



Board of Directors Meeting

Wednesday, October 21, 2020

5:00 pm

<https://us02web.zoom.us/j/87023071843>

Join by phone:

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Webinar ID: 870 2307 1843

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 email it to the clerk by 5:00 pm the day prior to the meeting.

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 and must complete an electronic [speaker slip](#). The Board Chair may increase or decrease the time allotted to each speaker.

CONSENT AGENDA

4. **Approval of Minutes from September 16, 2020**
5. **Contracts entered into (Informational Item)**
6. **Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute a Third Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers**
Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute a Third Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers, for a total amount not to exceed \$275,000 through December 31, 2021.
7. **Approve Second Amendment with Frontier Energy to Update Scope and Add to Budget for Technical Support on Development and Filing of Energy Efficiency Funding Request**
Adopt a Resolution Authorizing CEO to Execute Second Amendment with Frontier Energy to add additional services to the scope and an additional \$109,948 to the budget for Technical Support on Development and Filing of Energy Efficiency Funding Request.
8. **Adopt a Resolution to Amend the Conflict of Interest Code to Add Four New Positions and Update the Code Reviewing Body**
Adopt a Resolution Amending the Authority's Conflict of Interest Code to add four new positions, update the code reviewing body, and other items.
9. **Municipal Advisor for Prepay Transaction**
Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement with PFM Financial Advisors, LLC to serve as the Municipal Financial Advisor on EBCE's energy prepayment transaction.
10. **Approve IRP Agreement Amendment**
Adopt a Resolution approving Amended Agreement with Ascend Analytics for IRP consulting services
11. **Extension of Brilliant 100 product to January 31, 2021**
Adopt a Resolution that extends the product offering of Brilliant 100 at 100% carbon free content and cost parity with PG&E standard rate until January 31, 2021
12. **Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy**
Given the on-going public health emergency caused by COVID-19 and the associated financial strain to many households and businesses, EBCE staff recommends that the Board adopt the Resolution to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies and extend the suspension of the "Failure to Pay" section of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 91 days until January 20, 2021.
13. **Fiscal Year 2019-20 Budget to Actuals**
Receive report comparing EBCE's final audited financial actuals to the approved budget for the 2019-2020 fiscal year.

REGULAR AGENDA

14. CEO REPORT

- A. Executive Committee Meeting;
- B. Finance, Administration and Procurement Subcommittee Meeting;
- C. Marketing, Regulatory and Legislative Subcommittee Meeting;
- D. COVID-19 Community Grant Fund Update and
- E. Marketing and Account Services Update

15. Community Advisory Committee Report

16. CEO Employment Agreement Amendment (Action Item)

17. Treasurer's Report (Informational Item)

18. Accept Final Audited Financial Statements for 2019-2020 Fiscal Year (Action Item)

Presentation of the finalized audited financial statements for the fiscal year ending June 30, 2020.

19. IRP Results (Informational Item)

Informational Update on the result of the completed IRP analysis

20. EBCE's Participation in the CPUC-approved Arrearage Management Program (Action Item)

Adopt a Resolution to allow EBCE to participate in the California Public Utilities Commission approved Arrearage Management Program, provided that the CPUC approves a cost recovery approach that uses the Public Purpose Program Charge or similar socialized charge levied on the distribution portion of customers' bills, and to inform PG&E of EBCE's conditional participation.

21. Aramis Solar & Storage Project (Informational Item)

Receive a presentation on the background of Intersect Power, an infrastructure development company, and Aramis, a local solar & storage project.

22. Community Advisory Committee Guide and Appointment Process Updates (Action Item)

Adopt a Resolution to amend the Community Advisory Committee (CAC) Guide and Appointment Process to:

- A. Include new EBCE service areas;
- B. Assign seats based on planning areas (see chart below);
- C. Expand the committee to 12 seats (10 seats based on planning areas and two at-large seats);
- D. Appoint one alternate for each planning area;
- E. Shorten appointment terms to 2-years, maintaining the appointment maximum of 8 years (4 full 2-year terms or combination thereof); and
- F. Request the Mayors' Conference to appoint the two at-large seats.

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

**24. Adjournment - to Date: Wednesday, November 18, 2020
Time: 5:00 pm**



Draft Minutes

Board of Directors Meeting

Wednesday, September 16, 2020

5:00 pm

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If you have anything that you wish to be distributed to the Committee, please email it to the clerk by 5:00 pm the day prior to the meeting.

1. Welcome & Roll Call

Present: Directors: Haggerty (Alameda County), Pilch (Albany), Arreguin (Berkeley) Hernandez (Dublin), Mendall (Hayward), Munro (Livermore), Hannon (Newark), Rood (Piedmont), Pentin (Pleasanton), Hernandez (San Leandro), Arriola (Tracy), Patino (Union City), Sutter (Community Advisory), Vice-chair Martinez (Emeryville), and Chair Kalb (Oakland)

Excused: Director Rood (Piedmont)

2. Pledge of Allegiance

3. Closed Session A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION under California Government Code Section 54957: Performance Evaluation of Chief Executive Officer Nicolas Chaset.

4. General Counsel Report Out of Closed Session No report out of closed session

5. 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 and must complete an electronic [speaker slip](#).
The Board Chair may increase or decrease the time allotted to each speaker.*

Blair Beekman spoke regarding the city of San Jose's Hummingbird Energy Storage project.

CONSENT AGENDA

6. Approval of Minutes from July 15, 2020

7. Contracts entered into (Informational Item)

8. Adopt a Resolution Limiting Overhead Costs and/or Indirect Expenses in Contracts and Grants with Universities

Adopt a Resolution limiting overhead costs and/or indirect expenses in contracts and grants with universities to 15 % of the contract or grant value.

R-2020-21

9. Adopt a Resolution Authorizing EBCE CEO to Negotiate and Execute an Agreement with Selected Vendor to Implement a Pay-for- Performance Energy Efficiency Program for EBCE's Residential Customers

Adopt a Resolution Authorizing the CEO to Negotiate and Execute a Consulting Services Agreement with Selected Vendor to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Residential Customers, for a total amount not to exceed \$250,000 through December 31, 2021.

R-2020-22

10. Portfolio, Risk, and Valuation Management Software with cQuant.IO, Inc.

Adopt a Resolution authorizing the CEO to negotiate and execute an EBCE Consulting Services Agreement with cQuant.IO, Inc. (" "), for portfolio, risk, and valuation management software services for a 3-year subscription term with annual payments not to exceed \$151,000 in year 1, \$162,000 in year 2, and \$173,000 in year 3 with a one-time configuration and implementation fee of \$75,000 split of two payments of \$35,000 at contract signing and \$40,000 in July 2021. The total contract amount is not to exceed \$561,000.

R-2020-23

11. Printing and Mailing Services

Approve a first amendment to a contract with FinalOption Corp, dba Pacific Printers, for printing and mailing services, for the period of October 1, 2020 - June 30, 2021, in an amount not to exceed \$305,000.

R-2020-24

Ceyda Dumas Dogan thanked the board for the local pay for performance efficiency projects and recommended prioritizing local vendors.

