

1 [Initiative Ordinance - Environment Code - Clean Energy Right To Know Act]

2

3 **Motion ordering submitted to the voters an Ordinance amending the Environment Code**  
4 **to define the terms Clean Energy, Green Energy, and Renewable Greenhouse Gas-free**  
5 **Energy to provide San Francisco residents and businesses accurate information**  
6 **regarding electric power, at an election to be held on November 3, 2015.**

7

8 MOVED, That the Board of Supervisors hereby submits the following ordinance to the  
9 voters of the City and County of San Francisco, at an election to be held on November 3,  
10 2015.

11

12 **Ordinance amending the Environment Code to define the terms Clean Energy, Green**  
13 **Energy, and Renewable Greenhouse Gas-free Energy to provide San Francisco**  
14 **residents and businesses accurate information regarding electric power.**

15

16 NOTE: **Unchanged Code text and uncodified text** are in plain font.  
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
18 **Deletions to Codes** are in ~~italics Times New Roman font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or  
20 parts of tables.

19

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. The Environment Code is hereby amended by adding Chapter 21,  
22 consisting of Sections 2101, 2102, 2103, and 2104, to read as follows:

23 **CHAPTER 21: CLEAN ENERGY FULL DISCLOSURE ORDINANCE**

24

25 **SEC. 2101. FINDINGS.**

1           (a) All entities that provide electric power to end-use consumers in the state are required to  
2 comply with the California Renewable Portfolio Standard (“RPS”), which was established in 2002  
3 under Senate Bill 1078, accelerated in 2006 under Senate Bill 107 and expanded in 2011 under Senate  
4 Bill 2. The RPS mandates that 33% of electricity sold to consumers must be generated by eligible  
5 renewable energy resources by 2020.

6           (b) All public and private utilities and retail electricity providers are allowed under State  
7 law to use unbundled renewable energy credits for a certain portion of their compliance requirement  
8 for the RPS.

9           (c) There is no uniform standard for what constitutes Clean Energy, Green Energy, or  
10 Renewable Greenhouse Gas-free Energy, which can lead to customer confusion, misunderstanding of  
11 the definition of renewable energy, and conflicting claims regarding the source or environmental  
12 impacts of the electricity provided to San Franciscans.

13           (d) San Francisco residents and businesses deserve to have accurate information regarding  
14 the sources and environmental impacts of the energy provided to them.

15           (e) In response to interest from City leaders and community members, the San Francisco  
16 Public Utilities Commission (“SFPUC”) is developing a Community Choice Aggregation (“CCA”)  
17 program, CleanPowerSF, that will enable City residents and businesses to purchase electric energy  
18 that has a higher renewable energy content than is required under the RPS, and is substantially  
19 greenhouse gas-free. CleanPowerSF plans to commence service in early 2016.

20  
21           **SEC. 2102. CLEAN, GREEN, AND RENEWABLE GREENHOUSE GAS-FREE ENERGY;**  
22 **DEFINITION.**

23           (a) For all City programs and expenditures, the terms Clean Energy, Green Energy,  
24 Renewable Greenhouse Gas-free Energy or similar terms used to describe the source or environmental  
25

1 impact of electric energy means energy from eligible renewable energy resources as defined in State  
2 law, and resources set forth in the RPS under Public Utilities Code § 399.30(j).

3 (b) It is the City's policy that the use of unbundled renewable energy credits for  
4 CleanPowerSF customers shall be limited to the extent deemed feasible by the SFPUC, consistent with  
5 the goals of the program. CleanPowerSF will follow the limitations of state law regarding the use of  
6 unbundled renewable energy credits to satisfy the applicable renewable portfolio standard. For  
7 renewable energy provided by CleanPowerSF that exceeds the minimum requirements of state law, the  
8 voters urge the SFPUC to apply the same limitations on the use of unbundled renewable energy credits,  
9 to the extent feasible. For unbundled renewable energy credits associated with facilities located within  
10 San Francisco, the limitation set forth in the preceding sentence shall not apply.

11  
12 **SEC. 2103. DISCLOSURE OF ENERGY RESOURCES.**

13 (a) The voters urge the SFPUC to inform customers and potential customers of the planned  
14 percentage of Clean Energy, Green Energy, or Renewable Greenhouse Gas-free Energy in each  
15 communication regarding the CCA program required by state law.

16  
17 **SEC. 2104. GENERAL PROVISIONS.**

18 (a) Consistent with the Charter and applicable State and federal law, this Chapter 21 shall  
19 not apply to the extent its requirements would conflict with those laws or otherwise interfere with the  
20 discharge of functions placed under the direct jurisdiction of a department by the Charter. Nothing in  
21 this Chapter shall be interpreted or applied so as to create any requirement, power, or duty in conflict  
22 with any State or federal law.

23 (b) If any section, subsection, sentence, clause, phrase, or word of this Chapter 21, or any  
24 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
25 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining

1 portions or applications of this Chapter. The People of San Francisco hereby declare that they would  
2 have adopted this Chapter and each and every section, subsection, sentence, clause, phrase, and word  
3 not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or  
4 application thereof would be subsequently declared invalid or unconstitutional.

5 (c) The Board of Supervisors may amend this Chapter 21 by ordinance if the amendment  
6 furtheres the purposes of this Chapter and to reflect changes in state law.

7  
8 Section 2. In the event that this initiative ordinance and another measure or measures  
9 regarding the definitions of the terms Clean Energy, Green Energy, or Renewable  
10 Greenhouse Gas-free Energy in any respect shall appear on the same Citywide election  
11 ballot, the provisions of such other measures shall be deemed to be in conflict with this  
12 ordinance. In the event that this initiative ordinance shall receive a greater number of  
13 affirmative votes, the provisions of this ordinance shall prevail in their entirety and each and  
14 every provision of the other measure or measures shall be null and void in their entirety. In  
15 the event that the other measure or measures shall receive a greater number of votes, the  
16 provisions of this initiative ordinance shall take effect to the extent permitted by law.

17  
18  
19 APPROVED AS TO FORM:

20 DENNIS J. HERRERA, City Attorney

21 By:

22 THERESA L. MUELLER  
23 Deputy City Attorney