

RESOLUTION No. -2021-35

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY SUPPORTING A REGULATED NET ENERGY METERING (NEM) PROGRAM THAT ENCOURAGES CLEAN ENERGY DISTRIBUTED GENERATION AND HELPS MEET VITAL CLEAN ENERGY AND CLIMATE GOALS**

**WHEREAS**, Net Energy Metering (NEM) is designed to encourage and support the installation of customer-sited, behind-the-meter renewable energy generation in order to reduce emissions of heat-trapping greenhouse gases and bolster a clean energy economy; and

**WHEREAS** The East Bay Community Energy Authority (“EBCE”) was formed as a Community Choice Aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro, and Union City, followed by the addition and inclusion in March of 2020 of the cities of Newark and Pleasanton, located in Alameda County, and the City of Tracy, located in San Joaquin County, to study, promote, develop, conduct, operate, and manage clean energy and climate programs in the member jurisdictions.

**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 electricity utility bills, which also over time helps reduce costs to the power grid; and

**WHEREAS**, NEM is what has helped behind-the-meter solar become increasingly accessible to lower income households; and

**WHEREAS**, Assembly Bill 327 (Chapter 611, statutes of 2013 as amended) includes a sub-section that directs the California Public Utilities Commission to adopt a NEM policy that ensures solar distributed generation will continue “to grow sustainably and include specific alternatives designed for growth among residential customers in disadvantaged communities.”

**WHEREAS**, California is much less likely to adequately meet its 2030 and 2045 clean energy goals in time with utility scale solar alone and needs to substantially increase the amount of rooftop solar and associated storage, as reported by the California Energy Commission 2021 SB 100 Joint Agency Report Summary; and

**WHEREAS**, Customer-sited solar distributed generation leads to overall savings on future transmission costs in California; and

**WHEREAS**, protecting rooftop solar and expanding access to rooftop solar in communities of concern will help California and cities in EBCE service territory to

move toward 100 percent clean energy, lessen our contribution to the climate crisis, and reduce air quality injustices from dirty energy; and

**WHEREAS**, we are in a worldwide climate crisis and need to make the transition to clean energy more accessible by keeping all types of eligible renewable energy in the mix.

**NOW THEREFORE, BE IT RESOLVED** that the East Bay Community Energy (EBCE) authority supports protecting and expanding rooftop solar via a strong succeeding NEM tariff and expanding clean energy access by making it easier, not costlier, for people to adopt rooftop solar and related energy storage in order to meet California's important clean energy targets and deploy solar in all communities and households, particularly those most struggling to pay their electricity bills;

**BE IT FURTHER RESOLVED** that East Bay Community Energy (EBCE) respectfully urges the CPUC to strengthen the NEM program in a manner that

- (i) Expands clean distributed generation access to all households, particularly of low- and moderate income ratepayers;
- (ii) Expands access to other clean energy technologies that pair with solar, such as battery storage;
- (iii) Ensures that the solar installations continue to grow in order to help meet State and local climate goals; and
- (iv) Excludes provisions for high monthly fixed fees.
- (v) Integrates Time-Of-Use rates into NEM 3.0 as appropriate to incentivize solar distributed generation, electrification and energy efficiency.
- (vi) Ensures that customers in Environmental and Social Justice communities who have not had much access to rooftop, behind-the-meter solar are provided generous incentives so they can be a greater part of the clean energy solution to the climate crisis.
- (vii) Ensures that low-income customers have the opportunity to access the bill savings and resilience benefits associated with the NEM tariff.
- (viii) Provides a pathway for Environmental and Social Justice communities to own and operate distributed generation and related storage projects in their communities and to their benefit, and
- (ix) Ensures low-income customers are incentivized with retail rates to participate in the NEM program.

**BE IT FURTHER RESOLVED** that elements of any NEM 3.0 program should take into account expected job impacts in the solar industry and seek to avoid job loss in the solar distributed generation sector.

**BE IT FURTHER RESOLVED** that that copies of this Resolution shall be sent to each member of the California Public Utilities Commission and to Governor Gavin Newsom.

ADOPTED AND APPROVED this 3<sup>rd</sup> day of December, 2021.

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Dianne Martinez, Chair

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Clerk of the Board