



Consent Item 5

TO: East Bay Community Energy Board of Directors

FROM: Melissa Brandt, Senior Director of Public Policy and Deputy General Counsel

SUBJECT: Amendment to Legal Services Agreement with Davis Wright Tremaine LLP for Regulatory Advocacy and Compliance (Action Item)

DATE: June 5, 2019

Recommendation

Approve the Third Amendment to the Legal Services Agreement with Davis Wright Tremaine LLP in an amount not to exceed \$138,000 to provide legal services including regulatory advocacy and compliance matters.

Background and Discussion

Davis Wright Tremaine LLP (“DWT”) has been representing EBCE in matters involving regulatory advocacy, compliance, and as labor and employment since 2017. In 2018, DWT assisted EBCE with filing its first Integrated Resources Plan (“IRP”) and its first Renewables Portfolio Standard (“RPS”) Plan at the CPUC. DWT also helped EBCE file numerous Resource Adequacy (“RA”) compliance requirements, and its 2018 local RA waiver, along with accompanying documentation and confidentiality declarations. This support has resulted in EBCE remaining in compliance with CPUC requirements.

Over the course of the fiscal year, the DWT original agreement has been amended twice. In addition to ongoing work on RA compliance activities, research on RA cost allocation mechanisms, integrated resource plan proceeding representation, and analysis related to CPUC customer privacy requirements, EBCE seeks additional assistance from DWT for regulatory advocacy and compliance services in 2019, as set forth in the attached contract amendment. The CPUC is requiring CCAs to present more detailed and robust RPS plans in 2019, with significantly more content than was required by CCAs in previous years, and EBCE will be relying on DWT for advocacy in the RPS proceeding as well as the actual filing of the RPS plan.

As EBCE’s standard Legal Services Agreement has not materially changed from the form used in 2018, staff recommends signing a third contract amendment with DWT with updated contract terms, rather than executing a new agreement.

Fiscal Impact

This amendment will result in an additional \$50,000 being added to the agreement in this fiscal year, for a not to exceed \$138,000 spend across fiscal year 2018-2019. Legal services are included in the current fiscal year budget at this level.

Attachment

- A. Third Amendment to Legal Services Agreement with Davis Wright Tremaine LLP