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OFFICE OF THE CITY CLERK  
OAKLAND

14 MAY -1 PM 4:15

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