

Public Comments

Agenda Item 5 – Building Code Update

Written Comments Received After 12pm on 11/28/2022



November 28, 2022

City Council Meeting

From: Coffey, Sarah
Sent: Tuesday, November 29, 2022 5:12 PM
To: Public Comment
Subject: FW: CPUC NEM 3.0 Proposed Decision
Attachments: Sample city resolution on solar@PUC.docx

From: Nancy Tierney [REDACTED]
Sent: Tuesday, November 29, 2022 5:11 PM
To: _City Council <citycouncil@ci.pacifica.ca.us>; Coffey, Sarah <scoffey@pacifica.gov>
Subject: CPUC NEM 3.0 Proposed Decision

[CAUTION: External Email]

Mayor and Council Members,

I am following up on an item that came up at last night's Council meeting, that of the Net Energy Meeting 3.0 Proposed Decision before the CPUC. There is a CPUC hearing on December 1, and a vote scheduled on December 15. Check out the Solar Rights Alliance site for more information: <https://solarrights.org>

I also am forwarding a sample letter being distributed by various groups such as SRA and Sierra Club that are concerned about the effects of the proposed decision. Councils can modify the letters for their use.

thanks for expressing your opposition to the CPUC proposed decision in our collective effort to protect rooftop solar.

Nancy Tierney

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

CONSENT CALENDAR

To: Honorable Members of the City Council

From: XXXXX

Subject: Reaffirm Support for Net Energy Metering

RECOMMENDATION

Send the enclosed Resolution in support of Net Energy Metering and transmit copies to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board (CPUC). The Proposed Decision (PD) issued by the CPUC on November 10, 2022, continues to threaten access to net energy metering and rooftop-scale solar and storage by homeowners and tenants alike, thus interfering with Berkeley's and California's climate action and equity goals.

BACKGROUND

Customers who install small solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs are eligible for the state's Net Energy Metering (NEM) program. NEM allows customers who generate their own energy to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to their utility.

The current NEM program was adopted by the California Public Utilities Commission (CPUC) in Decision (D.)16-01-044 on January 28, 2016. The program provides customer-generators rate credits for energy exported to the grid and requires them to pay charges that align NEM customer costs more closely with non-NEM customer costs. NEM is designed to support the installation of customer-sited renewable energy generation.

In 2020 the CPUC launched a formal proceeding to update the current NEM structure. The new rulemaking is referred to as NEM 3.0 because this is the third iteration of the NEM program. Over 17 proposals were submitted to the CPUC for consideration, including joint proposal from the state's big three investor-owned utilities (IOUs), Pacific Gas & Electric, Southern California Edison and San Diego Gas & Electric. Opponents of the big three IOUs' joint proposal claim that it would hinder the state's highly successful rooftop solar market which is a key strategy in the state reaching its lofty clean energy and environmental goals.

On November 10, 2022, the CPUC released the latest NEM 3.0 PD.^[1] While, unlike a previous iteration of the proposal, this PD does not propose a tax solar and solar-plus-

storage consumer that intend to use NEM, the following aspects of the PD are still too extreme:

- Most residential NEM solar consumers after April 2023 will see an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.
- Churches, schools, or businesses who go solar after April 2023 will see an even bigger reduction in the solar credit.^[2]

As such, this PD – while an improvement over its predecessor issued in December 2021^[3] – continues to violate the following principles expressed by the City Council in 2021^[4] and 2022,^[5] respectively:

- Protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity; and
- Expressing its support for the items as stated above, including urging the CPUC to:
 - (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
 - (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
 - (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
 - (iv) exclude provisions set forth in the IOU Proposal such as high monthly fixed fees and reducing or eliminating credits for sharing electricity with the power grid.

A consensus has emerged among stakeholders that a fair and effective rooftop solar policy must share its benefits with low-income and disadvantaged communities that have previously been left out. As such, the latest PD is still too extreme, particularly through its proposal to dramatically slash net energy compensation over a period of just

six months from its issuance – the steepest such cut proposed at any time, anywhere in the nation.

FINANCIAL IMPLICATIONS

Limited staff time associated with sending a letter to designated recipients.

ENVIRONMENTAL SUSTAINABILITY

No direct identifiable environmental sustainability savings are associated with this item. However, the passage of the latest NEM 3.0 PD is likely to squelch the deployment of rooftop-scale solar and storage in the City of Berkeley, which would interfere with a key strategy in the realization of Berkeley's Climate Action goals.

