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Fw: MCE False Environmental Claims / Legal Issues

From Tarrell Kullaway <tkullaway@sananselmo.gov>

Date Thu 1/15/2026 6:41 PM

To MCE Clerk <clerk@mcecleanenergy.org>

You don't often get email from tkullaway@sananselmo.gov. [Learn why this is important](#)

Please forward this to the full board.

Thank you

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From: Nick Pappas <Nick@npenergyca.com>

Sent: Thursday, January 15, 2026 6:38:39 PM

To: Tarrell Kullaway <tkullaway@sananselmo.gov>

Cc: mperrey@cityofmillvalley.gov <mperrey@cityofmillvalley.gov>; swilkinson@cityofbelvedere.org <swilkinson@cityofbelvedere.org>

Subject: MCE False Environmental Claims / Legal Issues

CAUTION: External Sender

Hi Councilmember Kullaway,

Hope all is well! I wanted to reach out to put an issue on your radar as our MCE rep (cc to CM Perrey and Wilkinson who were part of the discussion as noted below). I've become aware of a series of incorrect and legally problematic claims from MCE and wanted to flag these for you as our representative. While I was hesitant to escalate to you, the response I received from MCE on this was so patently insincere and frustrating that I felt inspired to reach out.

As a headline, MCE has now made a series of false statements about its power content, overstating its progress on eliminating fossil fuels from its power mix. These claims are not only obviously wrong - and easily verifiable - they violate a recent state law written and passed specifically with the intent of preventing rogue utilities from making false claims (AB 1110 from 2016). The bill was largely written in response to early concerns around CCAs related to messaging and procurement (e.g. unbundled RECs).

- The [first claim](#), in last week's Executive Committee (cc: CM Perrey), asserted that MCE had been 100% fossil-free for 15 years. MCE staff confidently defended it in response to CM Wilkinson, directing folks to review the power content labels. Well, the power content labels tell a different story - MCE has had both gas and unspecified in its portfolio for a long time. MCE even issued a [press release](#) on the gas transaction with the CEO quoted as calling it a "win-win-win." I suppose memories are short.
- The [revised claim](#) says fossil-free since 2018 - also false, as unspecified, which remained in the portfolio through ~2023, is categorically not fossil-free. Unspecified is primarily fossil and is

assigned a gas emissions rate by the Energy Commission.

- The response I got below - indicating that the first claim was two separate phrases, indicating the separate clauses "15 years reliable" and "[currently] fossil-free" is so bald-faced as to be comical - and was directly contradicted by MCE staff in the Executive Committee meeting in response to CM Wilkinson.

This stuff is not complex or nuanced - the requirements are easy, regulated, straightforward - and clearly prohibit this kind of overstatement. I don't raise this to you to shame MCE for having gas and unspecified in its portfolio, but to flag that this is a clear violation of state law and creates risk for the agency and its representatives (i.e. boardmembers) which repeat it. It's hard for me to conceive of how this could make it past internal / legal review not once but twice, and - to me at least - raises concerns that you may not be getting a clear picture on other environmental issues like RA, hedges, hourly accounting, short-term products, etc.

As I suggested to MCE staff below, if you have any questions about power content claims now or in the future, please reach out to the [Energy Commission](#). I'm also happy to be available as a resource if it's helpful to you.

Nick Pappas

nick@npenergyca.com

925-262-3111

[FYI - this has arisen as part of a broader effort to try to engage MCE on the significant emissions reporting change in 2028 (23 months away...!) when we shift to hourly accounting - we should have a separate discussion on that.]

From: Nick Pappas <Nick@npenergyca.com>

Sent: Thursday, January 15, 2026 11:54 AM

To: Sebastian Conn <sconn@mcecleanenergy.org>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Sebastian,

Thanks for the response. Your explanation that the sentence is grammatically tortured into separate clauses is difficult for me to believe, both on its face and for the plain fact that MCE's CEO confirmed in response to questions from the board that the assertion was that MCE has been 100% fossil free for fifteen years.

For the revised claim that MCE was fossil free since 2018, my initial response is that this appears to be a pretty clear cut violation of the statutory prohibition on power content claims which are inconsistent with the CEC methodology given that MCE has reported unspecified power (primarily fossil) since 2018. Assembly Bill 1110 was written largely in response to early claims from CCAs.