Director Haggerty motioned to approve the Consent Agenda. Director Mendall seconded the motion which carried 13/0; Excused: Directors: Rood (Piedmont) and Patino (Union City)

REGULAR AGENDA

12. CEO REPORT

- A. Executive Committee Meeting;
- B. Subcommittee Meetings;
- C. New Staff; and
- D. Marketing and Account Services update;

Presented

The Board Discussed

- Opt up rates
- Definition of transaction terms
- Marketing Materials - Distribution to member cities

13. Community Advisory Committee Report

The CAC would like to urge the exec comm to agenda the discussion of CAC guide update.

14. CEO Employment Agreement Amendment and Bonus Consideration (Action Item)

Vice-Chair Martinez motioned to approve the remaining 3.5% CEO merit bonus for a total of 7% in 2020. Director Haggerty seconded the motion which carried 13/0; Excused: Director Rood (Piedmont) and Chair Kalb (Oakland)

15. Brilliant 100 Options for 2021 (Informational Item)

Receive a presentation on Brilliant 100 options for 2021 and vote on the selected option at the October Board meeting.

Presented

The Board Discussed

- Power Content label
- Member city autonomy
- Future of Brilliant 100 product
- Other product options at parity
- Financial Impact of choices
- Reducing natural gas dependency
- CAC discussion

Igor Tregub spoke regarding concerns with cities requesting nuclear energy options after the Board decision to reject the allocation. I. Tregub also spoke regarding the importance of local energy creating local benefits.

Melissa Yu spoke in opposition of EBCE including nuclear in power content.

Jessica Tovar spoke in opposition to accepting nuclear energy

Barbara Stebbins spoke in opposition of including nuclear energy, highlighting concerns of making ratepayers opposed to nuclear, use the product.

Ceyda Durmaz Dogan spoke in opposition of including nuclear energy and mentioned other CCAs that reject the nuclear energy option.

Aleta Dupree spoke regarding difficulty joining meeting and against including nuclear in EBCE's power content.

Michael Eisenscher spoke in opposition of including nuclear energy.

16. Prepay Overview and Approval of Counsel (Action Item)

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreements with the following firms for legal representation on EBCE's energy prepayment transaction:

- A. Orrick, Herrington & Sutcliffe - roles of Bond Counsel and Tax Counsel for an amount not to exceed \$400,000
- B. Chapman & Cutler LLP - roles of Disclosure Counsel and Issuer's Counsel for an amount not to exceed \$235,000

R-2020-25

Director Pilch motioned to adopt a resolution authorizing the CEO to negotiate and execute consulting agreements for legal representation. Director Munro seconded the motion which carried 12/0; Excused: Directors: Arreguin, Rood and Chair Kalb

17. August Heat Wave Summary (Informational Item)

Receive a presentation on the historic heat wave and state-wide rolling blackouts during August 14th and 15th 2020.

Presented

Aleta Dupree spoke regarding the importance of battery storage

18. Integrated Resource Plan Update (Informational Item)

Receive update on EBCE's Integrated Resource Plan (IRP) Compliance Filing.

Presented

Aleta Dupree spoke in support of the Integrated Resources Plan filing.

19. Resolution to adopt a Rate Stabilization GASB 62 Fund (Action Item)

Adopt a Resolution to create a Rate Stabilization GASB 62 Fund to create a more stable short-term financial position by allowing EBCE to defer revenue in years when financial results are strong.

The Board Discussed

- Resolution Language
- Account functions

R-2020-26

Director Hernandez motioned to adopt a resolution to create a Rate Stabilization GASB 62 Fund. Director Mendall seconded the motion which carried 13/0; Excused: Directors: Arreguin and Rood

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

Director Hernandez (Dublin) directed staff to seek programs to fund/support EBCE's deferral of delinquent customer accounts.

21. Adjourned

Key

Resolution	R
Contract	C
Policy	P



Consent Item 5

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: Contracts Entered Into
DATE: October 14, 2020

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy.

Items executed between September 12, 2020 and October 14, 2020;

C-2020-160 Nextdoor (San Francisco) Statement of Work - Entities Addendum, allows EBCE to be considered a "Special Entity" to advance its marketing and outreach work, subscription fee is \$1,491 per month from September 1 to December 31, 2020. PSA messages will be charged at \$250 per occurrence.

C-2020-161 San Leandro Boys & Girls Club, Grant awarded in the amount of \$10,000 to support program that provides emotional support to teens, including materials, salaries and programming, in response to the COVID-19 pandemic.

C-2020-162 FinalOption Corp dba Pacific Printing (San Jose) First Amendment to CSA adds \$305,000 to the not to exceed for a total of \$405,000 through June 30, 2021.

C-2020-163 Firmex (Toronto, Ontario) Subscription Agreement for privately branded data room and storage, user license, unlimited support, includes training, for a total amount of \$4,800 for a 12 month term.

C-2020-164 Sister to Sister 2 (Oakland) Grant awarded in the amount of \$10,000 to support the Safe Shelter program that provides housing assistance and resources in response to the COVID-19 pandemic.

C-2020-165 Meltwater (San Francisco) Order Confirmation for the Meltwater Regular and Premium Social Package platforms, for up to 5 users, from a term of 11/6/2020 to 11/5/2021, for \$6,500.

C-2020-166 E Biz Solutions (Fremont) Grant awarded in the amount of \$10,000 to support the Kitchen to Ward program that purchases meals from restaurants and provides them to frontline workers response to the COVID-19 pandemic.

C-2020-167 Ascend Analytics (Boulder, CO) First Amendment to CSA adds \$11,060 to the not to exceed for a total amount not to exceed \$144,060, extends the termination date to 11/30/2020, and expands the scope to include production cost modeling on preferred alternate portfolio and creating a zero GHG IRP portfolio.

C-2020-168 cQuant.io (Louisville, CO) Consulting Services Agreement for a SaaS solution that performs detailed portfolio analytics, risk management, budget and planning analysis, for an amount not to exceed \$561,000 for a term of 3 years.

C-2020-169 Building Opportunities for Self-Sufficiency (Berkeley) Grant awarded in the amount of \$10,000 to support homeless shelter residents who use the Oakland-based Neighborhood Impact Hub services, in response to the COVID-19 pandemic.

C-2020-170 CityServe of the Tri-Valley (Pleasanton) Grant awarded in the amount of \$10,000 to support payments to assist those in need of emergency shelter, providing food, school supplies, clothing, transportation and car repairs for people in crisis, in response to the COVID-19 pandemic.

C-2020-171 Eden United Church of Christ (Hayward) Grant awarded in the amount of \$10,000 to support direct rent relief, direct food assistance, and to support self-isolation and the purchase of cleaning supplies in response to the COVID-19 pandemic.

C-2020-172, 173, 174 & 175 Bloomberg Finance (New York, NY) Agreement, Schedule of Services, Datafeed Addendum, and Amendment to Agreement and Schedule of Services; access to Bloomberg Terminal for a term of 2 years, with automatic renewal for two years unless notice is given, and 2 "Bloomberg Anywhere" at a cost of \$1,970 per month.

