

Attachment 1: Reporting form for [Part (a) Process]

Part (a): Process for existing and prospective CCAs to obtain timely utility compliance with paragraph (9) of subdivision (c) of Public Utilities Code Section 366.2, which requires the utility to “cooperate fully with any community choice aggregators that investigate, pursue, or implement community choice aggregation programs.”

PART 1 (to be completed by CCA)

Submitted by:

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Please identify the specific matter on which the utility is not considered to be cooperating fully (add lines or pages as needed):

PG&E’s “Return to Bundled Service” form does not direct customer to contact MCE to opt out, but instead directs the customer to reply directly to PG&E.

Please provide a detailed description of the issue (add lines or pages as needed):

In May, 2010 the CPUC Energy Division directed PG&E to terminate the processing of opt outs for MCE’s CCA customers and turned the opt out process over to MCE. Despite this clear directive, PG&E has developed a form for customers who wish to return to bundled service and provided instructions on the form for all customers (including MCE customers) to return the form only to PG&E. Furthermore, PG&E has been attempting to process these opt out requests, in violation of the clear CPUC directive.

The CPUC directive followed months of abuses by the utility which tampered with the integrity of the opt out process. This ranged from a marketing campaign filled with mis-information about MCE, outbound calls aggressively pushing customers to opt out under false pretenses and prior to receiving any terms and conditions from MCE, and encouraging customers to opt out under methods not approved by the statutory process. Given these recent actions by PG&E it is clear that their involvement in the opt out process would diminish or completely threaten the integrity of the process.

MCE has requested that the instructions simply include the following statement, “If you are a customer of Marin Clean Energy this Notice to Return to Bundled Service form must be returned to MCE at...”

Without adding this language PG&E is acting in violation of the clear directive from the CPUC Energy Division in May, 2010 requiring that customers contact MCE directly to opt out.

Please describe the lack of full cooperation (add lines or pages as needed):

After PG&E representatives attempted to process customer opt outs using this form MCE notified them that this practice violated the May directive from the CPUC Energy Division and needed to be halted. Initially, there was no response from PG&E representatives but the representative attempted to process several other opt outs the following week.

MCE requested that a change be made to the form to avoid customer confusion and insure that the form was submitted in compliance with CPUC directive. PG&E representatives responded that the form could not be changed without approval of the full Commission. PG&E has not initiated a process at the CPUC to make the requested change to the form and as a result the form continues to direct customers to submit the form only to PG&E.

Please list the personnel at the utility with whom the community choice aggregator is working:

Name	Title	Phone Number	e-mail
Redacted	PG&E Energy Solutions & Service	Redacted	
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