

**California Public Utilities Commission**  
**505 Van Ness Ave., San Francisco**

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**FOR IMMEDIATE RELEASE**

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**PRESS RELEASE**

Docket #: R.03-10-003

**CPUC REFINES UTILITY MARKETING RULES  
FOR COMMUNITY CHOICE AGGREGATION**

SAN FRANCISCO, May 20, 2010 - The California Public Utilities Commission (CPUC) today clarified rules regarding Community Choice Aggregation and utility marketing as it relates to Community Choice Aggregators.

Community Choice Aggregation allows communities to offer energy service to electric customers within their boundaries. In today's decision, the CPUC said that if utilities engage in marketing or advertising concerning Community Choice Aggregation service that is untrue or misleading, they may be liable for penalties and subject to a temporary restraining order or preliminary injunction in a complaint before the CPUC. Further, the CPUC prohibited utilities from offering alternative opt-out mechanisms, clarifying that Community Choice Aggregators have the exclusive right to determine what opt-out methods can be used by customers.

Today's decision modifies and clarifies the CPUC's 2005 decision that implemented Community Choice Aggregation programs under Assembly Bill 117.

"Our decision provides additional clarity on the rules of the game, as it relates to the opt-out process, and our expectations regarding utility marketing and advertising in the context of Community Choice Aggregation," said CPUC President Michael R. Peevey. "Today's decision also creates a forum through which Community Choice Aggregators and other stakeholders can bring a claim and seek injunctive relief and enforcement action against the utilities for alleged misrepresentations."

Added Commissioner Dian M. Grueneich, “Marin County launched its Community Choice Aggregation program earlier this year, and we’ve put Pacific Gas and Electric Company on notice regarding its aggressive and ongoing marketing efforts to retain its customers. Between last month’s Resolution E-4250 and today’s action, it should now be crystal clear to PG&E that they are prohibited from offering opt-out mechanisms to would-be CCA participants. Further neglect of its responsibilities in this regard may lead to enforcement and penalties.”

The proposal voted on today is available at

[http://docs.cpuc.ca.gov/word\\_pdf/AGENDA\\_DECISION/118189.pdf](http://docs.cpuc.ca.gov/word_pdf/AGENDA_DECISION/118189.pdf).

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