

To: Ballot Simplification Committee - Received August 4, 2008

From: Starchild

Regarding: Appeal of the final draft language for the "Clean Energy Act"

I am requesting that several changes be made to the digest passed by the Committee on Friday, August 1 which I believe would more accurately describe this proposition to the voters than the current language.

(1) Change the first sentence of the second paragraph under "THE WAY IT IS NOW" ["The City's Public Utilities Commission (PUC) oversees the City's electric power and water utilities"] to read "The City's Public Utilities Commission (PUC), whose members are appointed by the mayor and the Board of Supervisors, oversees the City's electric power and water utilities."

Reason for recommendation: The relationship between the Board of Supervisors and the SF Public Utilities Commission is clearly relevant to this measure.

(2) Change the second sentence of the second paragraph under "THE WAY IT IS NOW" ["A state-regulated private company, Pacific Gas & Electric (PG&E) sells electric power to San Francisco residents and businesses"] to read "A public utility, Pacific Gas & Electric (PG&E) is the primary provider of electric power to San Francisco residents and businesses."

Reason for recommendation: All private companies in California are state regulated, so the current language does not offer a meaningful description of PG&E. There is a specific name for what PG&E is, namely a *public utility*. The agency that regulates PG&E is called the Public Utilities Commission in recognition of this fact. "Public utility" should be defined in "Words You Need To Know."

(3) Change the first sentence in the third paragraph under "THE WAY IT IS NOW" [Generally, voter approval is required before a City agency can issue a revenue bond"] to read "Voter approval is generally required before a City agency can issue a revenue bond."

Reason for recommendation: This construction is grammatically stronger.

(4) Change the first sentence in the first paragraph under "THE PROPOSAL" ["Proposition ___ is a Charter Amendment that would require the PUC to evaluate the benefits of making the City the primary provider of electric power in San Francisco, including cost savings and control over development of clean energy and energy efficiency"] to read "Proposition ___ is a Charter Amendment that would require the PUC to study the estimated effects of making the City the primary provider of electric power in San Francisco."

Reason for recommendation: The word "benefits" implies that a study

would look only at benefits and not at costs. If it were already known that making the City the primary provider of electric power in San Francisco would produce only benefits with no drawbacks, a study would not be needed; clearly the point of the study is to look at both. The word "evaluate" is more often used to refer to studying existing data. The word "estimate" is more accurate here, because the study would be doing an analysis of circumstances which do not currently exist. "Estimate" makes clearer the speculative nature of the study. The language after the comma starting with "including" is not necessary at this point, since the details of what the study requires are discussed later in the digest.

(5) Move the seventh paragraph under "THE PROPOSAL" ["Proposition ___ would create a new exception to the voter-approval requirement for the issuance of revenue bonds. This exception would allow the Board of Supervisors to approve the issuance of revenue bonds to pay for public utility facilities, not limited to electricity facilities, without voter approval"] to make it the first paragraph in this section, so that the existing first paragraph ["Proposition ___ is a Charter Amendment that would require the PUC to evaluate the benefits of making the City the primary provider of electric power in San Francisco, including cost savings and control over development of clean energy and energy efficiency"] becomes the second paragraph.

Reason for recommendation: Giving the Board of Supervisors a new power to issue certain revenue bonds without voter approval is clearly the most significant change which would be effected by this proposition. Accordingly, it should be listed first in an impartial description of the proposition.

(6) Change the first bullet point under "A 'YES' VOTE MEANS" ["evaluate the benefits of making the City the primary provider of electric power in San Francisco, including cost savings and control over development of clean energy and energy efficiency"] to "estimate the effects of making the City the primary provider of electric power in San Francisco, including cost savings and control over development of clean energy and energy efficiency."

Reason for recommendation: As noted above, a study of circumstances not currently in existence is more accurately described as *estimating* than as *evaluating*, and the word "benefits" is misleading.

Sincerely,

(((starchild)))

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