To be candid with you, I find this whole exchange quite alarming, and as a professional courtesy, I would encourage you to be cautious in repeating misstatements, particularly those which may violate state law. If MCE is having difficulty understanding its obligations under the PCL statute and regulations, I would encourage you to reach out to the California Energy Commission for guidance.

Best,

Nick Pappas

nick@npenergyca.com

925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>

Sent: Thursday, January 15, 2026 11:31 AM

To: Nick Pappas <Nick@npenergyca.com>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Nick,

You're correct that the Board packet stated: "Fifteen years of reliable service and 100% fossil-free power."

That line was intended to describe our current power content—that we have been operating for 15 years and that we provide 100% fossil-free power—not to imply that we have provided fossil-free power for the entire 15-year period. This is the misunderstanding I was referring to.

As mentioned in my previous email, we have been 100% fossil-free since 2018. The Board packet you referenced has since been corrected to reflect that timeframe.

Could you please clarify what you mean by: "What does it mean to be fossil-free since 2018 with the positive emissions below in 2018 and since?"

The emissions factors are already included in this thread, and are also reflected in the Board Retreat packet you shared.

Best regards,



Sebastian Conn

Principal Community Development Manager

(415) 464-6018

mceCleanEnergy.org

From: Nick Pappas <Nick@npenergyca.com>

Sent: Thursday, January 15, 2026 11:03 AM

To: Sebastian Conn <sconn@mcecleanenergy.org>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Sebastian,

I am struggling with this. The timeline which was specified is listed here in the direct quote from MCE's board packet last week. "Fifteen years of reliable service and 100% fossil-free power."

If it's now just since 2018, what does it mean to be fossil free since 2018 with the positive emissions below in 2018 and since?

I am trying to help my colleagues on the CAC understand a lot of confusing and contradictory information given the significant role this information plays in our CAP. Thanks in advance for any clarity and specificity you can offer.

Nick Pappas

nick@npenergyca.com

925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>

Sent: Thursday, January 15, 2026 10:18 AM

To: Nick Pappas <Nick@npenergyca.com>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Nick,

Thanks for asking.

That is a bit of a misunderstanding. We have said publicly that MCE is 100% fossil free, but didn't specify a timeframe.

We've had 100% fossil free power since 2018. In the early years of MCE's operations, specifically in 2015, 2016, and 2017, our Light Green product included a limited amount of natural gas, ranging from 5% to 12%, as reflected in the Power Content Labels



Sebastian Conn

Principal Community Development Manager

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From: Nick Pappas <Nick@npenergyca.com>

Sent: Wednesday, January 14, 2026 7:05 PM

To: Sebastian Conn <sconn@mcecleanenergy.org>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Sebastian,

Thanks for the followup. I appreciate the confirmation.

I did have a related question -- I heard from a colleague MCE has been saying it has always been 100% clean? Is that true or just a rumor?

Nick Pappas

Nick@NPEnergyCA.com

925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>

Sent: Tuesday, January 13, 2026 11:30:45 AM

To: Nick Pappas <Nick@npenergyca.com>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Nick,

That is correct.

Apologies - I gave you the "4" number previously, instead of the "1" reflected in the 2024 calendar year.



Sebastian Conn

Principal Community Development Manager

(415) 464-6018

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From: Nick Pappas <Nick@npenergyca.com>

Sent: Tuesday, January 13, 2026 10:52 AM

To: Sebastian Conn <sconn@mcecleanenergy.org>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Hi Sebastian,

I wanted to reach out about our historical emissions. Could you confirm that the following emissions values are correct for prior years under the current methodology? I pulled these estimates from a recent [board packet](#). Thank you!