CONTACT PERSON

XXXXX

510-981-71XX

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF NET ENERGY METERING

WHEREAS, Net Energy Metering (NEM) is designed to support the installation of customer-sited renewable energy generation; and

WHEREAS, NEM allows customers to receive bill credits for power generated by their solar system and shared with the power grid and ultimately save money on their utility bills; and

WHEREAS, NEM is what has allowed solar to become increasingly accessible to low and moderate income households; and

WHEREAS, In 2020 the California Public Utilities Commission (CPUC) launched a formal proceeding to update the current NEM structure as NEM 3.0 and a number of parties have submitted their proposal for what they believe NEM 3.0 should look like; and

WHEREAS, the California Investor Owned Utilities (IOUs), Pacific Gas and Electric, San Diego Gas & Electric and Southern California Edison, have submitted a joint proposal (the "IOU Proposal") that calls for drastic changes to NEM that would make customer-sited renewable energy more expensive, increase the amount of time it takes for customers to pay off their systems, and ground to a halt the installation of distributed solar in California; and

WHEREAS, The IOU Proposal would make it impossible for customer-sited renewables to continue to grow sustainably as mandated by law as a result of high monthly fixed fees for all solar installations, and slashing credits customers receive for sharing their excess electricity with the power grid; and

WHEREAS, proposals submitted to the CPUC by Protect Our Communities Foundation, California Solar & Storage Association, Vote Solar, GRID Alternatives, Solar Energy Industries Association, and others not only would encourage new solar adoption but also include additional subsidies for low income customers; and

WHEREAS, On November 10, 2022, the CPUC released the latest NEM 3.0 proposed decision which includes the following features:

- Most residential NEM solar consumers after April 2023 will see an average 75% reduction in the credit they receive for sharing their extra energy with the grid – from an average of \$.30/kilowatt-hours (kWh) to about \$.08/kWh.
- Churches, schools, or businesses who go solar after April 2023 will see an even bigger reduction in the solar credit.

WHEREAS, California cannot meet its clean energy targets in time with utility scale solar alone and needs to triple the amount of rooftop solar, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

WHEREAS, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California as well as our own city to move toward 100 percent clean energy, lessen the impacts of the climate crisis, and reduce climate injustices from dirty energy; and

WHEREAS, we are in a climate crisis and need to make the transition to clean energy more accessible.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it supports protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not harder, for people to adopt rooftop solar and energy storage in order to meet California's ambitious clean energy targets and deploy solar in all communities and households, particularly those struggling to pay for electricity;

BE IT FURTHER RESOLVED that the Berkeley City Council declares that the NEM 3.0 proposed decision issued by the CPUC on November 10, 2022, while an improvement over its predecessor, is still too extreme;

BE IT FURTHER RESOLVED that the Berkeley City Council urges the CPUC to

- (i) strengthen NEM to expand access to all households, particularly of low-and-moderate income;
- (ii) expand access to other clean energy technologies that pair with solar, such as batteries;
- (iii) ensure that the solar installations continue to grow in order to meet State and City climate goals; and
- (iv) continue to exclude provisions set forth in the IOU Proposal such as high monthly fixed fees; and
- (v) reverse the proposed dramatic slashing of credits for sharing electricity with the power grid.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Governor Gavin Newsom, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and members of the California Public Utilities Commission Board.

[1] <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M498/K526/498526033.PDF>

[2] <https://solarrights.org/update-state-officials-release-new-rooftop-solar-proposal/>

[3] <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/net-energy-metering-nem/nemrevisit/430903088.pdf>

[4] <https://berkeleyca.gov/sites/default/files/documents/2021-10-26%20Item%2027%20Support%20Net%20Energy%20Metering.pdf>

[5] <https://berkeleyca.gov/sites/default/files/2022-04/2022-01-18%20Item%2021%20OPPOSE%20Net%20Energy%20Metering.pdf>

Public Comments

Agenda Item 9 – City Manager Agreement

Written Comments Received After 12pm on 11/28/2022



November 28, 2022

City Council Meeting

From: Robert [REDACTED]
Sent: Monday, November 28, 2022 5:42 PM
To: Public Comment
Cc: Mike O'Neill; Beckmeyer, Sue; Vaterlaus, Sue; Bigstych, Tygarjas; Bier, Mary
Subject: Item #9 11/28/22 comment

