



Board of Directors Meeting

Wednesday, February 19, 2020

6:00 pm

City of Hayward
Council Chambers
777 B Street,
Hayward, CA 94544

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board at least 2 working days before the meeting at (510) 736-4981 or COB@ebce.org.

If you have anything that you wish to be distributed to the Board, please hand it to the clerk who will distribute the information to the Board members and other staff. Please bring at least 25 copies.

1. Welcome & Roll Call

2. Pledge of Allegiance

3. Public Comment

This item is reserved for persons wishing to address the Board on any EBCE-related matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Board are customarily limited to three minutes per speaker. The Board Chair may increase or decrease the time allotted to each speaker.

CONSENT AGENDA

4. Approval of Minutes from January 22, 2020

5. Contracts entered into (Informational Item)

6. Amending EBCE'S Consulting Service Agreement with Celery Design Collaborative

Adopt a Resolution authorizing the CEO to negotiate and execute the First Amendment of EBCE's Consulting Services Agreement with Celery Design Collaborative to raise the budget from \$100,000 to \$300,000 and to expand the Scope of Work to include several new tasks.

7. Fiscal Year 2019-2020 Second Quarter Financial Statements

Receive the Accountant's Compilation Report of the second quarterly financial statements for the 2019-2020 fiscal year.

REGULAR AGENDA

8. CEO REPORT

- A. Board Committees;
- B. New Staff; and
- C. Marketing and Account Services update

9. Community Advisory Committee Report

10. Power Charge Indifference Adjustment (PCIA) Update (Informational Item)

Receive update on the Power Charge Indifference Adjustment (PCIA).

11. First Amendment to Agreement with TRC Engineers, Inc. (Action Item)

Adopt a Resolution authorizing the CEO to execute an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to extend the term of the contract and allocate an additional \$20,000 to the Agreement.

12. Board Member and Staff Announcements including requests to place items on future Board Agendas

13. Adjournment - to Date: Wednesday March 18, 2020

Location: City of Hayward
Council Chambers
777 B Street
Hayward CA 94544



Draft Minutes

Board of Directors Meeting

Wednesday, January 22, 2019

6:00 pm

Hayward Library

888 C Street

2nd Floor

Hayward, CA 94544

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Jessica Tovar - Requested the Board to support the early closure of Diablo Canyon

CONSENT AGENDA

4. Approval of Minutes from December 18, 2019

5. Contracts entered into (Informational Item)

6. Extension of Agreement with the Weideman Group for Legislative Advocacy and Advisory Services

Adopt a Resolution authorizing the CEO to negotiate and execute a first amendment to an agreement with Weideman Group to provide government relations representation services for the term of January 1, 2020 to December 31, 2020, with an additional amount not to exceed \$125,000.

R-2020-1

7. Fiscal Year 2019-2020 Mid-Year Budget Report (Informational Item)

Receive update on Mid-Year Budget.

Director Haggerty motioned to approve the Consent calendar. Director Arreguin seconded the 12/0

REGULAR AGENDA

8. CEO REPORT

- A. Executive Committee Meeting;
- B. Marketing and Outreach update;
- C. Local Development Business Plan Update and
- D. Update on Opt-out

9. Community Advisory Committee Report

The Chair will report on the CAC meeting during Item 14 Carbon Allotment discussion

The Board thanked the Advisory Committee for their dedication to providing the Board with advice.

10. Treasurer's Report (Informational Item)

Receive report on EBCE Cash position.

The Board Discussed:

- Delinquent Accounts
 - Collection practices
- Reserve fund goal
- Credit rating eligibility

11. Legislative Position on AB 1839 (Action Item)

Take a "support" position on AB 1839 (Bonta).

Jessica Tovar – Spoke in Support of the Board supporting AB1839 (Bonta) stating that EBCE

Director Haggerty motioned to take a support position on AB 1839 (Bonta). Director Arreguin seconded the motion which carried 12/0

12. Local Development Budget Update (Informational Item)

Receive update on Local Development Activities.

The Board Discussed:

- EV chargers
 - Multi-unit dwellings
 - Shopping Centers
 - Major traffic corridors
- Fleet Electrification
- Bike/Pedestrian projects
- Roll over of unspent funds

Jessica Tovar - Spoke regarding EBCPA support for local projects in Alameda County and EBCE creation/sponsoring of resiliency hubs during PSPS events.

13. 2020 Integrated Resource Plan Filing Overview and Update (Informational Item)

Receive update the 2020 Integrated Resource Plan Filing
Presented

14. Carbon-Free Allocation (Informational Item)

Receive an update on the questions asked in the December 18, 2019 Board Meeting to guide the policy direction relative to the potential pathways.

