

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company to Implement
and Recover in Rates the Costs of its Photovoltaic (PV) Program

(U 39 E)

Application 09-02-019
(Filed Feb. 24, 2009)

TESTIMONY OF JOSHUA ARCE ON BEHALF OF THE GREENLINING INSTITUTE

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I. INTRODUCTION

Q1. Please state your name, title, and address for the record

A1. Joshua Arce, Executive Director of Brightline Defense Project. Brightline's address is 240 Golden Gate Avenue, San Francisco, California 94102.

Q2. Could you briefly describe your responsibilities at Brightline Defense Project?

A2: I have been Brightline's Executive Director since November 8, 2006. I am a graduate of the University of California at Los Angeles and University of California, Hastings College of the Law.

My primary responsibility is to implement Brightline's public policy advocacy work. These efforts include providing testimony before the San Francisco Public Utilities Commission and San Francisco Board of Supervisors, as well as crafting policy recommendations with respect to environmental and clean energy issues as well as green job distribution.

Q3: In summary, could you set forth the nature of your expertise as it pertains to Pacific Gas & Electric's ("PG&E") request for over \$1.45 Billion for its photovoltaic ("PV") program?

A3: I am offering testimony as a green workforce development expert relating the perspectives of Brightline and of the community groups we work with on environmental and community development issues in low-income and underserved communities. I will draw much of my testimony from my experience on green job issues surrounding a 5-megawatt solar installation on top of the Sunset Reservoir in San Francisco.

Q4: Please describe your expertise as it pertains to solar PV projects and regulatory proceedings.

A4: As I stated, much of my expertise with large-scale solar investments is drawn from San Francisco's 5-megawatt Sunset Reservoir solar installation, a \$50 million power purchase agreement with San Francisco-based Recurrent Energy. On the Sunset Reservoir project, I negotiated on behalf of seven community-based organizations with the San Francisco Public Utilities Commission, the Mayor's Office of Economic and Workforce Development, and Recurrent to reach a commitment that no less than thirty percent of the project workforce would be made up of qualified economically disadvantaged residents of San Francisco's most economically disadvantaged communities.

Q5: Could you please summarize your perspective?

A5: I view increased development of solar power not only as an investment in the renewable infrastructure necessary to stave off global warming, but as an important opportunity to fulfill a promise to communities that have historically borne the brunt of energy investments that have slowly destroyed our environment. That promise exists in the ability to phase out polluting

energy generating assets, such as fossil fuel-burning power plants, that disproportionately exist in and around low-income communities of color and in the potential to create employment opportunities through the development of a green economy for those same community members who suffered from the ills of our pollution-based economy.

In this proceeding there will be an abundance of testimony regarding the cost of PG&E's \$1.45 billion solar PV program, the fairness of charging ratepayers rather than shareholders for the cost of this investment, the need for equitable distribution of environmental benefits of this program between economic haves and have-nots, and the guarantee that increased solar would reduce power plant pollution in vulnerable communities. My testimony, however, will be confined to modifications that I recommend with respect to distribution of the jobs that will be created by PG&E's creation of 500 megawatts of new solar capacity.

PG&E's proposed PV Program requires modifications to ensure that economically disadvantaged Californians in their service territory, particularly in environmental justice communities that have borne more than their share of power plant pollution and in communities near the location of PG&E's PV installations, have the opportunity to work on this massive and important green energy infrastructure investment.

II. RECOMMENDED MODIFICATIONS FOR THE PG&EPVP PROGRAM

Q6: Are you familiar with the PG&E PV Program?

A6: Yes. PG&E proposes to initiate a five-year program to develop up to 500 MW of dispersed, generally from 1 to 20 MW, photovoltaic generation installations in PG&E's service territory in northern and central California. The PV Program targets up to 250 MW of utility-owned generation (UOG), with an anticipated capital cost of \$1.45 billion, and up to 250 MW of PPAs with third party renewable resource developers, at a pre-time of day (TOD) price of \$246/MWh. PG&E will also build an up to 2 MW PV Pilot Project at an estimated capital cost of \$11.9 million, to speed deployment of the larger PV Program once approved.