[CAUTION: External Email]

I want to register a strong objection to giving our city manager Kevin would have any raise at all. His unethical acts and illegal practices have lost the trust of many of the public and cost the city millions in lawsuits and unnecessary extravagant building of the Civic Center based on a lie told by Mr. Woodhouse about dangerous Mold being present in the building, but he wouldn't release the report showing that there was dangerous mold. And so instead of a half million dollar renovation to City Hall we pay 2 million to architects for the design and then over 10 million more for building costs which were totally unnecessary but all based on Woodhouse conveying to city Council that there is dangerous mold spores in the building and this drastic remediation needed to be done. None of the experts in any of the reports recommended this drastic of a remediation they only recommended remediation with a cost under \$500,000. Instead he's cost the taxpayers over 12 million taken at an illegal \$4 million loan in the city's name without an election and now asked for tax increases because we're broke but never mentions the \$12 million boondoggle he pushed through without any public input or workshops or meetings. Mr. Woodhouse does work very hard, but at keeping information from the public and in an illegal fashion such as illegally using the drafts loophole in the public records act to keep original reports from outside agencies away from public eyes he calls these original finished and paid for reports drafts like a memo or something which he says he's allowed to hold from public view which is absurd. Mr. Woodhouse has an intense disregard for the public and actually detests them. He also has no qualms about lying outright to the public which has trickle down to the employees who also practice this disrespectful behavior. He does not acknowledge the part of his job is to serve the public as a public servant which he does not.

An example of this disrespect is Therese Dyer's testimony at a March 2022 Council meeting. Dyer, a 90-year-old Korean Veteran, testified that Mr. Woodhouse chased her out of City Hall screaming at her to get out, get out only because she asked a simple question about her sewer line and possibly the city might be responsible for paying for it. Miss Dyer, who is an outspoken member of our community, has been afraid to go back to City Hall ever since this embarrassing incident happened. This is disgraceful and goes against every ethical tenant Mr. Woodhouse has agreed to uphold.

I myself have witnessed Mr. Woodhouse's employee being totally dishonest intentionally. An example of this is a meeting Miss Dyer had with manager Woodhouse and I was asked by Miss Dyer to accompany her in the meeting for moral and physical support because she has trouble walking. When I arrived the meeting was already started in his office so I asked to be let in and his secretary was resistant. Finally I insisted so his secretary went in for a few minutes and then came back out and said no Mrs. Dyer does not want you in the meeting. I question this and she's stuck to the story. When Miss Dyer came out I told her and she said that the secretary hadn't even spoken to her in the meeting and yes of course she wanted me there. I reported this to Mr. Woodhouse who did nothing that I'm aware of.

Mr. Woodhouse does not like to follow the laws for the freedom of information act; he makes it almost impossible for people to get information if he doesn't want them to be vague and just returning a response saying no responsive documents found. He refuses to supply the names of people who denied their request, and plays games with what they're requesting if he doesn't want them to have it like the loan papers I've been asking for almost a year. If you don't believe me, ask the incoming city Council member Christine Bolus who said she's been waiting for over a year for the

freedom of information act request that's been ignored. She knows all the problems Woodhouse causes in that department and other departments too.

Now I see Mr. Woodhouse is playing games with the Pacifica pier maintenance and repair, put in a call for bidders that was impossible for any bidder to meet asking for 110% of the cost be put up as a bond then goes on to list the ways that they can lose their bond then wonders why they didn't get any bidders and now for some he is having a company reinspect the pier for structural weakness probably trying to find something so they can close it down like he wanted to in the first place but he knows that I stopped him from doing it by calling the coastal commission so he's got a personal reason to shut it down. Meanwhile the million dollars in grants slated for the pier repair is going to expire plus they've eaten up over 200,000 of it for this inspection which was not required. When are they gonna start the construction on the railings? It's going on two years now!

More serious allegations face Mr. Woodhouse in my lawsuit against the city things that he primarily caused to happen just like the other lawsuits from the ACLU etc. were from acts Mr. Woodhouse initiated in the city attorneys office approved.

if city Council wants to regain the peoples trust Mr. Woodhouse needs to go and not be rewarded for making the city less transparent and actually hostile to the public

Best Wishes,

Bob Hutchinson

CAUTION: This email originated from outside of the City of Pacifica. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.