The Board Discussed:

- Concern over increase in natural gas generation if allotment accepted
- Labor Unions opposition to nuclear allocation
- Cost benefits of accepting nuclear allotment
 - Can funds be moved towards increasing renewable energy?
- Requested Staff seek additional information on cost and cost savings

Frank Burton - Spoke in opposition of accepting nuclear allotment proposal from PGE and supports the decommissioning of Diablo Canyon sooner than 2025.

Barbara Stebbins - Spoke in opposition of accepting nuclear allotment citing concerns with the PCIA structure, potential to delay early closure of Diablo Canyon and associated costs to support the plant.

Audrey Ichinose - Recommended EBCE Board not view the budget savings as incentive to accept nuclear allotment and that the Board elevate concerns to the Governor. A. Ichinose also spoke regarding lack of confidence in the CPUC.

15. 2020 PCIA Impacts (Informational Item)

Receive update on expected changes to the PCIA in 2020 and potential strategies to mitigate impacts.

The Board Discussed:

- Cost to EBCE
- Timeline for PGE rates
- Board support for Staff actions
- Timing of PCIA options and discussions
- Fixed PCIA suggestion
- Legislative options

16. 2020 Meeting Schedule (Informational Item)

Receive the 2020 EBCE Board, Community Advisory and committees schedule.

Presented

17. Board Member and Staff Announcements including requests to place items on future Board Agendas

There were no Board member or staff announcements.

18. Adjourned



Consent Item 5

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: Contracts Entered into
DATE: February 19, 2020

RECOMMENDATION

Accept the CEO's report on contracts entered into between January 15, 2020 and February 12, 2020.

1. C-2020-07, Keyes & Fox (Oakland, CA), Fourth Amendment to Legal Services Agreement, amends Agreement with rates for 2020.
2. C-2020-09, Ascend Analytics (Boulder, CO), Engagement Letter, six-week pilot of the PowerSimm Portfolio Manager tool.
3. C-2020-11, Sound of Hope (San Jose, CA), Consulting Services Agreement for advertising and translation services through July 31, 2020, NTE \$15,000.
4. C-2020-12, Essence Partners (San Francisco, CA) Consulting Services Agreement videography services through May 30, 2020, NTE \$16,500 (cost to be reimbursed equally by SJCE, SVCE, PCE, & MCE, a Cost Sharing Agreement if forthcoming).
5. C-2020-14, West Oakland Environmental Indicators Project (Oakland, CA), Community Innovation Grant Agreement awards a \$40,000 grant to assist with programs related to environmental justice education and solutions for West Oakland residents.
6. C-2020-15, Braun Blasing Smith Wynne (Sacramento, CA), Legal Services Agreement for regulatory and legal services in support of collective CCAs in regard to CPUC matters, not to exceed \$5,000.

7. C-2020-16, Washington Hospital Health System (San Leandro, CA), Non-Standard Offer Indicative Pricing & Terms Letter to facilitate EBCE offering nonstandard pricing terms to keep customer from leaving EBCE for Direct Access. Term from Aug 1 - Dec 31, 2020 for Bonus Fixed Price Amount, Fixed Price Contract from 1/1/21, minimum period of 5 years, with option to extend, as approved by EBCE Board of Directors on September 18, 2019 - Item #17.

8. C-2020-17, Myst AI (Cupertino, CA), First Amendment to Consulting Services Agreement adds an additional \$15,000 to the NTE for a total of \$30,000 for Proof of Concept for price forecasting through 12/31/2020.



Consent Item 6

TO: East Bay Community Energy Board of Directors

FROM: Dan Lieberman, Marketing Director

SUBJECT: **Amending EBCE's Consulting Services Agreement with Celery Design Collaborative**

DATE: February 19, 2020

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute the First Amendment of EBCE's Consulting Services Agreement with Celery Design Collaborative to raise the budget from \$100,000 to \$300,000 and to expand the Scope of Work to include several new tasks.

Background and Discussion

EBCE has identified work tasks that exceed the initial Scope of Work and budget contained in EBCE's Consulting Services Agreement with Celery Design Collaborative. These tasks include but are not limited to extensive website revisions to improve user experience, ensure ADA compliance, allow public meetings search functionality, and add Hubspot integration; defining an induction cooking consumer and professional chef education campaign; photography and videography services that include our forthcoming service areas of Newark, Pleasanton, and Tracy; and design and website work for the resiliency program. These tasks were not anticipated when we signed our Consulting Services Agreement with Celery Design Collaborative last year.