C-2020-176 WattTime (Oakland) Evaluation License Agreement not to exceed \$1,500 for a term of 3 months.

C-2020-177 Family Resource Navigators (San Leandro) Grant awarded in the amount of \$10,000 to support mini-grants to families to assist with food insecurity, basic needs, and rent/utilities in response to the COVID-19 pandemic.

C-2020-178 La Clinica de La Raza (Oakland) Grant awarded in the amount of \$10,000 to support the newcomer patient population at Hawthorne School-based clinic, staff time, mindfulness activities, transportation vouchers, phone cards, and creating a safe and comfortable environments for patients, in response to the COVID-19 pandemic.

C-2020-179 Trybe (Oakland) Grant awarded in the amount of \$10,000 to support the purchase of food, supplies and cash grants to households that need assistance with essential items, in response to the COVID-19 pandemic.

C-2020-180 Tri-Valley Haven for Women (Livermore) Grant awarded in the amount of \$10,000 to support groceries for its food pantry, motel vouchers and rental assistance for the homeless and those at risk of becoming sick with COVID-19, to purchase cleaning supplies and PPE for the food pantry staff, and to staff a driver and administrator, in response to the COVID-19 pandemic.

C-2020-181 UCSF Benioff Children's Hospitals Foundation (Oakland) Grant awarded in the amount of \$10,000 to support necessities for homeless teen patients upon discharge and for \$50 grocery gift cards to those facing job uncertainty, in response to the COVID-19 pandemic.

C-2020-182 Tri-City Volunteers (Fremont) Grant awarded in the amount of \$10,000 to support the Thrift Store operations, and the purchase of food for a safe food distribution program in response to the COVID-19 pandemic.

C-2020-183 Viola Blythe Center (Newark) Grant awarded in the amount of \$10,000 to support programs providing fresh food and face masks in response to the COVID-19 pandemic.

C-2020-184 Braun Blaising Smith Wynne (Sacramento) adds an additional \$5,000 to the Legal Services Agreement through June 30, 2021, not to exceed \$10,000.

C-2020-185 Strategic Energy Innovation (San Rafael) Climate Corps Agreement/ Memorandum of Understanding, EBCE will partner with SEI to host a Climate Corps Fellow and will pay an amount not to exceed \$59,602.50 through July 31, 2021.

C-2020-186 Olivine (Berkeley, CA) First Amendment to CSA, extends the termination date to March 31, 2021.

C-2020-187 Fractal Business Analytics (Austin, TX) Consulting Services Agreement for energy storage consulting services through November 1, 2021, for an amount not to exceed \$20,000.



Consent Item 6

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Approve Resolution Authorizing EBCE CEO to Negotiate and Execute a Second Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers

DATE: October 21, 2020

Recommendation

Approve Resolution Authorizing EBCE CEO to Negotiate and Execute a Second Amendment to the Agreement with Recurve Analytics to Implement a Pay-for-Performance Energy Efficiency Program for EBCE's Commercial Customers, for a total amount not to exceed \$275,000 through December 31, 2021.

Background and Discussion

In October of 2019, EBCE contracted with Recurve Analytics ("Recurve") to develop a baseline across EBCE service area, against which to evaluate the potential for time-based pay-for-performance ("P4P") demand side programs. EBCE staff hopes to discover through pay-for-performance pilots if the procurement of flexible demand side resources can offer a strategy to achieve lower cost carbon free resources during evening peak periods. The initial work product with Recurve focused around developing a baseline against which to calculate program impacts to support implementation of three P4P pilots. These pilots will help EBCE understand the feasibility of achieving evening peak reductions from energy efficiency strategies and will help inform and support a potential funding application to the California Public Utilities Commission.

In June of 2020, this Board approved an Amendment to the Agreement with Recurve adding budget and scope to support implementation of three P4P pilots. At that meeting, this Board was presented with the rationale for such a pilot. Per the [Board Memo provided for the June 17 meeting](#), EBCE has an interest in exploring the ability to procure demand side resources, specifically flexible load resources, as a strategy for reducing carbon emissions and achieving rate stability. Flexible load demand side resources refer to behind the meter strategies to not only reduce overall energy use, i.e., energy efficiency improvements, but to also target load shifting strategies deployed at the same time. This could include, for example, an HVAC system retrofit that incorporates a programmable thermostat, enabling a homeowner to save money on bills through overall efficiency, and also maximize savings for time of use billing by “pre-cooling” a home during midday hours when renewable energy is cheap and abundant, and avoiding cooling during evening peak hours when energy is expensive and more carbon intensive. Incorporating both overall baseload reduction as well as the ability to shift when energy demand occurs can help to minimize the overall need for energy procurement during expensive and carbon intensive evening hours (Figure 1).

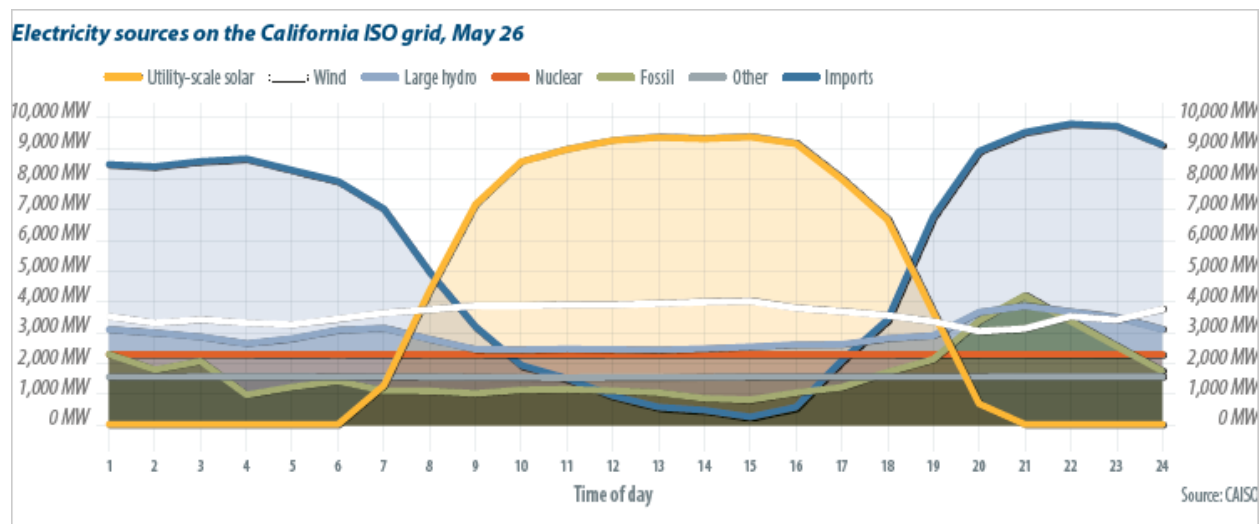


Figure 1. Image source: Harald Schütt for pv magazine. Data from CASIO.

