

PUC waited far too long to tell PG&E to back off

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THE SCOLDING that Pacific Gas & Electric Co. just got for its over-the-top campaign urging Marin ratepayers to opt out of the new public power authority was much deserved, if overdue.

The state law that allowed Marin to create a public power agency specifically requires existing private providers, such as PG&E, to cooperate with the public effort. Under a highly dubious label of public education, PG&E has been waging nothing less than a well-funded political campaign, doing its best to undermine, rather than cooperate, with the fledgling Marin Energy Authority.

The state law allows new public power agencies to automatically take over PG&E's electricity customers. We have steadfastly disagreed with local cities and the county allowing that conversion without letting ratepayers vote on the important change - even an advisory vote. Local politicians have opted to make the decision themselves, explaining that ratepayers' decision to "opt out" of the Marin Energy Authority and stay with PG&E amounts to a public vote. It also has generated a battle for ratepayers and PG&E has not played by the rules.

The power giant has contacted nearly 80,000 ratepayers in unincorporated areas of the county and in participating cities - San Rafael, Sausalito, San Anselmo, Fairfax, Tiburon, Belvedere and Mill Valley - and has urged them to opt out of MEA and stay with PG&E.

State law says MEA should handle that job, a task that the new agency should handle with clarity and without promotional spin.

The PUC last week voted 4-1 to order PG&E to stop contacting MEA customers - roughly 70,000 in Marin - who won't need to make the decision about opting out until later this year, at the earliest.

PG&E's campaign had preceded the state process, urging Marin customers to opt out even before MEA has received PUC authorization to start providing alternative power.

Supervisor Charles McGlashan, MEA's leader, said PG&E has been "hassling" Marin's efforts to create a publicly run energy source, one that's been formed to provide local customers with power that's greener than PG&E's power portfolio.

PG&E, however, has maintained that it has a responsibility to its ratepayers to make sure they have the information they need to decide whether to opt out.

The PUC finally has stepped in to referee. Unfortunately, it has been effectively silent while local ratepayers have been subjected to what amounts to a high-powered political campaign.

PG&E is defending its market, but state law intentionally put limits on what it could do, mainly to prevent PG&E from killing public power plans by threatening to withdraw other services. If PG&E doesn't like the law, it should challenge it in court or in

Sacramento, not ignore it until it gets caught.

As one of the state's first public power agencies formed under the community choice aggregation law, the PUC needs to pay closer attention to the needs and rights under law of Marin ratepayers. It needs to make sure that ratepayers have the information they need and deserve to make the decision about staying with MEA or "opting out."

The rest of the state is watching closely.

It needs to make sure that both sides put ratepayer information ahead of political spin.

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