Fiscal Impact

EBCE's Marketing budget will not be impacted, as EBCE has been able to reduce other marketing expenses commensurate with the increase in this Consulting Services

Agreement. Savings were primarily accrued through under-budget printing services for required mass mailings.

Attachment(s):

- A. Resolution authorizing the CEO to negotiate and execute the First Amendment to a Consulting Services Agreement with Celery Design Collaborative;
- B. First Amendment to a Consulting Services Agreement with Celery Design Collaborative

RESOLUTION NO. __
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

WHEREAS, The East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all of the member jurisdictions.

WHEREAS, in 2019, EBCE selected Celery Design Collaborative of Berkeley, California to provide Consulting Services for Graphic and Web Design Services; and

WHEREAS, Celery Design Collaborative has been executing said services to the satisfaction of EBCE staff; and

WHEREAS, EBCE has identified additional work tasks that exceed the initial Scope of Work and budget contained in EBCE’s Consulting Services Agreement with Celery Design Collaborative. These tasks include, but are not limited to: extensive website revisions to ensure ADA compliance, defining an induction cooking consumer and professional chef education campaign; and design and website work for the resiliency program; and

WHEREAS, EBCE’s marketing budget has sufficient funds available to pay for this additional scope without requiring an increase in EBCE marketing budget, due to savings realized in other marketing tasks.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The CEO is hereby authorized to negotiate and execute the First Amendment to the Consulting Services Agreement between EBCE and Celery Design Collaborative to expand the budget from \$100,000 to \$300,000 through July 31, 2020. The additional tasks and task budgets will be added to the Exhibit A (Scope of Work) of the Consulting Services Agreement. This agreement is billed on a time and material basis, and consultant rates are contained in Exhibit E of the Consulting Services Agreement.

ADOPTED AND APPROVED this 19th day of February, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

**First Amendment to Consulting Services Agreement for Services by and Between
East Bay Community Energy Authority and Celery Design Collaborative**

This First Amendment to the Consulting Services Agreement with Celery Design Collaborative for Graphic and Web Design Services (“Amendment”) is made this 19th day of January, 2020, by and between the East Bay Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“EBCE”) and Celery Design Collaborative, a California Limited Liability Corporation, for the purposes of adding new services to the scope, and adding additional compensation.

Recitals

- A. EBCE and Celery Design Collaborative entered into that certain agreement for consulting services dated July 17th, 2019, wherein Celery Design Collaborative agreed to provide graphic and web design services to EBCE.
- B. EBCE desires to continue to use Celery Design Collaborative’s expertise in the area of graphics and web design and to expand the scope. Celery Design Collaborative has the expertise and availability to assist EBCE in this area.

Now therefore, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Section 6.1 of the Agreement is modified so that the maximum compensation under the Agreement is \$300,000 (adding an additional amount of \$200,000 for additional services).
- 2. Exhibit A – Scope of Work, is amended to include the additional services in the attached Exhibit A.
- 3. Exhibit E – Compensation/Budget, is amended and restated as outlined in Exhibit E.
- 4. All other terms and conditions in the Agreement not otherwise modified by this Amendment will remain in full force and effect.

In witness whereof, the Parties have entered into this Amendment on the date written above.

East Bay Community Energy Authority,
A Joint Powers Authority

Celery Design Collaborative
A California Limited Liability Corporation

Nick Chaset
CEO

Name:
Title:

Indu Khalsa

Approve as to Form
EBCE General Counsel

Name:
Title:

Exhibit A

Scope of Work

These services will be included in addition to the original Scope of Work;

Task 2.0

9. Website revisions to ensure ADA compliance and professional design

Task 4.0

1. Defining an induction cooking consumer and professional chef education campaign
2. Design and website work for the Resiliency Program

Exhibit E**Compensation**

This agreement is billed on a time and material basis, per the rates indicated below. Total invoices during the term of this agreement shall not exceed \$300,000. Any direct costs, such as web hosting, will be billed at the amount charged to the Consultant with no additional mark-up on price.

Name	Title	Hourly Rate
Brian Dougherty	Creative Director	\$150
Stephanie Welter-Krause	Art Director and Design Lead	\$150
Amy Glaiberman	Art Director and Design Lead	\$150
Christopher Paguio	Senior Designer	\$125
Shannon McGill	Senior Designer	\$125
William Lark	Senior Creative Technologist	\$175
Jennifer Jackson	Copywriter	\$175



Consent Item 7

TO: East Bay Community Energy Board of Directors
FROM: Jason Bartlett, Finance Manager
SUBJECT: Fiscal Year 2019-20 Second Quarter Financial Statements
DATE: February 19, 2020

Recommendation

Receive the Accountant's Compilation Report of the second quarterly financial statements for the 2019-2020 fiscal year.

