Andrea Pizano

From: Tim Taylor <[redacted]>
Sent: Wednesday, May 14, 2025 9:24 AM
To: Andrea Pizano; Kent T; Monica Padilla
Subject: Please accept these public comments submitted in a timely manner for this afternoon Board of Directors meeting. afternoon Board of Directors Meeting

Ms.Pizano,
I was quite taken aback by your statement that SVCE considers this matter to be resolved even though I have never spoken with you before
and I am in the middle of an ongoing dialogue with several members of SVCE and I have followed the communication suggested in what you are about to read, including the filing of a complaint with Kaylee, only to have you tell me that the matter is resolved. That is no way to communicate. It is by no means resolved.

I am asking you to please send a copy of this email to all members of the Board of Directors since their contact information is not provided on your website.

I would hope that you are aware of your responsibilities as a public entity. I trust the following information provided with the help of AI will remind you of your responsibilities
as Kaley has acknowledged:

Does Silicon Valley Clean Energy in California have any legal obligations on how it interacts with its customers?

Edit

Yes, Silicon Valley Clean Energy (SVCE), as a community choice aggregator (CCA) in California, has several legal obligations regarding customer interactions:

1. **Disclosure Requirements**: SVCE must provide clear information about rates, terms, and conditions to customers, including comparisons with PG&E (the incumbent utility).
2. **Opt-Out Rights**: Under California law, customers are automatically enrolled in SVCE but must be informed of their right to opt out and return to PG&E service.
3. **Consumer Protection**: SVCE must comply with California Public Utilities Commission (CPUC) regulations regarding marketing, billing practices, and customer service standards.
4. **Privacy Regulations**: Customer data must be protected in accordance with California's strict privacy laws, including the California Consumer Privacy Act.

5. **Renewable Portfolio Standards**: SVCE has legal obligations to meet California's clean energy requirements and properly communicate their compliance to customers.
6. **Rate Setting Transparency**: As a public agency, SVCE must follow open meeting laws when setting rates and policies affecting customers.
7. **Non-Discrimination**: SVCE must treat all customers within its service territory equally and cannot discriminate in its service offerings.

These obligations are enforced through California law, CPUC regulations, and local ordinances governing CCAs. If you have a specific interaction or concern with SVCE, I could provide more targeted information.

How is SVCE obligated to inform its customers about changes made in cash back payouts to customers - what notice and in what form do they have to give and, if the agenda is to reduce payments do they have to notify customers specifically about the plans for reduction?

Edit

Silicon Valley Clean Energy (SVCE) has specific obligations regarding notification of changes to customer benefits like cash back payouts. Here's what they're legally required to do:

1. **Public Meeting Requirements**: As a public agency, SVCE must:
   - Post public meeting agendas at least 72 hours before board meetings (per Brown Act requirements)
   - Clearly list significant policy changes like reductions in cash back programs on these agendas
   - Hold public discussions and votes on these changes in open meetings
2. **Direct Customer Notification**: For material changes to financial benefits:
   - SVCE must provide written notice to affected customers
   - This typically requires at least 30 days advance notice before implementation
   - The notice must clearly explain the nature and impact of the changes
3. **Communication Method**: Notifications must be delivered through:
   - Bill inserts or direct bill messaging
   - Direct mail or email (depending on customer communication preferences)
   - Information posted on their website
4. **Content Requirements**: When reducing payments, SVCE must:
   - Clearly state the amount of the reduction
   - Explain the timing of when changes take effect
   - Provide rationale for the reduction
   - Include contact information for questions or concerns
5. **Transparency Obligations**: SVCE cannot:
   - Obscure reductions by bundling them with unrelated changes
   - Use misleading language that downplays the financial impact

- Implement reductions without proper board approval and public notice

These requirements stem from a combination of CCA regulations, CPUC rules on customer communications, and public agency transparency laws in California. If SVCE failed to provide adequate notice of reductions to cash back programs, this could potentially violate these obligations.

If SVCE fails to follow notification regulations regarding changes to cash back payouts, customers have several avenues for recourse:

1. **Direct Contact with SVCE**:
    - File a formal complaint with SVCE's customer service department
    - Request to speak with a supervisor or manager
    - Document all communications (dates, names, content of discussions)
2. **Escalation to SVCE Board**:
    - Attend a public SVCE board meeting to speak during public comment
    - Submit written comments to the board of directors
    - Contact your local city representative on the SVCE board directly
3. **California Public Utilities Commission (CPUC)**:
    - File a complaint with the CPUC's Consumer Affairs Branch
    - Access the CPUC complaint system online at www.cpuc.ca.gov or call 1-800-649-7570
    - The CPUC has oversight authority for CCAs like SVCE
4. **Local Government**:
    - Contact your city council representative, as member cities have representatives on SVCE's board
    - Raise the issue at city council meetings during public comment periods
5. **California Energy Commission**:
    - File a complaint regarding improper notification practices
    - Request investigation of compliance with CCA regulations
6. **Legal Options**:
    - Consult with a consumer rights attorney if significant financial harm occurred
    - Consider small claims court for individual financial losses
    - In cases of widespread violations, class action litigation may be possible
7. **Public Advocacy Groups**:
    - Reach out to consumer advocacy organizations like TURN (The Utility Reform Network)
    - Contact the California Office of Ratepayer Advocates

The most effective approach usually starts with direct communication with SVCE while documenting all interactions, then escalating to regulatory bodies if necessary. When filing any complaint, include specific dates, documentation of missed notifications, and the financial impact of the changes.

