



## Staff Report Item 5

**TO:** East Bay Community Energy Board of Directors  
**FROM:** Annie Henderson, Vice President of Marketing and Account Services  
**SUBJECT:** Approval of Terms and Conditions of Service  
**DATE:** February 21, 2018

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### **Recommendation**

Approve EBCE customer Terms and Conditions of Service.

### **Background**

Terms and Conditions of Service are required as part of customer noticing. The California Public Utilities Code Section 366.2, part (15) states the following (*emphasis added*):

(A) The community choice aggregator shall fully inform participating customers at least twice within two calendar months, or 60 days, in advance of the date of commencing automatic enrollment. Notifications may occur concurrently with billing cycles. Following enrollment, the aggregated entity shall fully inform participating customers for not less than two consecutive billing cycles. Notification may include, but is not limited to, direct mailings to customers, or inserts in water, sewer, or other utility bills. *Any notification shall inform customers of both of the following:*

*(i) That they are to be automatically enrolled and that the customer has the right to opt out of the community choice aggregator without penalty.*

*(ii) The terms and conditions of the services offered.*

EBCE staff worked with our consultant, Shawn Marshall of LEAN Energy US, and legal counsel, Inder Khalsa of Richards|Watson|Gershon, to draft the following Terms and Conditions of Service (“Terms and Conditions”). The Terms and Conditions generally align with similar content provided by other Community Choice Aggregators in California, such as those posted on the Sonoma Clean Power website at <https://sonomacleanpower.org/terms-and-conditions-of-service/>.

These Terms and Conditions will be posted to ebce.org and an abbreviated version will be included on the customer notices mailed prior to and directly after mass enrollment.

### **Attachment**

A. Terms and Conditions of Service



POLICY # \_\_\_\_\_

**Terms and Conditions of Service****ENROLLMENT AND SERVICE OPTIONS*****Bright Choice*** (Standard, default service)

As of June 2018, East Bay Community Energy (EBCE) will be the default electric provider serving Alameda County, except the cities of Alameda, Pleasanton, and Newark. Accounts within EBCE's coverage area will be automatically enrolled in EBCE's *Bright Choice* service, which is powered by at least 38% renewable energy and an additional minimum of 47% carbon-free energy (together, a total of 85% carbon-free) and offered at a 1.5% discount to the corresponding PG&E rate. Enrollment will occur in phases over the next 6-12 months. Customers may request to "opt up" to the *Brilliant 100* service (100% carbon-free) or opt out and return to PG&E bundled service at any time, subject to the opt out guidelines described below. *Bright Choice* electric generation rates in 2018 are set below PG&E electric generation rates, inclusive of utility exit fees. More information about rates can be found at [ebce.org/rates](http://ebce.org/rates).

***Brilliant 100*** (Voluntary Program)

Once enrolled, you have the option to "opt up" to EBCE's 100% carbon-free service offered at the same cost as the corresponding PG&E rate. *Brilliant 100* customers may subsequently choose to return to the standard *Bright Choice* service at no cost. Participation in voluntary programs is effective as of the customer's next billing cycle.

***Early Adopter*** (Voluntary Program)

Before residential automatic enrollment begins in late 2018, residential customers are invited to "opt in" to EBCE service as Early Adopters in June 2018. Customers who enroll as Early Adopters must elect *Brilliant 100* service. Participation is voluntary, and Early Adopters who choose to return to PG&E bundled service may be subject to termination fees and special PG&E rates. Space in the Early Adopter program is limited.

**RATES, FEES AND PROGRAMS**

EBCE's electric generation rates are managed to provide cleaner, greener electricity to our community at competitive rates. Any future rate changes will be adopted at duly noticed public meetings of the EBCE Board. You can view EBCE rates online at [ebce.org/rates](http://ebce.org/rates), or call 1-833-699-EBCE (1-833-699-3223) for more information. Rates and cost comparisons may change over time.

As an EBCE customer, PG&E charges you a monthly Power Charge Indifference Adjustment (PCIA) and Franchise Fee Surcharge. EBCE has accounted for these additional exit fees and charges in its rate setting process. Please contact PG&E for more information about these charges.

Financial assistance programs including CARE (California Alternate Rates for Energy), FERA (Family

Electric Rate Assistance) and Medical Baseline Allowance remain the same with EBCE. If you are enrolled in any of these programs with PG&E, they will continue to apply to you as an EBCE customer.

## **BILLING**

As an EBCE customer, you will continue to receive a single monthly bill from PG&E that includes all electricity-related charges, including EBCE's electric generation charges. EBCE generation charges are not duplicate or extra fees. PG&E will forward your payments for electric generation to EBCE. PG&E will continue to charge for gas services, transmission, distribution, public goods programs and other non-generation charges at the same rates it charges customers who do not receive EBCE service.

## **OPT OUT**

You may opt out of EBCE electric generation service at any time by calling 1-833-699-EBCE (1-833-699-3223) or by completing the opt-out form at [ebce.org/optout](http://ebce.org/optout). You will need your PG&E account information to begin the opt-out process.

There is no fee to opt out before enrollment or in the first 60 days of receiving EBCE service. If you opt out 60 or more days after EBCE service begins, or if you are an Early Adopter, you will be charged a one-time termination fee of \$5 per residential account or \$25 per commercial account. This fee will be waived for customers that opt out prior to June 1, 2019. You will also be subject to PG&E's terms and conditions of service, which will prohibit you from returning to EBCE for a full year after your opt-out date.

If returning to PG&E generation service after receiving EBCE service for more than 60 days, or after enrolling as an Early Adopter, PG&E requires that you choose one of the following options:

- Option 1: Return to PG&E generation service at the end of the current billing cycle. You will be billed at PG&E's transitional rates for a six-month period, and PG&E's standard bundled electricity rates thereafter.
- Option 2: Give six month's advance notice of your intent to return to PG&E generation service. At the end of the six-month notice period, you will be returned to PG&E service and billed PG&E's standard bundled electricity rates.

Accounts of customers who have requested to opt out will be transferred on the next day their electric meter is read. Accounts cannot be transferred in the middle of a billing cycle. Your opt out request must be received at least 5 business days prior to your meter read date in order to switch service to PG&E before your next billing cycle begins. All other opt out requests will be processed on the subsequent meter read date. If you opt out or otherwise stop receiving service from EBCE, you will be charged for all EBCE electricity used before ending EBCE electric service.

## **FAILURE TO PAY**

If you fail to pay your bill, EBCE may transfer your account to PG&E upon 30 days' written notice for commercial customers and 60 days written notice for residential customers. If your account is transferred, you will be required to pay the opt out fees described above.

## **CUSTOMER CONFIDENTIALITY**

EBCE is committed to protecting customer privacy. EBCE's policy on customer confidentiality can be found at [ebce.org/confidentiality](https://ebce.org/confidentiality) or by calling 1-833-699-EBCE (1-833-699-3223).