Background and Discussion

This memo is a summary discussion of the Accountant's Compilation Report, as delivered on February 7, 2020.

The full, attached report presents the second quarter financial statements for the 2019-20 fiscal year. These statements cover EBCE's financial activities from October 1, 2019 through December 31, 2019. The report contains three statements

- The Statement of Net Position
- The Statement of Revenues, Expenses, and Change in Net Position
- The Statement of Cash Flows

The Statement of Net Position is a balance sheet snapshot of EBCE's assets, liabilities, and net position as of December 31, 2019.

The Statement of Revenues, Expenses, and Change in Net Position is an income statement outlining the net position derived from operating and non-operating revenues and expenses for both the second quarter and the fiscal year-to-date ending December 31, 2019.

The Statement of Cash Flows is a complete fiscal year-to-date statement outlining the cash activities from operations, financing, and investments.

Fiscal Impact

This memo has no direct fiscal impact

Attachments

- A. Accountant's Compilation Report for the Second Quarter of the 2019-20 Fiscal Year



ACCOUNTANTS' COMPILATION REPORT

Board of Directors
East Bay Community Energy Authority

Management is responsible for the accompanying financial statements of East Bay Community Energy Authority (a California Joint Powers Authority) which comprise the statement of net position as of December 31, 2019, and the related statements of revenues, expenses, and changes in net position for the period then ended, and the statement of cash flows for period then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the accompanying statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, conclusion, nor provide any assurance on these financial statements.

Management has elected to omit substantially all of the note disclosures required by accounting principles generally accepted in the United States of America in these interim financial statements. East Bay Community Energy Authority's annual audited financial statements include the note disclosures omitted from these interim statements. If the omitted disclosures were included in these financial statements, they might influence the user's conclusions about the Authority's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Authority because we performed certain accounting services that impaired our independence.

Maher Accountancy

San Rafael, CA
February 7, 2020

EAST BAY COMMUNITY ENERGY AUTHORITY
STATEMENT OF NET POSITION
As of December 31, 2019

ASSETS

Current assets	
Cash and cash equivalents	\$ 120,237,114
Accounts receivable, net of allowance	39,601,538
Accrued revenue	23,254,106
Market settlements receivable	5,483,478
Other receivables	228,504
Prepaid expenses	3,710,205
Deposits	2,476,174
Restricted cash	4,000,000
Total current assets	<u>198,991,119</u>
Noncurrent assets	
Capital assets, net of depreciation	151,380
Deposits	141,208
Restricted cash	7,000,000
Total noncurrent assets	<u>7,292,588</u>
Total assets	<u><u>206,283,707</u></u>

LIABILITIES

Current liabilities	
Accounts payable	1,967,539
Accrued cost of electricity	63,256,668
Accrued payroll and benefits	395,381
User taxes and energy surcharges due to other governments	3,875,800
Security deposits - energy suppliers	300,000
Total current liabilities	<u>69,795,388</u>

NET POSITION

Investment in capital assets	151,380
Restricted for security collateral	11,000,000
Unrestricted	125,336,939
Total net position	<u><u>\$ 136,488,319</u></u>

EAST BAY COMMUNITY ENERGY AUTHORITY**STATEMENT OF REVENUES, EXPENSES
AND CHANGE IN NET POSITION****July 1, 2019 through December 31, 2019**

	<u>Quarter</u>	<u>Year-to-Date</u>
OPERATING REVENUES		
Electricity sales, net	\$ 116,448,392	\$ 258,013,470
Other revenue	44,090	88,181
Total operating revenues	<u>116,492,482</u>	<u>258,101,651</u>
OPERATING EXPENSES		
Cost of electricity	89,502,408	193,322,446
Contract services	3,306,785	6,454,501
Staff compensation	1,400,665	2,604,601
General and administration	389,132	823,643
Depreciation	11,368	17,878
Total operating expenses	<u>94,610,358</u>	<u>203,223,069</u>
Operating income	<u>21,882,124</u>	<u>54,878,582</u>
NONOPERATING REVENUES (EXPENSES)		
Interest income	344,449	558,231
Interest and related expense	(113,363)	(321,953)
Total nonoperating revenues (expenses)	<u>231,086</u>	<u>236,278</u>
CHANGE IN NET POSITION	22,113,210	55,114,860
Net position at beginning of period	<u>114,375,109</u>	<u>81,373,459</u>
Net position at end of period	<u>\$ 136,488,319</u>	<u>\$ 136,488,319</u>