There are many potential benefits associated with procuring these resources from behind the meter strategies, versus from front of the meter storage. Energy efficiency offers many benefits to participants, including increased comfort and safety, reduced bills, and higher quality of life. Energy efficiency programs also stimulate the local economy, by saving customers money traditionally spent on their electricity bills - which can be spent elsewhere - and through local workforce development.

The Recurve platform enables these pilots by offering a measurement and verification function. By developing a baseline from EBCE customer data, the Recurve platform calculates the expected energy consumption in the absence of any interventions, i.e., an energy efficiency retrofit. Once a project has been performed on a property, the actual meter based consumption post-project is compared against the expected baseline in a “no-intervention” scenario, and the difference is attributed to the project and becomes the basis of incentive payments. In other words, P4P programs pay an incentive based on the program impacts as measured at the meter.

An additional benefit of this platform is that it allows EBCE to perform targeted outreach for these pilots, ensuring that the participants targeted for the program are those who may benefit the most from the program. Figure 2 shows the load shape of customers selected for the program (in this case, single family residential), as compared to the total population of customers and the “non-selected” customers. This figure demonstrates that the targeted customers use significantly more energy in the evening peak time frame; thus, these are customers who would benefit the most from a program targeting evening peak.

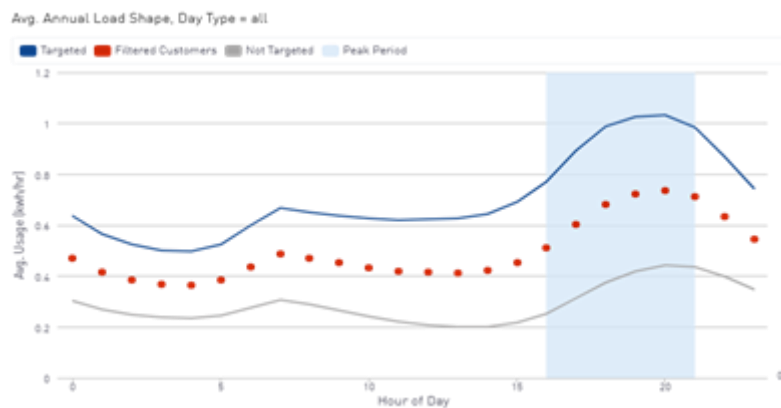


Figure 2. Load Shapes of Targeted vs. Non-Targeted Customers. Targeted customers are represented in blue, non-targeted customers are in gray, and the total population is in dashed red.

Existing Program Implementations

In August of 2020, two vendors were selected to implement the low-income P4P pilot, a program which leverages the Recurve analytics to target CARE customers who are using high amounts of energy and offer the customers no-cost options for reducing energy use. EBCE is working with OhmConnect and Rising Sun Energy Center to provide two no-cost options for residential customers on the CARE rate to manage their energy use. One cohort of customers will be offered a free energy assessment through the Rising Sun Green House Call program, a virtual walk through on the phone

with trained youth energy specialists, and will be provided with a kit of easy-to-install energy saving devices, such as LED bulbs and low-flow showerheads. Customers who are good candidates for additional peak shaving opportunities will be offered free smart thermostats and TP link load controlling devices and will be enrolled in the OhmConnect platform to earn money for reducing energy during peak periods. This offers customers the opportunity to further maximize their savings and get paid during peak events by automating the load shed activity. Customers who connect their smart thermostat or TP link devices on the OhmConnect platform will additionally be given a bill credit by EBCE. EBCE has developed campaign messaging jointly with OhmConnect and Rising Sun and will be emailing roughly 25,000 customers starting the week of October 5. The program targets up to 1,000 green house calls and can provide bill credits for up to 4,000 customers.

In September of 2020, EBCE selected CLEAResults to implement the residential P4P program. The contract is under negotiation and the program is expected to start enrolling customers in Q4 of this year. The program will leverage the existing [BayREN single family energy efficiency program](#) to encourage contractors to offer deeper savings and load shift among program participants. The program is structured to pay CLEAResults for additional savings that accrue above and beyond forecasted savings from installed projects, with higher incentives paid at times of peak energy demand (4-9 pm in summer months). The program will explore if additional resource value can be gleaned from energy efficiency programs, motivating contractors and implementers to provide quality installation and expand the suite of measures offered customers in a typical energy efficiency project (for example, incentivizing load control strategies). The program is targeting 109,000 kWh delivered savings.

Commercial P4P Implementation

The proposed amendment would enable implementation of the third P4P program focused on implementation of a commercial energy efficiency program with an emphasis on reductions during peak hours.

MCE, a community choice aggregator serving four counties in the Bay Area, is implementing a similar P4P program for commercial properties. EBCE and MCE agreed to explore the potential of working together on a jointly implemented program to expand the potential service area for program opportunity. Leveraging the MCE program will open up benefits to EBCE. Because the MCE program is significantly larger in size, it should offer a more enticing opportunity for contractors in the Bay Area helping to boost enrollment in EBCE's commercial program. Additionally, MCE has laid much of the groundwork of program design and administration, so EBCE staff

will be able to leverage this work to facilitate a quicker and more cost-effective program launch.

Under the MCE program, MCE staff envision a larger role in program administration and oversight for Recurve than what was originally contemplated by EBCE. For EBCE to offer a complimentary program in our service area, there is the need for EBCE to add additional scope and budget to the existing Agreement with Recurve. EBCE staff are waiting for the MCE contract with Recurve to be fully executed and intend to mimic the scope and payment terms developed under that agreement. Of note, the payment structure under the commercial program will be contingent upon delivered savings, helping to protect EBCE from risk of underperformance on the part of Recurve. In exchange for a modest program fee (currently calculated at 15% of delivered savings), EBCE will have the opportunity to leverage a significant amount of administrative work on the part of Recurve via the MCE P4P program.

EBCE is interested in exploring the potential of demand side programs to offer resource benefits to EBCE. If EBCE can capture significant demand reduction through these P4P programs and can ensure these demand reductions are captured at times when energy is the most expensive to provide, then there is the possibility to gain procurement benefits from these demand side activities. To explore this possibility, the Recurve contract will be structured such that the payment for Recurve is based upon EBCE's avoided costs. While EBCE has been developing a cost of service model to understand more accurately what these avoided costs are, the model may need a bit of fine tuning before it can be used as a basis of payment. EBCE staff anticipates finalizing the amendment within the next few weeks, but as the final cost of service model will not be prepared at the time of the Board packet deadline, staff is seeking authorization for the CEO to negotiate and execute the amendment to this Agreement once that analysis has been completed and agreed upon by the counterparties. The total NTE of the proposed amendment will not exceed \$50,000.

Fiscal Impact

This amendment will be funded with \$50,000 from the Local Development Budget.

Attachments

- A. Resolution Authorizing the CEO to Negotiate and Execute a Second Amendment with Recurve Analytics

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT WITH RECURVE ANALYTICS TO PROVIDE IMPLEMENTATION SUPPORT FOR A COMMERCIAL PAY-FOR-PERFORMANCE PILOT

WHEREAS the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS in October 2019, EBCE entered into a Consulting Services Agreement with Recurve Analytics (“Recurve”) to develop a baseline for time-based demand side resource procurement programs and to provide technical energy efficiency consulting services.

