

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):

New customers moving into MCE addresses are being opted out by PG&E in violation of the directive from the CPUC Energy Division.

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, since MEA began service to customers it has come to MCE’s attention that PG&E has not been enrolling new customers at MCE addresses in the MCE program to allow the MCE noticing process to occur. This protocol is important because it allows for the new customer to receive the terms and conditions of service from MCE and then make an informed decision on the generation provider.

Instead of following the statutory opt out process when a new customer calls to have new service turned on PG&E representatives are asking the customer if they want to opt out of MCE service before even being enrolled or receiving the terms and conditions. This activity is in clear violation of the CPUC directive to not interfere with the opt out process.

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 interfere with and threaten the integrity of the process.

MCE has requested that new customer move-ins be submitted to MCE for enrollment and noticing. It is unclear how many customers this has impacted but there are 538 customers shown as ‘turned off’ where there has not been a re-enrollment at the address. It is not possible for MCE to ascertain how many of these locations are vacant and how many have had a new turn-on and have been proactively opted out by PG&E in violation of the statutory opt out process.

Currently PG&E is acting in violation of the clear directive from the CPUC Energy Division in May, 2010 requiring that they not process opt outs for MCE’s CCA customers.

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

MCE has raised this issue with PG&E representatives and has not received a clear response. PG&E representatives confirmed that they are offering to opt the customer out of MCE service at the time the customer calls in to have service initiated. PG&E representatives have also stated that they have some confusion about whether or not they have the authority to initiate opt outs at this time.

To MECs knowledge, PG&E representatives have not agreed to stop processing opt outs.

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 | |
| | Regulatory Relations | | |