EAST BAY COMMUNITY ENERGY AUTHORITY
STATEMENT OF CASH FLOWS
July 1, 2019 through December 31, 2019

CASH FLOWS FROM OPERATING ACTIVITIES

Receipts from customers	\$ 278,122,153
Other operating receipts	153,104
Payments to suppliers for electricity	(174,102,879)
Payments for other goods and services	(7,744,095)
Payments for staff compensation	(2,669,463)
Tax and surcharge payments to other governments	(10,896,395)
Net cash provided (used) by operating activities	<u>82,862,425</u>

**CASH FLOWS FROM NON-CAPITAL
FINANCING ACTIVITIES**

Principal payments on notes and loans	(12,512,500)
Interest and related expense payments	(400,457)
Net cash provided (used) by non-capital financing activities	<u>(12,912,957)</u>

**CASH FLOWS FROM CAPITAL AND RELATED
FINANCING ACTIVITIES**

Acquisition of capital assets	<u>(144,099)</u>
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CASH FLOWS FROM INVESTING ACTIVITIES

Interest income received	<u>558,231</u>
Net change in cash and cash equivalents	70,363,600
Cash and cash equivalents at beginning of period	60,873,514
Cash and cash equivalents at end of period	<u>\$ 131,237,114</u>

Reconciliation to the Statement of Net Position

Cash and cash equivalents (unrestricted)	\$ 120,237,114
Restricted cash (current and noncurrent)	11,000,000
Cash and cash equivalents	<u>\$ 131,237,114</u>

EAST BAY COMMUNITY ENERGY AUTHORITY
STATEMENT OF CASH FLOWS (continued)
July 1, 2019 through December 31, 2019

**RECONCILIATION OF OPERATING INCOME TO NET
CASH PROVIDED (USED) BY OPERATING ACTIVITIES**

Operating income	\$ 54,878,582
Adjustments to reconcile operating income to net cash provided (used) by operating activities	
Depreciation expense	17,878
Revenue adjusted for allowance for uncollectible accounts	1,296,550
(Increase) decrease in:	
Accounts receivable	2,653,288
Market settlements receivable	1,241,464
Other receivables	(228,504)
Accrued revenue	4,870,959
Prepaid expenses	1,106,424
Noncurrent deposits	4,551,977
Increase (decrease) in:	
Accounts payable	(158,964)
Accrued cost of electricity	12,488,418
Accrued payroll and benefits	76,118
Deferred revenue	(23,258)
User taxes due to other governments	391,493
Security deposits from energy suppliers	(300,000)
Net cash provided (used) by operating activities	<u>\$ 82,862,425</u>



Staff Report Item 8

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: CEO Report (Informational Item)
DATE: February 19, 2020

Recommendation

Accept Chief Executive Officer (CEO) report on update items below.

Executive Committee Meeting

The Executive Committee met on 1/24/20 where they received updates on Regulatory and Legislative matters and a presentation from CEO Chaset on potential pathways relative to the carbon-free allocation process.

Finance, Administration and Procurement Sub-committee Meeting

The Finance, Administration and Procurement Sub-committee did not meet in January or February. The next meeting will be held on Friday March 13, 2020.

Marketing Regulatory and Legislative Sub-committee Meeting

The Marketing, Regulatory and Legislative Subcommittee did not meet in January. The next meeting will be held on Thursday February 27, 2020.

New Staff

Jamal Bernardez, Outreach Intern

Jamal started as EBCE's new Outreach Intern on 1/23/20. He is working part-time while in his final year at USF pursuing a Bachelor of Arts in sociology. He hails from Berkeley, CA.

Jamal will contribute to robust outreach efforts in 2020, including opting-up customers during Earth Day in April. He will attend community events throughout Alameda County to educate customers on local programs and service options.

Diego Ponce de Leon Barido, Director of Analytics

Diego Ponce de Leon Barido started at EBCE on 2/3/20 as Director of Analytics for the Technology & Analytics Team on 2/3/20 as the Director of Analytics. He oversees EBCE's data practices including internal data management and innovation, partnerships and best practices. Prior to joining EBCE Diego founded Xinampa, where he worked on developing information, communication solutions, and ubiquitous data products for reducing energy waste in the 30 fastest growing economies in the global south. He was worked and consulted for IBM Research, Lawrence Berkeley National Lab, the Inter-American Development Bank, and USAID amongst many other institutions.

