

For Immediate Release: October 21, 2010
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Energy Commission Granted Stay by Court of Appeal

\$33 million in federal funds to move forward

SACRAMENTO - The California Court of Appeal Fourth District today lifted a restraining order that would have prevented California's Energy Commission from distributing \$33 million in federal energy funds. The Court of Appeal order also canceled the November 4 hearing on the contempt charge.

On October 18, the Energy Commission filed a petition in the Court of Appeal asking the court to throw out a temporary restraining order and the contempt charge issued last week by a Riverside Superior Court judge for the Western Riverside Council of Governments.

With this stay the Energy Commission is now free to execute a planned contract for the \$33 million Energy Upgrade California Program, a comprehensive, statewide energy efficiency and renewable energy building improvement program sponsored by the Energy Commission, the Public Utilities Commission, utilities and local governments. In response to the restraining order, the Energy Commission continued the business meeting from yesterday until today in hopes it would be able to encumber these funds in time to meet federal deadlines. In view of the Court of Appeal's order, the Energy Commission will reconvene at 2 p.m. today, to consider contract(s) that implement the Energy Upgrade California program.

Western Riverside has until November 1, 2010, to oppose the Energy Commission's petition filed with the California Court of Appeal.

The October 14 temporary restraining order issued by the judge on Western Riverside's behalf blocked the Energy Commission from spending the remaining \$33 million in federal stimulus funds for any purpose including other programs. The judge also issued a possible contempt charge for canceling a solicitation that was rendered obsolete by changes in federal banking regulations. Western Riverside has continued its legal actions against the Commission despite having indefinitely suspended its own residential PACE (Property Assessed Clean Energy) program due to these federal regulatory changes.

To view the Court of Appeal Stay:

http://www.energy.ca.gov/releases/2010_releases/2010-10-20_WRCOG_Order.pdf

To view the October 18 petition to the Court of Appeal:

http://www.energy.ca.gov/releases/2010_releases/2010-10-18_Petition_Filed_with_Court_of_Appeal.pdf

To view the October 20 supplement to the petition:

http://www.energy.ca.gov/releases/2010_releases/2010-10-20_Supplement+Errata_to_Petition_for_Writ_of_Prohibition.pdf

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