



# Sustainable Economies Law Center

*Legal education, research, advice, and advocacy for just and resilient economies.*  
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**June 20, 2018**

**Subject: Comments on Draft Local Development Business Plan**

East Bay Community Energy  
1111 Broadway, 3rd Floor  
Oakland, CA 94607

*Sent via email to: [LDBPcomments@ebce.org](mailto:LDBPcomments@ebce.org)*

Dear East Bay Community Energy:

The Sustainable Economies Law Center submits the following comments on the Draft Local Development Business Plan (LDBP) released on June 4, 2018. At the outset, we want to thank community members and organizations, county and city officials, EBCE staff, and the LDBP Consulting Team for all of its work on this draft plan -- from envisioning and requesting the LDBP in the first place to the unprecedented and thorough effort that led to this draft and so many associated work products.

We primarily want to convey our **full support of the comments of the East Bay Clean Power Alliance (EBCPA)**, submitted today. Our Law Center is one of the many organizations that are a part of this Alliance. The EBCPA has been instrumental not only in organizing community engagement to encourage our local governments to study and then create a community choice entity, but the Alliance also proposed the drafting of a LDBP and provided vital input on what it should entail.

The Law Center would like to emphasize the following key points raised by EBCPA:

## **I. THE DRAFT LDBP IS A BREAKTHROUGH TECHNICAL RESOURCE**

EBCPA highlights seven key aspects of the Draft LDBP that contribute to it being a comprehensive analysis of achievable mechanisms for EBCE to provide cleaner energy in a fashion that also promotes equitable economic and social benefits to local communities. This includes a focus on community engagement, ten specific programmatic approaches, key strategies to maximize local benefits, and recommendations for measurement, evaluation, and iteration of the LDBP. The Law Center supports EBCPA's comments on the

merits of the DRAFT LDBP and also wants to reiterate that the draft offers recommendations crucial for EBCE's implementation of its JPA goals and EBCE's success as a leading community-centered energy service provider.

In particular, the Draft LDBP's recommendations for Collaborative Procurement (p. 21-26), including a Community Shared Solar pilot (p.22) and Community Net Energy Metering (p.22-25) addresses a stark imbalance in the ability for low-moderate income households, especially renters, to own and control their own sources of local energy production when rooftop solar is not an option. Energy ownership is a key vehicle for economic and social benefits. A few states in the country have recognized the barriers to energy ownership and addressed them by providing avenues for community-owned renewable energy projects, primarily through virtual net metering tariffs or shared solar programs. The Draft LDBP recommends adopting both such approaches locally. California has lagged behind the other leading states such as Colorado, Vermont, Minnesota, Massachusetts, and New York and offers no viable program for community-owned energy. Therefore, the Draft LDBP's recommendations are vital to overcome regulatory and market barriers for over 50% of residents without access to rooftop solar and provides an equitable pathway for all of EBCE's households to benefit from local distributed generation.

## **II. THE FINAL LDBP WOULD BE MORE EFFECTIVE WITH A FEW KEY MODIFICATIONS**

In its comments, EBCPA also raises four important areas of improvement for the DRAFT LDBP, which should be addressed in the Final LDBP. In addition to supporting EBCPA's comments, we briefly discuss a few of these issues in further detail below.

### **A. The Final LDBP Should Recognize Community Efforts**

As mentioned above, EBCPA and other community members and organizations played a critical role in providing input on goals and strategies for local development and community benefits. While the Draft LDBP does mention the importance of community engagement, and the process of drafting the LDBP involved multiple engagement efforts, there is a lack of recognition of the community efforts that supported the development of proposed strategies and the ongoing role of the community in continuing to develop future solutions for local development.

### **B. Local Development and Community Benefit Metrics Require More Elaboration**

EBCPA also raises important concerns about the clarity and specificity of LDBP performance metrics. While the “Quantifying LDBP Benefits” provides a high-level overview of some metrics, it is not clear exactly what these metrics are, and thus whether they are comprehensive enough. For example, while some labor benefit metrics are described, there does not appear to be any discussion of local financial investment and ownership (wealth-building) benefits for actions that would build more wealth within the county as opposed to outside of the county. The LDBP RFP also required recognition of *qualitative* metrics as well as quantitative metrics, but qualitative metrics do not appear to be discussed.

### **C. The Final LDBP Must Commit to a *Plan For At Least A Few Years***

While the Draft LDBP provides many great recommendations, the Final LDBP adopted by EBCE must commit to a plan to achieve local development for at least a few years. The draft states that “*I- Early Actions for Local Development* offers a detailed discussion of a set of recommended early actions for EBCE to consider implementing in between 2018 and 2020.” (p. 11) However, the JPA and RFP for drafting the LDBP intended for the end result to be an actual implementable plan, not just recommendations. It is of course reasonable and only practical that recommendations and scenarios must first be reviewed by the community, EBCE Board of Directors, and EBCE Staff before the agency commits to its initial pathway forward. Nevertheless, the Final LDBP must be clear in having made a decision of EBCE’s intention for both internal and external stakeholders. This can be achieved by ensuring that the final version states what recommendations have been adopted as plans as opposed to which are still being considered.

The Sustainable Economies Law Center appreciates the opportunity to submit these comments and respectfully requests that the Board and Staff of EBCE adopt the Draft LDBP as an implementable plan, with proposed amendments, and commit to continuing to work with Alameda County’s community to develop robust, innovative, and equitable programs that will help promote clean energy and local community benefits for its residents.

Sincerely,

*/s/ Subin DeVar*

Subin DeVar

Community Renewable Energy Program Director, Sustainable Economies Law Center  
Former EBCE Community Advisory Committee Member