WHEREAS in June of 2020, the EBCE Board of Directors approved an Amendment to the Consulting Services Agreement with Recurve Analytics to provide implementation support for three pay-for-performance (“P4P”) pilots programs.

WHEREAS EBCE desires to jointly implement the commercial P4P program with MCE, a community choice aggregator serving four counties in the northern portion of the San Francisco Bay Area.

WHEREAS to ensure that EBCE can administer a substantially similar program to that of MCE, additional scope and budget are required for the Agreement with Recurve Analytics.

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 negotiate and execute a Second Amendment to the Consulting Services Agreement with Recurve Analytics to increase the total compensation by an amount not to exceed \$50,000, to add additional services to the scope, and to extend the term of the Agreement through December 31, 2021.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board



Consent Item 7

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Approve Second Amendment with Frontier Energy to Update Scope and Add to Budget for Technical Support on Development and Filing of Energy Efficiency Funding Request

DATE: October 21, 2020

Recommendation

Adopt a Resolution Authorizing CEO to Execute Second Amendment with Frontier Energy to add additional services to the scope and an additional \$109,948 to the budget for Technical Support on Development and Filing of Energy Efficiency Funding Request.

Background and Discussion

Energy efficiency has been a cornerstone of California's energy policy since the late seventies when California passed the Energy Act, which requires investor-owned utilities to treat demand reduction as the first resource strategy in meeting projected energy demand. Through this policy (and with an increase in energy performance of buildings as established in California's building code), California has managed to maintain a flat rate of energy consumption (per capita) over the past forty years. These policies have also helped to minimize the need for new power plant installation and overall ensure a more efficient electricity system in the State. This has also saved ratepayers millions of dollars over the past half century,¹ as the cheapest energy is the energy you do not use.

¹ According to an article by NRDC, Californian's energy efficiency programs have resulted in more than \$5 billion of net benefits over the past decade. (Source: <https://www.nrdc.org/experts/sierra-martinez/california-restores-its-energy-efficiency-leadership>.)

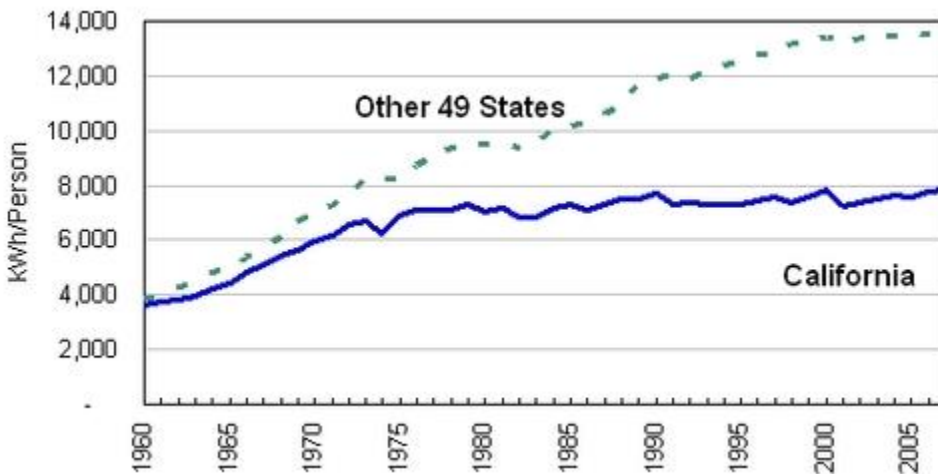


Figure 1. California's Per Capita Energy Demand Relative to National Average. (Source: <https://www.nrdc.org/experts/sierra-martinez/california-restores-its-energy-efficiency-leadership>)

To provide funding for energy efficiency programs, funds are collected from all ratepayers in IOU service area via non-bypassable charges on energy bills. These funds are governed by statutory requirements in the Public Utilities Code and are administered by the California Public Utilities Commission (“CPUC”). In 2008, the California legislature passed a bill providing CCAs with statutory access to these funds for the implementation of energy efficiency programs for their customers. The bill offers two avenues for CCAs to access these funds: 1) the election process, or 2) the application process.

- 1) The election process is offered as a streamlined opportunity for CCAs to access funds collected from their customer base to offer funding specifically for that CCAs customers. As a CCA customer is also eligible to receive programs offered at the statewide and regional levels, for example, upstream incentive programs which reduce the cost of a technology before it reaches a distribution channel, the funding a CCA is eligible to receive is reduced based on funding allocated to these statewide and regional programs. The CPUC approves election filings through a resolution process, certifying that plans filed by aspiring administrators meet the following criteria:
 - a. Is consistent with the goals of the programs established pursuant to Public Utilities Code Sections 381.1 and 399.4;
 - b. Advances the public interest in maximizing cost-effective electricity savings and related benefits;
 - c. Accommodates the need for broader statewide or regional programs;
 - d. Includes audit and reporting requirements consistent with the audit and reporting requirements established by the CPUC pursuant to this Section;
 - e. Includes evaluation, measurement, and verification protocols established by the community choice aggregator; and

- f. Includes performance metrics regarding the community choice aggregator's achievement of the objectives listed in paragraphs (1) to (5), inclusive, and in any previous plan.²
- 2) The application process does not restrict the funding eligible to be received by a CCA to that collected by CCA customers only, and the CCA can similarly serve any customer of its choosing. As this avenue draws upon funds from the larger pool of ratepayers, not just those within the CCA service area, the CCA must accept the full jurisdiction of the CPUC regarding the use of those funds. While this avenue may provide a larger budget for CCAs, the CCA must also accept a substantial administrative burden to comply with CPUC requirements.

EBCE Energy Efficiency Strategy

Recent changes to the PCIA, coupled with rate impacts associated with the global COVID-19 pandemic and resulting shelter-in-place requirements in Alameda County, have the potential to erode revenue surplus and impact the availability of funding for local programs. In order to achieve on EBCE's goals for carbon reduction and local investment while maintaining competitive and reliable rate structures, seeking outside funding for local programs - particularly those that have the potential to further reduce rate revenue - is a key strategy. Additionally, EBCE customers already pay these fees to the CPUC; thus, any additional programs EBCE funds through rate revenue are additional charges to our customers and further erode our competitive margins.

EBCE is interested in pursuing access to energy efficiency funding. While energy efficiency has the potential to reduce revenue through decreased demand for energy, it also can help to minimize the overall power purchasing needs of the agency. If designed correctly, energy efficiency programs can encourage overall baseload reduction and influence a reduction in summer peak demand - the period during which energy is the most expensive to the CCA. If EBCE opts to request funding for energy efficiency, it will have the opportunity to design and deliver programs that offer the greatest upside to its resource portfolio; rather than focusing solely on generalized baseload reduction, EBCE can design programs that compliment the unique needs of a CCA portfolio - including fuel substitution programs that reduce building related greenhouse gas emissions and programs that target reductions at times when energy is the most expensive for EBCE.