Diego holds a PhD in Energy and Resources, an M.S in Energy and Resources (UC Berkeley), a B.S.C.E in Civil Engineering (University of Minnesota), and B.A in Economics (Macalester College). He is a Link Foundation, National Geographic Energy Challenge, and CONACYT-UCMEXUS fellow.

Adrian Bankhead, Assistant Clerk/Office Manager

Adrian joined EBCE as the Assistant Clerk/Office Manager on 2/3/20. He will help provide critical administrative support for the EBCE Board of Directors, manage office operations and procedures, and help ensure a quality experience for our customers.

Prior to joining the EBCE, Adrian provided 18 years of administrative support and customer service in the financial services industry. Adrian is an East Bay native and is excited to help build California's clean energy future.

Marketing and Account Services Update

Marketing and Outreach Highlights

- **Call for Art** - Solicitation for local artists to submit designs for Earth Day posters and buttons. Proposals are due March 1. More information is available at <https://ebce.org/solicitations/>.
- **Event Sponsorships** - Confirmed sponsorship of Clean Energy Leadership Institute (CELI) scholarships for Alameda County program applicants and Habitat for Humanity Women's Build Day in Fremont; engaged with Alameda County Fair to again sponsor the Energizer Station this summer
- **New Customer Notifications** - Updated design of direct mail notification (see below)
- **Outreach** - Attended 9 events in January with nearly 500 personal interactions
- **Coming Soon** - opt up campaigns for commercial and residential customers centered around Earth Day's 50th Anniversary in April; "homecoming" campaign to invite opted out customers to return to EBCE service



Account Services Highlights

- **NEM Enrollment** - all enrollment and noticing now complete
- **New PG&E Rates** - PG&E increased generation rates by \$0.00001 for some rates - no change made to EBCE rates at this time. An updated joint rate comparison is available at <https://ebce.org/rates/>
- **Technology Update** - Updates to backend systems scheduled to launch in March that will improve cost savings presentation on the bill
- **Time-of-Use Transition** - Continue to plan for customer communications and backend system updates to support the TOU transition of residential customers in May 2021. Non-residential transitions in March (Agricultural rates) and November (Commercial rates) of 2020.
- **Large Commercial Customer Updates** - Hosted luncheon at Pixar for large customers with guest expert speakers; Will be finalizing one non-standard rate agreement in February to retain large customer that was offered Direct Access

Public Engagement Highlights

- **CPUC Certification** - Anticipate the CPUC will certify the addendum in March 2020
- **New Board Member Orientation** - Scheduled for March 4
- **New Board Members** - Tracy has finalized its selection: Council Member Dan Arriola (director) and Council Member Veronica Vargas (alternate)



PCIA Update

PRESENTED BY: Nick Chaset
DATE: February 19, 2020

Summary

- CPUC's proposed decision issued on January 24 is estimated to increase the average PCIA charged to EBCE customers by 45% and decrease PG&E gen rates by 8%
- PCIA and Rate changes are anticipated to go into effect May 1, 2020
- Revenue changes will primarily impact the Fiscal year 2020-2021 budget
- A range of scenarios are possible related to how the CPUC rules on the management of the PCIA Undercollection Balancing Account (PUBA), which takes form through the undercollection trigger, cap, and recovery timeframe
- Further influencing this is PCIA Working Group 3, which will provide guidelines on the future disposition of assets

Revenue Scenarios (FY2020-2021)

- PCIA and Rate changes are anticipated to go into effect May 1, 2020
- PCIA increase is limited to \$0.005/KWh, which results in an undercollection in 2020
- Undercollection cap set at 7% is expected to be reached in August 2020 timeframe
- The undercollection requires a decision by the CPUC to determine the timeframe to recover this undercollection

	Low Impact	Medium Impact	High Impact
Projected 2020-2021 Revenue	\$404MM	\$349MM	\$333MM
7% Cap that remains under collected	\$15MM	\$15MM	\$0
Under collection in excess of cap that is deferred	\$55MM	\$0	\$0

Note: Totals may vary due to rounding

Revenue Scenarios (FY2020-2021) (Cont.)