Q7: Do you believe that the Program provides benefits to ratepayers?

A7: I cannot speak to the benefits to ratepayers specifically other than the environmental policy underlying the state's Renewable Portfolio Standard. To the extent that concerns of the inequitable distribution of costs between ratepayers versus shareholders, and between income classifications of ratepayers, is not modified in this proceeding, job guarantees for ratepayers disproportionately affected by the program's cost can help mitigate those negative aspects.

Q8: Do you believe the Program should be approved as is or with modifications?

A8: The program requires modifications in order to guarantee green employment opportunities for communities located near the site of PG&E's proposed installations, particularly for qualified economically disadvantaged residents of neighborhoods that have suffered from the burdens of fossil fuel power plant pollution.

Q9: What modifications to the Program do you suggest?

A9: There are several way to ensure that this project creates hiring both locally, in terms of proximity to the site of PG&E's PV installations, and also equitably in terms of opportunities in environmental justice communities. One-half of PG&E's 500-megawatt proposal will be installed through Power Purchase Agreements (PPA) with private solar developers. During my experience on the City of San Francisco's 5-megawatt Sunset Reservoir PPA with private developer Recurrent I learned that local hiring and community-based employment opportunities can be memorialized in exhibits to a PPA. In the case of the Sunset Reservoir PPA, Recurrent first signed a Memorandum of Understanding ("MOU") with the City of San Francisco after Brightline and a coalition of community groups around the city applied pressure on the project at the San Francisco Public Utilities Commission and Board of Supervisors.

The MOU between Recurrent and the City outlined that entry-level positions on the solar installation would be filled with qualified economically disadvantaged residents from eight zip codes selected based on their rank in terms of economically disadvantageous factors such as unemployment, income, public housing, and educational level.

That MOU led to a multi-lateral agreement between Recurrent and the City that obligates Recurrent and its sub-contractors such as San Francisco-based Bass Electric to designate no less than 21 of 71, or 30%, of the total positions as "entry-level" subject to the community-hiring requirement.

Therefore, one proposed modification, at least with respect to PG&E's 250 MW of PPA PV installations, would be an amendment to PG&E's proposed form PPA that binds PG&E's vendors to hire qualified "economically disadvantaged individuals" from a certain geographic area. Two ideas for geographic area designation are: 1) within 10 miles of the PV installation that is subject to the PPA or 2) within 5 miles of the nearest fossil fuel-burning power plants over 50 MW in size.

It should also be noted that I leave "economically disadvantaged individuals" in quotes as a term of art that must be defined. The City and County of San Francisco defines the terms as a) eligible for services under the Workforce Investment Act of 1998 or b) at risk of relying upon, or returning to, public assistance. This definition might be explored as an option in this proceeding.

I also point out that San Francisco's 5 MW PPA required serious negotiations back and forth between the City and representatives of the electricians' union, International Brotherhood of Electrical Workers (IBEW) Local 6. Initially, there were to be 60 jobs on this project, all to be filled by members of Local 6. However, Local 6 indicated that it was unable to admit new apprentices that would meet a project requirement of hiring from disadvantaged communities. In addition, Local 6 maintains a seniority dispatch system that means new apprentices would lack the seniority required to work on the job.

A tremendous political mandate for community-based green jobs that included both Mayor Gavin Newsom and a majority of San Francisco Supervisors meant that a solution needed to be worked out, and that meant that jobs previously designated for IBEW Local 6 were re-classified as laborer positions to be filled by Laborers International Union Local 261. A reduction in the

number of electricians from 60 to 25 and the associated savings in wages meant that 11 additional laborers could be added to the project, for a total of 46 laborers.