..

I trust you found the above information about your responsibilities helpful and agree that SVCE has fallen short.

With regard to my surprise and disappointment regarding your choosing to call this matter closed, let me explain how this stance is consistent with SVCE's poor handling of my interactions and interactions with the public:

1. After I received notice of your reducing cash back I called your front office and was told that they knew nothing about it despite asking around. They requested that I send them a copy of your own notice.

2. I asked to speak with your CEO and was told she did not accept calls from the public but that I could file a request to have her contact me. I filed that request, the first of many that I filed with Alonso, Kaylee Dodson, Sara Hodson, and others. My requests and other statements herein are a matter of record and you may look up all my recorded phone calls. I never heard anything from the SVCE CEO Monica Padilla and am still waiting to have a conversation with her. I would hope she would realize how important and useful is feedback from the public

3. I spoke with and emailed Kaylee Dodson who was very polite and helpful while I explained the issue of the lack of notification about the cash back. She said that I must contact the Board of Directors. I said fine, but there was no way to contact any of them on your website - a real problem. Their contact information should be listed as well as an email address that goes to all of them. She quickly gave me the email of my local Director, George Tyson whom I immediately emailed. He replied "Thanks for your email, and I was indeed involved with the decision to change this rate, but I am concerned about the lack of opportunity for public comment that you mention. We had an extensive discussion about this topic at our Executive Committee (a public meeting), followed by discussion at our Board meeting, and we do make an effort to open each topic for public comment. Please allow me to check on that public comment issue, and I'll then reply on the thought process that we used."

I am still waiting after more than two weeks for the promised reply from Mr. Tyson regarding the lack of public comment and discussion, and thought process.

4. Following up on Mr. Tyson's statement about extensive discussions during the Executive meeting and the Board, I found no evidence on the recording of the Executive Meeting about any such extensive discussions or any discussions that engaged the public. There was a one sided slanted presentation in favor of cutting the cash back that would affect 25% of your customers or about 10,000 customers, none of which were ever heard from. There was no public discussion and it was held in a room where there was no room for the public. It was mentioned that most of the customers affected were quite "affluent" who would not care about '$100 one way or another'. The item was described as an "update" of the cashout policy - one might think that there was going to be an increase - no transparency at all.

Regarding the Board Meeting, the item 1f was called a "resolution to UPDATE SVCE's annual net surplus cash out terms". No notice that the measure was actually about cutting them in half, maybe they were going to be increased, again very misleading and no transparency. There was no discussion of the cash out measure despite Mr. Tyson's claim, and there was no comment from the public - not surprising since the public was not properly informed about the purpose of the measure. There was, however, a no vote by Director Showalter who correctly pointed out that this was a major incentive reduction in

SVCE's long term policy of assisting and promoting the use of rooftop solar energy by the public. That was it, no discussion of the merits or ramifications, or pros and cons of the reduction and no public comment whatsoever. On the SVCE website there is or was a specific statement that the Board of Directors had an obligation to specifically seek public input on financial matters that affected customers. This was clearly never carried out.

5. When I spoke with the front office about something Kaylee Dodson had mentioned, the front office had no idea who she was and had never heard of her. They tried to find out but told me that there used to be a directory of staff but it had been removed. Further conversations revealed that there is little communication between the front and back offices and that they are regarded as 2 separate entities. Staff has told me that there is a problem with the lack of integration between the two offices. Not very useful for the public who calls SVCE with a question about its operations.

6. I have been given specifically conflicting statements fromSVCE about how the cash back under $100 credit is applied. Could you please send me a link and a copy of the specific policy verbage and documentation regarding this?

7. I have asked to receive dated copies of the notices that was supposed to be provided to me about the hearings and agenda as required by law, but I have received nothing as I never received proper notice about SVCE's intentions. I recently, after requesting, did receive notice of an upcoming meeting only the day before the meeting.

8. I will point out that after the reduction measure was passed, the public was quickly informed by email about what to expect. However, there were no such emails sent out while or before the measure was being considered so that the public could be properly informed and SVCE could have the benefit of public input which they are obligated to seek and which could help guide their deliberations.

I have been left with no alternative after spending a great many hours of my time following the proper channels on this matter and am disputing and filing a complaint with you about SVCE's handling of the cash back measure and the vote that was taken. It was not taken in a considerate and lawful manner and needs, at the least, to be taken again with the proper notification by email to all affected members before discussion and voting.

It does appear that SVCE has changed course and by its actions is no longer supporting and incentivizing clean rooftop solar energy and is failing in its outreach and communications with the public it is obligated to serve.

Thank you for your time and consideration of my request. I would welcome any comments or observations you may have.

Kent Taylor

For information about volunteer opportunities in the San Francisco bay area, please visit the Bay Area Volunteer Information Center at www.volunteerinfo.org