2015: 323 lbs CO₂e / MWh

2016: 279 lbs CO₂e / MWh

2017: 109 lbs CO₂e / MWh

2018: 122 lbs CO₂e / MWh

2019: 190 lbs CO₂e / MWh

2020: 75 lbs CO₂e / MWh

2021: 72 lbs CO₂e / MWh

2022: 42 lbs CO₂e / MWh

2023: 4 lbs CO₂e / MWh

2024: 1 lbs CO₂e / MWh

Nick Pappas

nick@npenergyca.com

925-262-3111

From: Nick Pappas <Nick@npenergyca.com>

Sent: Monday, January 5, 2026 4:51 PM

To: Sebastian Conn <sconn@mcecleanenergy.org>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Thanks Sebastian! I appreciate that. It sounds like this will be something for us to grapple with within our CAC in San Anselmo. If MCE does conduct further analysis on this, for example, when it does hourly emissions analysis for the 2026 IRP or internal planning for SB 1158 implementation, please let us know if there is data we can use.

Nick Pappas

nick@npenergyca.com

925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>

Sent: Monday, January 5, 2026 3:19 PM

To: Nick Pappas <Nick@npenergyca.com>; christine.o@comcast.net <christine.o@comcast.net>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Thanks, Nick. I appreciate the follow-up.

I don't have (and wouldn't want to speculate on) an estimated 2028 emissions intensity for MCE beyond what is currently reported. While MCE does have a forward-looking goal around renewable content (e.g., our 85% renewable target by 2029), that doesn't translate directly to "clean firm" and isn't something we're explicitly benchmarking or modeling against, to my knowledge.

I agree with you that the legacy near-zero factor won't hold forever, particularly as SB 1158 comes online. That said, without a dedicated hourly or marginal analysis, I'm hesitant to assign a specific lbs/MWh value. I would also note that under our IRP, the anticipated contribution from large hydro is expected to decline over time as we add utility-scale storage and other PCC1 renewable resources.

For me, my role here is simply to surface these considerations and help frame the discussion, rather than validate any particular modeling choice.

Happy to keep the conversation going to the extent helpful. Thanks!



Sebastian Conn

Senior Community Development Manager

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From: Nick Pappas <Nick@npenergyca.com>

Sent: Monday, January 5, 2026 2:29 PM

To: christine.o@comcast.net <christine.o@comcast.net>; Sebastian Conn <sconn@mcecleanenergy.org>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: Re: MCE Questions

Great, thanks Sebastian and Christine. I appreciate the update and will bring this back to our CAP subcommittee. It sounds like the two things we know are: a) electricity emissions will return in 2028 (e.g. PCE analysis) and b) our legacy near-zero factor will no longer be accurate in 2028, so we can conclusively move away from our near-zero estimate.

Sebastian, regarding the PCE benchmark, can you share any more information on MCE's expected energy mix in 2028? The 222 lbs / MWh result you reference below is from a portfolio which - if I'm cross-referencing PCE's 2021 PCL correctly - is ~60% clean firm (50% hydro, 10% bio). MCE's 2024 PCL shows ~35% clean firm, 31% of which comes from large hydro transactions. That suggests an hourly analysis will actually be considerably higher for MCE than 222, right?

Nick Pappas

nick@npenergyca.com

925-262-3111

From: christine.o@comcast.net <christine.o@comcast.net>

Sent: Monday, January 5, 2026 2:09 PM

To: Nick Pappas <Nick@npenergyca.com>; 'Sebastian Conn' <sconn@mcecleanenergy.org>

Cc: 'Bridget Wipfler' <bwipfler@sananselmo.gov>

Subject: RE: MCE Questions

Hi Nick,

For the most recent CAP updates, we have been using the same emission factors that we use in the baseline GHG inventory. For example, for Novato's CAP (adopted last year), we assumed the 2022 emission factors for PG&E and MCE electricity for 2030. We do not assume any further improvement in the carbon intensity of electricity since both have already achieved their RPS requirement.

Christine

From: Nick Pappas <Nick@npenergyca.com>

Sent: Monday, January 5, 2026 1:32 PM

To: Sebastian Conn <sconn@mcecleanenergy.org>

Cc: Bridget Wipfler <bwipfler@sananselmo.gov>; christine.o@comcast.net

Subject: Re: MCE Questions

Hi Sebastian,

Happy new year - I hope you had a great holiday.

Thanks for sharing this update. For you (or Christine), do you know what GHG values MCEP is using for other jurisdictions in 2028 and beyond, e.g. the recent San Rafael CAP? Does MCE provide those emissions intensity values?