Laborers Local 261 maintains a name call system whereby even new laborers could come into the union from the community and as long as they were called by the contractor, they would work on Sunset Reservoir. All 30% of the community hires on Sunset Reservoir will be drawn from Local 261.

One idea to create opportunities for local residents, especially economically disadvantaged residents, to work on solar installations to be performed under this proposed project is to partner with IBEW to create a cross-training position that is not exactly electrical apprentice and not exactly laborer, but still allows opportunities for entry-level positions doing this important work.

Before turning to strategies to deal with green jobs on PG&E's 250 MW of utility-owned generation, I would like to suggest that if the Sunset Reservoir PPA model resulted in 71 jobs over a six-month period installing 5 MW of capacity, PG&E's 250 MW in PPAs might be expected to create approximately 3,550 jobs, especially if PG&E's installations are to be widely dispersed. This very crude estimate may be more accurate than one might think, based on the small 1 MW – 20 MW anticipated size of each PPA installation.

Q10: How would these suggested modifications apply to the UOG portion of the program?

A10: The 250 MW of PV that PG&E's plans to build, maintain, and operate on its own has no PPA within which to attach a rider to implement a green workforce development provision. Presumably, however, PG&E possesses or will develop the equivalent of a design/build contract that can be used to house a contractual rider similar to that discussed with respect to its PPAs. PG&E's utility-owned installations are anticipated to be of the same 1 MW – 20 MW scale and thus we might anticipate the creation of an additional 3,550 jobs.

To the fullest extent possible, the Commission might also coordinate its efforts with local municipalities that maintain their own local hiring and First Source laws. The City of Richmond, for example, has boldly mandated all construction projects funded by Richmond dollars must be made up of a workforce with no less than twenty percent (20%) Richmond residents. The City of San Francisco is currently in the middle of consideration of a local hiring mandate similar to the City of Cleveland, Ohio's Lewis Law that recently survived a court challenge to its legality.

These "local jobs for local dollars" mandates stand aside First Source programs in cities that emanate from the Workforce Investment Act of 1998's goals of creating entry-level employment for economically disadvantaged individuals qualified by skills training from government and the community-based organization community.

My expertise does not extend to the CPUC's own rules and regulations, but I believe that the Commission should consider the creation of a local hiring policy crafted with the nimble elegance of Cleveland's Lewis Law—one that requires, for example, that "no less than 30% of a solar installation's workforce shall be made up of residents from the city in which the installation is located, with an emphasis of qualified economically disadvantaged residents."

My experience tells me that an all-inclusive green workforce development plan involves a combination of all of these strategies, a healthy dose of roundtable negotiations between interest groups, not the least of which includes organized labor, as well as tremendous vigilance on the part of policymakers, advocates, and community members.

Q11: Why do you believe these modifications are important?

A11: For the reasons I have stated, this project should not only serve to meet PG&E's obligations under the Renewable Portfolio Standard, but would also serve to empower communities and help those not part of past environmental movements join the effort to build a green economy and clean energy infrastructure.

Q12: Why do you believe the Sunset Reservoir Project was able to secure that commitment?

A12: The vision that a green economy can help lift communities from poverty and create opportunities for people of color, limited English speakers, women, and the formerly incarcerated, as well as those traditionally involved in building major energy infrastructure projects is one that has firmly found a home in all levels of policy-making and within a united front of community-based organizations.

The task of creating community-based green jobs on San Francisco's Sunset Reservoir project was performed by a hard-working coalition of groups that included Sierra Club, the Union of Concerned Scientists, the Ella Baker Center for Human Rights, Green for All, the Greenlining Institute, Brightline, the Apollo Alliance, and the Southeast Jobs Coalition.

The concessions from IBEW and a binding commitment written into the project's Power Purchase Agreement would not have been achieved without an advocacy effort that channeled the existing policy mandate within our local legislature and executive branch. Based on comments from Commissioner Dian Grueneich and Administrative Law Judge David Gamson at the recent public participation hearing on PG&E's Energy Efficiency program there may be a local hiring and community-based opportunity mandate at the California Public Utilities Commission as well.

