

The Chamber of Commerce Overlooks Prop 16's Massive Drafting Errors

Brian Leubitz, 16 February 2010

John Geesman, a former California Energy Commissioner, has been tracking PG&E's naked power ploy, Prop 16, for a while now. You can find his writings at the [PG&E Ballot Initiative Fact Sheet](#). In a posting from yesterday, he tears into the California Chamber of Commerce for endorsing it. Apparently, the Cal Chamber hasn't bothered to read the measure before they just sorta agreed to do PG&E's bidding. PG&E is, of course, a big contributor to the CalChamber.

The statewide California Association of Realtors [last week](#) took a formal position against the PG&E-sponsored initiative, while some months ago -- before it even qualified for the ballot -- the gullible State Chamber endorsed it.

{However,} the drafting error, a failure to clearly define what constitutes the "new customer" that triggers an election with a 2/3's vote requirement -- which strikes terror into the heart of every realtor with a listing or a buyer in any of the 48 effected communities is probably an even bigger threat to new or relocating businesses in those same locales. Analysis of wording flaws [here](#) and [here](#). ([PG&E Ballot Initiative Fact Sheet](#))

That drafting error could end up making for a whole mess of litigation. While PG&E certainly didn't intend it to be an anti-Walmart tool, it could end up being just that. It's almost enough to make you think about supporting this mess. Think about it. Walmart wants to open a new store in say, Sacramento, where there is a public power provider. Sure, it's not like progressives would want to mess with the local public power provider, but a tool is a tool, right? Of course, it could end up fighting more than just Walmart, and could morph into a NIMBYists dream.

PG&E went out alone on this measure, and the language is just terrible. Riddled with errors, and the concept itself is just loathsome. Introducing a new **constitutional amendment** for a supermajority election requirement? Yikes!

All of this is happening as San Francisco looks to [finally kick their Community Choice Aggregation \(CCA\) into gear](#), and as [Marin County](#) just signed their power contracts. This is a petty move by PG&E to bring their San Francisco fight to the whole state. It's shortsighted, but they'll have millions of dollars to pass this stinker. There won't be a lot of money opposing it, just common sense. So, be sure to tell your friends of all political persuasions just how ridiculous this one is. Defeating this one is going to have to go grassroots-style.

Brian Leubitz publishes [Calitics.com](#) a leading California progressive blog covering California politics. After practicing law in San Francisco, Brian transitioned into politics.

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