Nick Pappas

nick@npenergyca.com

925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>

Sent: Monday, January 5, 2026 1:20 PM

To: Nick Pappas <Nick@npenergyca.com>

Cc: Bridget Wipfler <bwipfler@sananselmo.gov>; christine.o@comcast.net <christine.o@comcast.net>

Subject: Re: MCE Questions

Hi Nick,

I hope all is well and that you had a nice holiday season.

I wanted to follow up on your questions and also loop in Christine O'Rourke for awareness.

Completely understand the desire to accurately reflect the emissions profile of electricity generation for your CAP. Currently, all LSEs report on an annual basis—though, as you know, that will change under SB 1158. The short answer is that MCE does not have forecasted emissions factors under the new SB 1158 framework.

That said, I did want to offer some guidance for the CAP work you're doing in Fairfax. At this point, my best recommendation is to review the assumptive figures from [PCE's 2023 24/7 report](#). To my knowledge, PCE is the only CCA that has publicly released modeled figures of this kind.

In Summary:

- If PCE had taken its 2021 Power Content Label and applied 24/7 modeling based on those figures, the emissions intensity would have increased to about 222 pounds CO₂ per MWh (!) The software modeling used is [open source and publicly available](#).
- That said, this modeling was done based on data from about five years ago, and since then more energy storage has come online, making the grid cleaner overall.
- Under current annual reporting guidelines, PCE's 2023 power mix was reported at 6 pounds CO₂ per MWh, which is similar to MCE's 4 pounds for our Light Green product.
- For what it's worth, PV Magazine conducted an [external analysis and estimated](#) that PCE's modeled emissions intensity for 2025 would be around 24 pounds CO₂ per MWh. As far as I know, PCE has not formally validated this projection.

I hope this helps, please let me know how I can best support moving forward.

Sebastian Conn

Senior Community Development Manager

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From: Nick Pappas <Nick@npenergyca.com>
Sent: Friday, December 12, 2025 1:35 PM
To: Sebastian Conn <sconn@mcecleanenergy.org>
Cc: Bridget Wipfler <bwipfler@sananselmo.gov>
Subject: Re: MCE Questions

That's right - good to reconnect with you as well Sebastian!

Thanks and look forward to discussing further.

Nick Pappas
nick@npenergyca.com
925-262-3111

From: Sebastian Conn <sconn@mcecleanenergy.org>
Sent: Friday, December 12, 2025 1:31 PM
To: Nick Pappas <Nick@npenergyca.com>
Cc: Bridget Wipfler <bwipfler@sananselmo.gov>
Subject: Re: MCE Questions

Hi Nick,

Thank you for reaching out — great to reconnect. You and I did an informational briefing with Solano County Supervisor John Vasquez a few years back when you were consulting for Terrajoule.

Regarding your question about forecasting emissions: I'm not sure we have anything yet related to 24/7 SB 1158 implementation. I'm going to ping my colleagues who focus on our CEC reporting and will get back to you shortly. I'll be out of the office next week, but I wanted to acknowledge your email before that time.

Will connect further soon.

Sebastian Conn
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On Thu, Dec 11, 2025 at 3:12 PM Nick Pappas <Nick@npenergyca.com> wrote:

Hi Sebastian,

Good to connect with you. I wanted to check in with MCE about emissions factors under the new emissions accounting regime, SB 1158, to ensure accurate representation in our town's climate inventory and climate action plan.

Does MCE have forecast emissions factors for the new framework we can use? Thank you.

Nick

Nick Pappas

Nick@NPEnergyCA.com

925-262-3111

From: Bridget Wipfler <bwipfler@sananselmo.gov>

Sent: Thursday, December 11, 2025 3:45:49 PM

To: Nick Pappas <Nick@npenergyca.com>; Sebastian Conn <sconn@mcecleanenergy.org>

Subject: MCE Questions

Hey Nick and Sebastian,

For intros:

- Sebastian is my main contact at MCE and will know who to put us in contact if needed.
- Nick is a San Anselmo Climate Action and Bike/Ped Commissioner helping out with San Anselmo's Climate Action Plan Update subcommittee.

Connecting over email for ease of communication. Nick, if you have MCE questions, here is a good channel.

Nick, could you describe what analysis you were mentioning around emission factors?

Thanks for the collaboration,
BW