ADAMS BROADWELL JOSEPH & CARDOZO
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037
TEL: (650) 589-1660
FAX: (650) 589-5062
mdjoseph@adamsbroadwell.com

DANIEL L. CARDOZO
THOMAS A. ENSLOW
TANYA A. GULESSERIAN
MARC D. JOSEPH
ELIZABETH KLEBANER
RACHAEL E. KOSS
JAMIE L. MAULDIN
ELLEN L. TRESCOTT

SACRAMENTO OFFICE
520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721
TEL: (916) 444-6201
FAX: (916) 444-6209

April 28, 2014

By Email and U.S. Mail

Paul Clanon
Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
pac@cpuc.ca.gov

Re: Letter from Marin Clean Energy

Dear Paul:

We represent IBEW Local Union 1245. We are writing to respond to the April 25, 2014 letter to you from Dawn Weisz, Executive Officer of Marin Clean Energy.

The MCE letter is premised on the naïve and insulting assumption that IBEW 1245 and PG&E are the same entity or worse, that IBEW 1245 is just a PG&E tool. Moreover, the letter is the administrative equivalent of a SLAPP suit. It has no place in the public arena, especially when sent by a governmental entity.

As you know, IBEW 1245 and the Coalition of California Utility Employees are not PG&E. While we sometimes have similar interests and positions on various issues, we sometimes have opposing views. Along with TURN, we sponsored SBx 2, the 33% RPS bill. We worked for more than three years to get that bill enacted despite the continued vigorous opposition of PG&E. In the end, we succeeded and PG&E lost, and we are very proud to have been a part of creating the most important renewable energy legislation in California history.

There are many other examples of CUE and the IBEW taking opposing positions from PG&E. Ironically, on the very day of the MCE letter, we were meeting with a Commissioner and Commission staff to oppose a draft Resolution approving a PG&E Advice Letter. Again, the unions took the opposite position from

PG&E. That MCE does not understand any of this says more about MCE than about either PG&E or IBEW 1245.

IBEW 1245, along with other labor unions that are part of CUE, are now sponsoring AB 2145 (Bradford). IBEW 1245 has not received any financial support or direction from PG&E in this effort, and MCE does not provide any evidence to the contrary. The email list about which MCE complains is not PG&E's list. It is IBEW 1245's list and has been for years, including before the Commission's Code of Conduct was adopted. PG&E cannot "have the IBEW terminate" anything. The IBEW is a separate entity not subject to PG&E's control and is not PG&E's tool. MCE is apparently ignorant of these facts.

Moreover, the Code of Conduct does not and could not limit the ability of IBEW 1245 to advocate for or against a pending bill, or seek like-minded people to petition the Legislature. The Commission has no authority over IBEW 1245's First Amendment rights.

MCE apparently concedes that there was no violation of the Code of Conduct, saying that the Code "may need to be modified."

MCE is a governmental entity. As the Commission knows all too well, governmental entities are fair game for criticism in the public arena. MCE should not seek to suppress that criticism through a SLAPP letter. Instead, it should cease misleading the public about the source and greenhouse gas emissions of the electricity it is delivering to customers.

Please contact me if you want to discuss this matter further.

Sincerely,

Marc D. Joseph / by Elizabeth Klebaner

Marc D. Joseph

MDJ:clv

cc: Ed Randolph, Director, Energy Division
Will Maguire, Regulatory Analyst, Energy Division
Senator Mark Leno

1011-901cv