Energy efficiency programs also offer significant benefits to EBCE's customer base. Not only can energy efficiency help reduce the utility bills of customers, energy efficiency programs can improve safety and comfort of homes and offer other non-energy benefits. Through implementing its own energy efficiency portfolio, EBCE also has the opportunity to design programs that are specific to its service territory - helping to ensure underserved customers have access to programs designed

² D. 14-01-033, pg. 27

specifically for them, and focusing on unique workforce development opportunities in EBCE's service area.

EBCE's Energy Efficiency Funding Application

Based on preliminary staff analysis, EBCE staff find that a funding request under the "election" route could offer up to \$5 million per year to support energy efficiency programs. Given the potential pool of funding available under the election route as well as the decreased administrative burden and jurisdictional authority over the use of these funds, EBCE staff recommends a funding request to the CPUC under the election route.

EBCE has been exploring the potential of a new energy efficiency program model called "pay-for-performance" ("P4P"). Historical energy efficiency programs pay incentives to customers based on estimated or "deemed" savings calculations. The P4P programs offer a new approach, which pays incentives based on actual savings impacts as measured at the meter of the home. These programs not only protect EBCE against potential overpayment relative to actual results, but they also offer more flexibility in project implementation. Existing deemed programs require many restrictions over what can and cannot be incentivized, as they are based on estimated savings results. P4P programs only need to be concerned with the actual savings delivered, reducing the complexity of program design. As a result, these programs have the potential to not only reduce administrative costs associated with program delivery (resulting in a more cost-effective program), they also offer the opportunity to combine multiple measures in a project, such as building envelope, HVAC improvements, and smart thermostats, to help complete whole building improvements as a package and to incorporate potential peak shaving strategies.

In addition to the P4P programs, EBCE is interested in offering programs designed specifically for its service area. As EBCE works with the technical consultant to analyze EBCE's service area and identify unique characteristics, specific emphasis will be given to designing programs that are accessible to EBCE's underserved customers. These customers include renters, households of low to moderate income, and non-native English speakers. There is also the potential to design programs specific to EBCE's member agencies, offering these municipal customers programs that are suited to their climate goals and provide support where it is most needed.

Proposed Amendment with Frontier Energy

To assist in designing and energy efficiency portfolio and filing a funding request that meets CPUC requirements, EBCE seeks to amend its existing agreement with Frontier Energy to add additional services to the scope and additional compensation to the budget for energy efficiency related technical support services. Frontier Energy currently provides similar services to MCE, Lancaster Choice Energy, Clean Power SF, and was recently selected through competitive solicitation to offer these services for San Jose Clean Energy.

Frontier would assist EBCE in assessing opportunity through a regional market assessment, facilitating stakeholder sessions where EBCE can understand the unique needs and interests of our customer base, and supporting the development of the funding request, including structuring a portfolio that meets the cost-effectiveness requirements established by the CPUC. Frontier would also assist EBCE in the development of a Tier 3 Advice Letter, which is the official mechanism to request funding under the “elect to administer” approach. As EBCE has a specific interest in exploring P4P programs as a primary approach under its EE programs, Frontier has also brought on a subcontractor, KW Engineering, who has significant experience with meter-based energy efficiency program approaches.

EBCE is leveraging the piggy-backing clause of the Administrative Procurement Policy and the recent solicitation conducted by SJCE to meet the administrative procurement policy required for budgets over \$100,000. Additionally, Frontier Energy is well qualified to offer these services, and EBCE hopes to leverage the experience Frontier Energy has in supporting several other CCAs as they have applied for and administered CPUC funding for energy efficiency programs.

Upon execution of this Amendment, EBCE and Frontier will immediately begin the work of conducting market assessments and stakeholder sessions and will target working on portfolio design through the end of 2020. Leveraging the implementation of EBCE’s P4P pilots and this initial research, EBCE hopes to bring an energy efficiency funding application for Board review and approval in early 2021 and is targeting early Q2 to bring the filing to the CPUC. Once the filing is brought to the CPUC, the regulatory process can take anywhere from several months to over a year, depending on the reception of the filing by CPUC staff and participants in the regulatory proceeding; however, EBCE hopes that with the experience of staff, Frontier Energy, and significant engagement with key stakeholders prior to filing, this timeline can be shortened and EBCE could receive funding before the end of the 2021 calendar year.

Fiscal Impact

Funding for this \$109,948 Amendment was included in the FY 20/21 Local Development Budget. If successful with its funding application to the CPUC, EBCE could access up to \$5 million per year in funding for energy efficiency programs.

Attachments

- A. Resolution Authorizing CEO to Execute Second Amendment with Frontier Energy; and
- B. Second Amendment to Frontier Energy CSA

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO
EXECUTE A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT
WITH FRONTIER ENERGY, INC**

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, in November 2019, EBCE entered into a Consulting Services Agreement with Frontier Energy to provide electric vehicle charging infrastructure analysis services.

WHEREAS, in July 2020, EBCE and Frontier Energy amended the Agreement to add additional compensation, add additional services to the scope, extend the termination date, and update the schedule.

WHEREAS Frontier Energy offers technical support services for energy efficiency portfolio development, including support for CCAs to seek this funding from the California Public Utilities Commission.

WHEREAS, energy efficiency programs offer significant potential benefits to EBCE customers, such as helping to reduce energy bills, improving the comfort and safety of buildings, providing local workforce benefits, and reducing building-related greenhouse gas emissions, all of which EBCE seeks to provide to its customer base.

WHEREAS, Frontier Energy is qualified to offer these services and currently provides similar services to several CCAs across California.

WHEREAS, EBCE now seeks to amend the Agreement with Frontier Energy to add additional services to the scope and to add additional compensation for technical support on development and filing of the energy efficiency funding request.

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 the Second Amendment to the Consulting Services Agreement between EBCE and Frontier Energy, in substantially the form attached hereto, to increase the total not-to-exceed amount by \$109,948 (for a total amount not to exceed \$509,948), to add additional services to the scope, to add an additional authorized subconsultant, and to update the hourly rates of compensation. The CEO is further authorized to execute any clarifying or clerical changes to the First Amendment to the Consulting Services Agreement, as approved by General Counsel.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

Second Amendment to Consulting Services Agreement by and Between East Bay Community Energy Authority and Frontier Energy, Inc

This Second Amendment to the Agreement with Frontier Energy, Inc for Consulting Services (“Second Amendment”) is made this 21st day of October, 2021, by and between the East Bay Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“EBCE”) and Frontier Energy, Inc, a California Corporation (“Frontier”), for the purposes of adding additional compensation, adding additional services to the scope, adding an additional authorized subconsultant, and updating the hourly rates of compensation.

