



Environmentalists gearing up to fight renewable energy initiative

By [Malcolm Maclachlan](#) (published Thursday, January 24, 2008)

Many environmentalists say they would love to see a law requiring California to drastically increase its proportion of renewable energy. Yet they have begun fighting against an initiative that would do just that.

At issue is The Solar and Clean Energy Act of 2008. Proponents are currently gathering signatures to place the Act on the November ballot. It is being bankrolled by a major Democratic donor, University of Phoenix founder John Sperling.

The Act would call on the utilities to provide 20 percent of power from renewable sources by 2010; currently, the 2010 deadline only applies to private electrical companies. This would kick it up to 40 percent by 2020 and 50 percent by 2025.

These goals are widely supported by environmentalists. But some say the way the bill is drafted reduces penalties for utilities that don't meet the standards, puts unrealistic caps on renewable energy prices, makes arbitrary and confusing changes in the state bureaucracy and could result in the building of new, dirty trash incinerators in urban areas. This skepticism has now turned into outright opposition by some environmentalists.

"It doesn't have the support of a lot of the environmental community," Rachel McMahon, director of regulatory affairs for the Center for Energy Efficiency and Renewable Technologies (CEERT). "It stinks to have to oppose a renewable initiative, but it's so poorly-written."

The initiative campaign's chair, Jim Gonzalez of Californians for Solar and Clean Energy, claimed that CEERT was trying to make it appear that there was a rising tide of opposition to the initiative. He said he has been in talks with numerous environmental groups.

"They've gotten clarification and some of them appear to be backing away from their initial opposition," Gonzalez said. Then he added: "You should really look at some of the environmentalists who have links to the utility companies. They're the ones who don't like it. They're having trouble coming up with a unified front."

He refused to say which groups he was referring to. However, several renewable energy companies hold seats on CEERT's board. The Los Angeles Department of Water and Power is an official affiliate of the group, but does not hold a board seat.

Gonzales added that he did not know of any other groups that had decided to oppose the measure. Meanwhile, he said, Californians for Solar was building up its own base of environmental support, starting with Green for All, a Los Angeles-based group that advocates for workers rights while seeking to build a "green economy."

CEERT has an opposition letter they have begun circulating that includes renewable energy companies, labor groups and environmentalists. Almost two dozen organizations have signed on so far, including the California League of Conservation Voters, the Natural Resources Defense Council, Environmental Defense, the Union of Concerned Scientists, the Vote Solar Initiative, ten renewable energy companies and five chapters of the International Brotherhood of Electrical Workers (IBEW).

The letter alleges numerous problems. First, it said the act would reduce penalties to utilities that don't comply by 80 percent, from five cents per kilowatt hour (kWh) to one cent per kWh.

"That's public policy 101," McMahon said. "You don't make the penalty easier than doing what you're supposed to do."

Opponents also object to language that would move several powers over to the California Energy Commission, including the permitting authority for wind and non-thermal solar projects. McMahon said, the cap of 3 percent per year in rate increases on renewable sources of energy sounds good but is unrealistic. The letter notes that other sources of power don't have this limit; if the cap proved unworkable, it could provide an easy way out for renewable requirements for utilities.

But it is the possibility of new incinerators, likely in poor, urban areas, that most concerns some in the environmental community.

"Trash burners have been shut down throughout the state due to a long-standing environmental justice effort, as they emit some of the world's most toxic pollutants to humans," McMahon said. "There is absolutely no good reason to make or even suggest that these facilities should be easier or faster to build, for any reason."

Gonzalez has been circulating his own fact sheet to counter some of these claims. The initiative would tighten restrictions on incinerators. He also said that the opponents claims about reducing penalties is misleading because current penalties are rarely enforced, and are capped at a relatively low level when they are. He also said the initiative would impose new penalties on utilities that commit fraud by trying to fake compliance.

The groups met in December in an unsuccessful effort to try to hash out some of their differences. CEERT executive director V. John White said Californians for Solar was "trying to use our rhetoric and our support" but hadn't checked in with organizations in the environmental and renewable communities before writing the initiative. The language of the initiative was drafted by Manatt, Phelps and Phillips, a law firm which has also worked on behalf of the BHP Billiton effort to build an LNG plant in Southern California.

Sperling, meanwhile, has a long history of backing liberal efforts in California. In 2004, he gave half a million dollars to Proposition 66, an effort to reform the state's three strikes law. In 2000, he gave over \$1 million to Proposition 36, a successful measure to mandate drug treatment over jail for many minor drug offenders.

The goals of the initiative have been gaining a new urgency for some in the environmental community since legislative efforts appear stalled. SB 411, co-authored by Senators Don Perata, D-Oakland, and Joe Simitian, D-Palo Alto, would require the state to get one third of its power from renewable energy by the end of 2020. But it has faced significant opposition, passing the Senate by a single vote and then stalling in the Assembly Appropriations Committee in August.

Several other environmental groups are currently evaluating the initiative.

"The goal is laudable," said Jim Metropulos, legislative representative of the Sierra Club of California, which has not yet taken a position. "The devil is in the details."