

PG&E threatened with fines over Marin Clean Energy 'opt out' letter

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Marin Energy Authority managers said Friday they remain concerned about Pacific Gas and Electric's efforts to squash the Marin Clean Energy initiative, despite a threat by the California Public Utilities Commission to fine the investor-owned utility for its latest violation of state rules.

PG&E has acknowledged that it sent a letter to more than 6,000 Marin County residents on May 4 encouraging those customers to opt out of the Marin Clean Energy program. The day before, utilities commission director Paul Clanon informed PG&E that it was not permitted to send such mailers. Under state law, potential customers are supposed to be notified of their options first by the Marin Energy Authority, which is offering the clean energy program.

"PG&E'S immediate violation of my direction suggests that PG&E may be, in fact, acting in a deliberate manner to subvert the plain meaning of AB 117, the law that created community choice aggregation," Clanon wrote in a letter to PG&E sent Thursday.

Clanon added that PG&E's violation of his directive places it in danger of "significant and continuing fines and other penalties."

In a press release issued Thursday, PG&E said the letters were mailed by mistake and apologized for the error.

"It should have never been sent out," said Helen Burt, PG&E senior vice president and chief customer officer. "We are now looking into how this happened and how to prevent it from happening again in the future." Andrew Souvell, a PG&E spokesman, said on Friday that PG&E still had no idea how the 6,000 letters were mailed by mistake.

Dawn Weisz, interim director of the Marin Energy Authority, said she finds it difficult to understand how such an error could occur.

"It's not like oops I slipped and sent out 6,000 letters," Weisz said. "If that is the case then I'd be very concerned about their ability to manage their company." Weisz said the letter was dated after issuance of the utilities commission directive on May 3.

"Many folks received it on May 7 and May 10," Weisz said, In his May 4 letter to PG&E, Clanon ordered PG&E to cease numerous methods of aggressively soliciting people to opt out of Marin Clean Energy. In addition to direct mailings,

these included visiting customers' residences, telephoning customers and obtaining opt-outs by using forms included in newspaper advertisements.

The PUC directed PG&E to meet with its energy division to identify the specific customers whose opt-outs were gathered in violation of the rules and develop a way of informing those customers that their opt-outs are invalid.

Weisz said that so far, PG&E has identified 221 customers whose opt-outs were obtained using forbidden techniques. She said, however, that an additional 300 people opted out after PG&E's May 4 mailing.

"I am very concerned about PG&E's continued interference with the launch of our clean energy program in Marin," Weisz said. "This is really unfair to customers."

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