would essentially reverse the Community Choice Aggregation Law passed in 2002, since an opt-in requirement would make it virtually impossible to achieve the critical mass necessary to implement a CCA; and

WHEREAS, AB 2145 is reminiscent of other legislative efforts to impede the formation of CCAs, including California Proposition 16, which Pacific Gas & Electric spent over \$44 million to pass, would have required two-thirds voter approval before local governments could expend funds or issue bonds to establish public electricity service or a CCA, and the electorate voted to reject in 2010; and

WHEREAS, AB 2145 fundamentally reduces local control over the CCA process; and

WHEREAS, AB 2145 is opposed by numerous organizations and governments, including Asian Pacific Environmental Network, the Cities of Richmond, San Pablo, and Sunnyvale, Greenlining Institute, League of California Cities, Sierra Club California, and The Utility Reform Network; now, therefore, be it

RESOLVED: That the Oakland City Council hereby opposes AB 2145.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND
PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California