Q13: Why should the Commission care about a jobs component in a proposal such as this?

A13: Job creation should be an important consideration in the approval of any project because (1) it mitigates the impact of rate increases; and (2) it provides benefits to ratepayers. More than 5,400 people are participating in solar job training programs this year in the state but it's not clear whether the state will have enough jobs to support these trainees.¹

With our extrapolation of the number of jobs created on Sunset Reservoir to the PV capacity PG&E's proposes to install, we anticipate the creation of 7,000 jobs through year 2014. There

¹ Jennifer Kho, Green Jobs: So Attractive, So Few, So Far, Jun. 26, 2009, <http://cleantechnica.com/2009/06/26/green-jobs-so-attractive-so-few-so-far/> (citing CLAUDIA EYZAGUIRRE, THE VOTE SOLAR INITIATIVE, SURVEY OF SOLAR ENERGY WORKFORCE DEVELOPMENT: OVER 5,000 INDIVIDUALS TRAINING FOR SOLAR CAREERS IN 2009 (Jun. 2009), <http://www.votesolar.org/trainingsurvey.pdf>).

must be no failure to identify the link between the policy discussion about green jobs as a pathway out of poverty and the potential to change lives with the green employment opportunities that can be created for disadvantaged Californians through this PV Program.

Should the CPUC adopt San Francisco's mandate of 30% of installation jobs for economically disadvantaged residents, we would expect at least 2,100 of the jobs to be created in PG&E's program to be distributed to those who are most eager to work and those most at risk as our economy continues to be plagued by uncertainty.

In line with the state of California goal of creating a green economy as well as the community development and environmental justice policies I have laid out, I believe that the Commission should stress the importance of job creation, workforce development, and cost and impact mitigation.

III. THE PVP PROGRAM AND EXISTING POLICIES

Q14: How will your suggested modifications support existing state policies, statutes, and Commission decisions to promote renewable distributed generation?

A14: Many localities do not have a First Source program that directs entry-level jobs opportunities to qualified economically disadvantaged residents, but many cities have local hiring goals and mandates. The City of San Francisco maintains a policy that contractors should make a "good faith effort" to hire fifty percent San Francisco residents on public works contracts and the City of Richmond mandates no less than twenty percent local hiring on construction and thirty percent on all other Richmond-funded contracts.

I have not found Commission decisions that I find to be a declaration of local hiring policy, although I have read the 2003 Commission decision in Application 02-09-047 in which the Commission reviewed the Los Angeles Metropolitan Transportation Authority's plan to create a local hiring policy on a light rail project, which post-decision was developed into an important thirty percent local hiring mandate that has inspired many local hiring advocates.

This proceeding may present the opportunity for the Commission to establish that the idea of "green jobs for communities" is a policy as important as the large-scale deployment of solar energy, moving the Commission to establish a framework to ensure that the dollars invested in this program put economically disadvantaged Californians to work, especially in communities near the proposed installations and in neighborhoods that are, or have been, burdened by fossil fuel-burning power plants.

Q15: Does this conclude your testimony?

A15: For now. As the proceeding advances, I may wish to modify my comments.

Dated: August 14, 2009

Signed: /s/ Joshua Arce

Joshua Arce

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CERTIFICATE OF SERVICE

I, Elena Gil, am 18 years of age or older and a non-party to the within proceeding. I am a resident and citizen of the State of California with the business address at the Greenlining Institute of 1918 University Avenue, Second Floor, Berkeley, CA 94704 and telephone number of 510-926-4016.

On August 14, 2009, I caused the following document:

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to be served upon all interested parties of record in A.09-02-019 named in the official service lists via e-mail to those whose e-mail address is listed in the official service list and via first class mail with postage prepaid or facsimile to those whose e-mail address is not available.

I certify that the foregoing is true and correct.

Executed in Berkeley, California on August 14, 2009.

/s/ Elena Gil
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