- Open areas for potential improvement include PG&E's valuation of unsold RECs and RA

	Low Impact	Medium Impact	High Impact
Projected 2020-2021 Revenue	\$408MM	\$361MM	\$346MM
7% Cap that remains under collected	\$15MM	\$15MM	\$0
Under collection in excess of cap that is deferred	\$43MM	\$0	\$0

Note: Totals may vary due to rounding

Projected Expenses

- Energy: Approximately \$362MM
 - Energy and RA: \$312
 - RECs and Carbon Free: \$50MM
- Overhead: Approximately \$28MM
 - Data/Billing: \$9MM
 - Personnel: \$6.5MM
 - Local Development: \$6MM
 - Other SG&A: \$6MM
 - Interest/Commitment Fees: \$1MM

Mitigation Strategies

- Revenue Enhancement
 - Rate changes:
 - Reduce Bright Choice discount: \$3-8MM
 - Increase Brilliant 100 rate: \$1-5MM
- Cost Mitigation
 - Power Content Changes:
 - Reduce Renewables to RPS minimum (2020: 33% / 2021: 35%) for Bright Choice: \$2MM
 - Reduce Carbon free energy procurement: \$2-7MM
 - Accept nuclear allocation (assumes half year of generation): \$5MM
 - Accept hydro allocation (assumes half year of generation): \$2MM
 - Overhead expense reduction: \$1-2MM
 - Local development reduction: \$1-2MM
 - Other:
 - Execute on Energy Pre-pay: \$0.5-1.5MM annual savings
 - Adjust energy hedging strategies to reduce hedging levels, increasing volatility

Rate Changes

- Impact of changing Bright Choice discount relative to high impact scenario

	1.5 % Discount	1.0% Discount	0.5% Discount	0.0% Discount
Projected 2020-2021 Revenue (excluding any PUBA obligation)	\$333MM	\$336MM	\$338MM	\$341MM

- Impact of changing Brilliant 100 Rate relative to high impact scenario

	PG&E Gen Rate	1.0% Premium	2.0% Premium	3.0% Premium	4.0% Premium	5.0% Premium
Projected 2020-2021 Revenue (excluding any PUBA obligation)	\$333MM	\$334MM	\$335MM	\$336MM	\$337MM	\$338MM

Power Content Adjustments

- Reduce Renewables to RPS minimum (2020: 33% / 2021: 35%) for Bright Choice: \$2MM
- Reduce Carbon free energy procurement

Bright Choice Carbon Free %	80%	75%	65%
\$ Budget Savings	\$1.7MM	\$3.5MM	\$7MM

- Accept nuclear and hydro allocations from PG&E (assumes half year generation)

	Accept Nuclear Allocation	Accept Hydro Allocation
\$ Budget Savings for July-Dec 2020	\$5MM	\$2MM

PCIA Decision Timeline

- February 13, 2020: ERRA Comments due
- February 18, 2020: Reply Comments due
- February 27, 2020: Earliest CPUC can take action on 2020 PCIA
- May 1, 2020: PCIA/rate change anticipated



Staff Report Item 11

TO: East Bay Community Energy Board of Directors

FROM: Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: First Amendment to Agreement with TRC Engineers, Inc. (Action Item)

DATE: February 19, 2020

Recommendation

Adopt a Resolution authorizing the CEO to execute an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to extend the term of the contract and allocate an additional \$20,000 to the Agreement.

Background and Discussion

In February of 2019, EBCE's Board of Directors approved an Agreement to provide support for local agencies pursuing reach codes with TRC Engineers, Inc. ("TRC"), an engineering, management, and construction firm with offices in Alameda County. TRC has extensive experience with reach codes in California. This contract was funded under the Local Development Program Budget. During the initial term of the Agreement, which is currently set to expire on March 1, 2020, TRC has assisted eight jurisdictions with the EBCE service area with reach code development.

The Local Development Program Budget for reach code development included an allocation of \$100,000 to provide incentives for municipalities that successfully pass reach code ordinances. EBCE staff believe eight municipalities are likely to reach this milestone out of the ten originally budgeted for: this leaves \$20,000 of funding remaining. EBCE staff propose reallocating those funds to allow TRC to continue to provide technical support to those cities that are pursuing reach code development.

TRC has provided a high value service, drafting model codes, performing cost effectiveness analyses, and representing EBCE at stakeholder and city council meetings. EBCE has received positive input from staff at member agencies about the quality of service TRC has provided.

The proposed amendment would increase the not to exceed (NTE) amount of the Consulting Services Agreement by \$20,000 to an overall NTE of \$220,000 and extends the term of the Agreement through March 31, 2020. TRC will use this funding to continue with code development activities in the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Oakland, and Piedmont. Funds have been allocated equally across cities to ensure equitable distribution of support. TRC will also continue developing tools to assist city officials with implementation of reach codes.

Fiscal Impact

This Amendment is funded through a reallocation of existing program funds; therefore, there is no fiscal impact associated with this budget item.

Attachments

- A. Resolution Authorizing the CEO to Execute the Amendment to a Consulting Agreement with TRC Engineers, Inc.
- B. Amendment to Consulting Services Agreement with TRC Engineers, Inc.