Recitals

- A. EBCE and Frontier entered into that certain Consulting Services Agreement dated November 1, 2019 (“Agreement”), wherein Frontier agreed to provide electric vehicle and charging infrastructure analysis services to EBCE, with compensation not to exceed \$250,000.
- B. EBCE and Frontier entered into that certain First Amendment to the Consulting Services Agreement on July 15, 2020 to add additional compensation, increasing the not-to-exceed amount by \$150,000 for a total amount not to exceed \$400,000, to expand the scope of services, to extend the term through November 30, 2021, and to update the hourly rates of compensation.
- C. EBCE and Frontier now desire to further amend the Agreement to add additional compensation, increasing the not-to-exceed amount by \$109,948 to cover the cost of additional services related to technical support to support EE portfolio design and CPUC filing for EE funding for a total amount not to exceed \$509,948, to add an additional authorized subconsultant, and to update the hourly rates of compensation.

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 (“Compensation and Payment”) is amended in part to increase the total compensation of the Agreement by \$109,948 for a total amount not to exceed five hundred nine thousand nine hundred forty eight dollars (\$509,948).
- 2. Exhibit A (“Scope of Work”) of the Agreement is replaced in its entirety by Exhibit A, attached hereto.
- 3. Exhibit D (“Subconsultants”) of the Agreement is replaced in its entirety by Exhibit D, attached hereto.
- 4. Exhibit E (“Compensation/Budget”) of the Agreement is replaced in its entirety by Exhibit E, attached hereto.

5. All other terms and conditions in the Agreement not otherwise modified by this Second Amendment will remain in full force and effect.

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

East Bay Community Energy Authority,
A Joint Powers Authority

Frontier Energy, Inc,
A California Corporation

Nick Chaset
Chief Executive Officer

Name:
Title:

Date: _____

Date: _____

Approved as to form:

Name:
Title:
Date: _____

EBCE General Counsel

Exhibit A

Scope of Work

Electrical Vehicle and Charging Infrastructure Analysis

The Consultant will work with EBCE and the cities of Albany, Berkeley, Dublin, Hayward and Oakland, and the County of Alameda (“Participating Municipal Governments”) to analyze the role of electric vehicles (“EV”), EV charging infrastructure technologies (“EVSE”) and supporting Distributed Energy Resources (“DER”) needed to accelerate municipal fleet electrification. The Consultant will a) conduct fleet assessments that identify right sizing, vehicle retirement and electrification options in line with each city’s commitments/goals, b) identify charging needs and barriers at sites where vehicles are domiciled, c) make vehicle and EVSE technology and site planning recommendations, and d) assess suitability of integrating other DER solutions to optimize EV adoption.

Phase I: Municipal Fleet Assessments

Task 1.1: Assess and Report City’s Fleet of Vehicles

Consultant will complete a systematic evaluation of all municipal-operated fleet vehicles in the following order: Berkeley, Albany, Dublin, Hayward, Alameda County and Oakland.

This evaluation will include on-road light, medium and heavy-duty vehicle inventories to be provided by each municipal department. To the maximum extent possible, data collected should include vehicle make, model, age; operation and maintenance costs; fuel type, annual consumption and associated procurement expense; vehicle procurement date and expected service life; owning/using department; parking assignment; and annual vehicle utilization.

This data may be supplemented by interviews with city staff to gain a comprehensive understanding of the cost and benefits of a transition from fossil fuel powered internal combustion engine fleet vehicles to plug-in EVs. Based on provided data, and supplemental information gained through coordination with the participating cities, the consultant will prepare a report that identifies fleet right sizing, retirement and specific electrification recommendations for each vehicle analyzed.

Deliverables:

1. Summarized vehicle data, and fleet management recommendations (e.g., right sizing, retirement).
2. Report documenting fleet assessment with detailed and specific vehicle electrification recommendations for each municipal fleet portfolio.

Task 1.2: Determine Vehicle Energy Requirements and Charging Needs

The Consultant will leverage the results of Task 1.1 to understand the charging requirements of each fleet EV and estimate electric load forecasts and charging infrastructure requirements for each municipal facility where EVs will be deployed. The Consultant will also recommend grid integration and smart charging technologies that should be considered to eliminate barriers and optimize the benefits of fleet electrification. Where fleet vehicles are co-located with workplace and potentially publicly available charging options, the Consultant will assess opportunities for additional EVSE investments.

Deliverables:

1. Charging profile report documenting EV needs for each municipal fleet, forecasted electrical load profiles for each recommended EV based on specific departmental use case, and charging infrastructure needed at each municipal facility where vehicles will be domiciled and charged. The Consultant shall include in each city's report maps illustrating the locations of charging infrastructure by type and quantity to meet the use case of specific fleet vehicles.

Phase 2: Site and Technology Evaluation

Task 2.1: Conduct DER Suitability Analysis

Consultant will leverage Task 1.2 (e.g., EVSE host site charging requirements) to assess potential integration of other DER solutions (e.g., solar photovoltaics, battery energy storage) at municipal facilities where concentrations of fleet EVs will be domiciled. The Consultant will work with EBCE and city staff to understand municipal facility electrical load data (e.g., building load, usage and electric rate) and specific site conditions (available space, roof condition and orientation, electrical panel capacity and switchgear location).

The Consultant shall conduct initial site surveys (on-site visits and use of remote using satellite imagery) to create an estimate of EVSE ports to be installed (leveraging Task 1.2) and preliminary PV design. High-level ESS capacities will be estimated based on electrical load data available through EBCE. This work will be completed at up to 20 sites across the participating cities.

Following the DER capacity screening, the Consultant will perform a final ranking adjustment by considering ease of permitting and construction.

Deliverables:

1. DER suitability report outlining screening of municipal sites. Report should include a detailed description of the factors analyzed, as well as a prioritized list of each site analyzed and technology recommendations to support fleet EVs.

Phase 3: Making the Business Case

Task 3.1: Conduct Financial Cost/Benefit Analysis

Consultant will use data from Tasks 1 and 2 to develop a total cost of ownership model for each municipal fleet under two scenarios: 1) business-as-usual, and 2) vehicle electrification. This financial analysis should include but is not limited to:

- Vehicle Purchase/Lease Cost
- Infrastructure Development Costs
- Lifetime Maintenance Cost and Savings
- Lifetime Fuel Cost and Savings
- Auction Proceed Estimates (e.g., sale of vehicles)

Consultant will also leverage the DER suitability analysis to estimate the financial costs and benefits to various integrated technology deployment approaches, and will recommend the best sites, technology configurations, and financial models. Finally, the Consultant will estimate the annual GHG impacts of a transition to EVs against business-as-usual (e.g., baseline). This estimate should include impacts for both plug-in hybrid EVs and battery electric vehicles, and the percentage of change.

- G-VMT
- E-VMT
- Gasoline/diesel (gallon)
- Electricity (GGE)
- MPEe
- GHG (MTCO_{2e})
- GHG (g/mile)

Task 3.2: Prepare Fleet Transition Plans

Consultant will leverage Task 1-3 deliverables to develop a formalized EV deployment plans for each municipal fleet in line with each city's commitments/goals. Each plan should address upcoming and subsequent procurement cycles to ensure fiscally responsible EV acquisition and DER technology deployment.