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO
EXECUTE AN AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH TRC
ENGINEERS**

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES
HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all of the member jurisdictions.

WHEREAS, in February 2019 the Board of Directors authorized the CEO to execute an Agreement with TRC Engineers, Inc. (“TRC”) to support reach code development in the EBCE service area. TRC has supported eight EBCE member agencies (Fremont, Hayward, Emeryville, Piedmont, Albany, Oakland, Dublin, Berkeley) in the pursuit of all electric reach codes, providing a high level of support and helping EBCE achieve greenhouse gas reduction goals in the EBCE service area. In order for TRC to continue its work developing reach codes for the eight member agencies, additional funding must be added to the Consulting Services Agreement.

WHEREAS, the Board of Directors approved \$550,000 in the Local Development Budget for building and transportation electrification, including funding to assist member agencies in developing local reach codes. The funding approved included \$100,000 in incentives for local jurisdictions, of which, \$80,000 has been allocated, leaving \$20,000 currently unallocated.

WHEREAS, EBCE would like TRC to continue providing reach code services to its member agencies, and to use the previously unallocated \$20,000 from the Local Development Budget for these purposes.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY
ENERGY AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. The Board of Directors hereby authorizes the CEO to execute an Amendment to the Consulting Services Agreement with TRC Engineers, Inc. to increase the total compensation by \$20,000 and to extend the term, in substantially

the form attached hereto, with clarifying or clerical changes proposed by the CEO and approved by the General Counsel.

ADOPTED AND APPROVED this 19th day of February, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

**First Amendment to Consulting Services Agreement for Services by and Between
East Bay Community Energy Authority and TRC Engineers, Inc**

This First Amendment to the Consulting Services Agreement with TRC Engineers (“Amendment”) is made this 22nd day of February, 2020, by and between the East Bay Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“EBCE”) and TRC Engineers, Inc, a California corporation, for the purposes of extending the termination date, updating the schedule, and adding additional compensation.

Recitals

- A. EBCE and TRC Engineers entered into that certain agreement for consulting services dated March 21st, 2019 (“Original Agreement”), wherein TRC Engineers agreed to provide electrical vehicle infrastructure services to EBCE.
- B. EBCE desires to continue to use TRC Engineers’ expertise in the area of electrical vehicle infrastructure services. TRC Engineers has the expertise and availability to assist EBCE in this area.

Now therefore, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties agree as follows:

- 1. Section 2 of the Original Agreement is amended in its entirety to read as follows:
“The term of this Agreement is from the Effective Date of this Agreement through March 31, 2021, unless terminated earlier pursuant to Section 8.”
- 2. Section 6.1 of the Agreement is amended to increase the maximum compensation under the Agreement to \$220,000 (adding an additional amount of \$20,000 for additional services).
- 3. Exhibit B – Schedule, is amended in its entirety and replaced with Exhibit B, attached hereto.
- 4. Exhibit E – Compensation/Budget, is amended in its entirety and replaced with Exhibit E, attached hereto.
- 5. All other terms and conditions in the Original Agreement not otherwise modified by this Amendment will remain in full force and effect.

In witness whereof, the Parties have entered into this Amendment on the date written above.

East Bay Community Energy Authority,
A Joint Powers Authority

TRC Engineers
A California corporation

Nick Chaset
CEO

Name:
Title:

Indu Khalsa

Approve as to Form
EBCE General Counsel

Name:
Title:

Exhibit B
Schedule

Services provided under this Agreement shall be completed on a timeline as directed by EBCE.

Exhibit E**Compensation/Budget**

Compensation for the services provided under this Agreement will be paid on a time and materials basis, based on the following rate schedule and terms:

TRC Rate Schedule

Staff Title	Staff Name	Rate (\$/Hour)
Vice President	Catherine Chappell, Abhijeet Pande	\$275
Associate Vice President	Carmen Henrikson, Katie Wilson	\$230
Director	Gwelen Paliaga, Colman Snaith	\$215
Associate Director	Michael Mutmansky, Marian Goebes	\$190
Senior Project Manager	Nicholas Dunfee	\$175
Project Manager	Farhad Farahmand, Rupam Singla, Dove Feng, David Douglass-Jaimes	\$160
Associate Project Manager	Avani Goyal, Yamini Arab, Parul Gulati	\$115
Associate	Neil Perry, Nolan Stephens, Mia Nakajima, Richard Williams, Josiah Norton, Kristen Bellows	\$105
Assistant	Yolanda Beesemyer	\$90

Total compensation under this Agreement is not to exceed \$220,000. Invoices may be submitted no more than monthly, with hours identified by staff, rate, and task.