Deliverables:

1. Financial and benefits analyses and determinations.
2. Reporting on vehicle, site, DER technology and financial model recommendations.
3. Scenarios to meet each fleet's electrification requirements with the greatest ease of implementation and integration.

Progress Reports

Monthly progress reports will be due to EBCE describing progress toward completion of the work outlined above until the end of the Project.

Technical Support to Support EE Portfolio Design and CPUC Filing for EE Funding

Frontier and kW Engineering will support EBCE with their Elect to Administer filing by leveraging experience in both program design and CCA administration to deliver a successful program plan for timely certification. To accomplish this task, Frontier and kW Engineering propose the following tasks:

1. **Funding Determination:** work collaboratively with EBCE to evaluate the maximum funding available for program administration. In collaboration with client, we will:
 - Review the calculation performed to confirm accuracy and make recommendations.
 - Provide a recommendation on the feasibility of available funding to deliver a cost-effective program.
 - If funding availability proves unfeasible, the remaining tasks will not be performed.

Deliverables:

- Kick off meeting
- Program funding determination results

2. **Market Assessment:** in collaboration with EBCE, the team will conduct a market assessment, including market characterization and market potential. This assessment will be undertaken in two steps: 1. An initial, less detailed market scan and evaluation of IOU programs to inform a gaps analysis; 2. A detailed data analysis of the specific sectors that will be proposed for program funding. In collaboration with client, we will:
 - Conduct a market assessment, including market characterization and market potential
 - Perform research to inform this assessment consistent with client-provided information and available budget
 - Support with data requests to PG&E, and analyze data received

Deliverables:

- Initial market scan for gaps analysis
- Written market assessment for incorporation into ETA documentation

3. **Program Ideation and Design:** the Frontier-kW Team will work collaboratively with EBCE to study City and CCA customer priorities and facilitate discussion on potential programs. We will review available program participation, review customer outreach and engagement channels, as well as consider existing project and program opportunities that can be leveraged. We will work collaboratively with client to understand how EBCE program goals align with Market Assessment and customer priorities. This will start with

two to four interactive and collaborative work sessions with the client to focus and refine the proposed sectors, strategies, and goals for EBCE programs. We will:

- Facilitate discussion with client on potential program designs
- Review existing EBCE program participation
- Identify high opportunity energy savings potential and targets by building type and demographic/customer segments using the California Potential and Goals Study, the California Energy Commission's Residential Appliance Saturation Study and associated Database, the American Community Survey, the Construction Industry Research Board, and other primary and secondary sources and reports
- Review customer outreach and engagement channels, as well as consider existing project and program opportunities that can be leveraged
- Develop 2 to 3 high-level program design concepts and obtain EBCE feedback

Deliverables:

- Two to four program design work sessions to develop initial program strategy
- 2 to 3 high-level program design concepts, including discussion of target customers, eligible measures, energy savings potential and energy savings platform/approach, and alignment/coordination with other active programs

4. **Stakeholder coordination:** at the direction of EBCE, the Frontier-kW Team will:

- Collaborate and inform coordination with regulatory and City stakeholders.
- Support EBCE in socializing the Program Plan with Energy Division staffers and regulatory stakeholders.
- Support responses to questions and comments.
- Prepare draft presentations for use in stakeholder meetings.
- Support client's discussion, comments and revisions on ETA submittals with CPUC staff
- Support client counsel with inputs to regulatory filing protocol

Deliverables:

- Stakeholder coordination support including agenda development
- Up to 2 draft presentations summarizing proposed program designs and associated EBCE program and customer service goals

5. **Cost effectiveness and technical Assistance:** based on proposed program concepts, the Frontier-kW Team will:

- Research energy efficiency measures relevant to program concepts.
- Prepare cost-effectiveness calculations and estimated savings impacts in line with CPUC targets and requirements.

Deliverables:

- Up to 6 iterations of Cost Effectiveness Tool (CET) inputs and outputs, including resulting Total Resource Cost (TRC) and other cost-effectiveness calculations, for review and comment by client
6. **Tier 3 Advice Letter:** the Frontier-kW Team will collaborate with EBCE to author the program plan and respond to criteria of Public Utility Code 381.1 (e)-(f). Our team will describe programs proposed with appropriate detail. This includes:
- Assist with review of EBCE drafted Advice Letter
 - Describe proposed programs with appropriate detail
 - Support development of: program budgets; strategic framework, initial goals and intervention strategies, and detailed strategies and narratives.
 - Integrate findings as necessary from Market Assessment and Cost-Effectiveness tasks

Deliverables:

- Program plan and Advice Letter content necessary for ETA submittal
7. **Project Management:** the Frontier-kW Team will host regular meetings with the EBCE Team to keep the effort on schedule; strategize and sequence EBCE engagement with the CPUC, and provide direction, input, and feedback on required content drafted by EBCE staff. Invoices will be provided monthly within the allocated budget.

Exhibit D

Subconsultants

The following subconsultants have been authorized by EBCE:

1. DKS Associates,
2. Gladstein, Neandross Associates, and
3. kW Engineering.

Exhibit E**Compensation/Budget**

Services under this Agreement are not to exceed \$509,948 and will be compensated based on the following hourly rates:

Frontier Energy

Category	2020	2021
President	290	295
Vice President	280	290
Sr. Director	285	290
Director	265	270
Sr. Manager	235	240
Engineering Manager	235	240
Sr. Engineer	189	193
Sr. Program Manager	189	193
Engineer	156	162
Program Manager	159	162
Sr. Program Consultant	145	148
Sr. Analyst	145	148
Program Consultant	124	128
Analyst	126	128
Sr. Program Coordinator	106	108
Sr. Technician	106	108
Program Coordinator	91	93
Technician	91	93
Administrative	75	75

kW Engineering	
Category	Rate (\$)
Principal	\$ 270
Director	\$ 239
Engineering Manager, Data Scientist	\$ 218
Senior {Engineer/Consultant/Data Analyst} II	\$ 208
Senior {Engineer/Consultant/Data Analyst}	\$ 198
Project Engineer, Data Analyst II	\$ 190
Engineer, Consultant, Data Analyst	\$ 180
Technician	\$ 135
Intern	\$ 104
Administrative	\$ 77



Consent Item 8

TO: East Bay Community Energy Board of Directors

FROM: Inder Khalsa, EBCE General Counsel

SUBJECT: Adopt a Resolution to Amend the Conflict of Interest Code to Add Four New Positions and Update the Code Reviewing Body

DATE: October 21, 2020

Recommendation

Adopt a Resolution Amending the Authority's Conflict of Interest Code to add four new positions, update the code reviewing body, and other items.

Background and Discussion

Shortly after the formation of EBCE, the Board of Directors adopted a Conflict of Interest Code as required by the Political Reform Act (Government Code Section 81000, et seq.). The Code lists the positions within EBCE that are required to file statements of economic interests (Form 700). The Code was amended in January 2018 and November 2018 to add new positions.

Since the last amendment, EBCE has created four new staff positions: Vice President of Technology and Analytics; Vice President of Local Development, Electrification, and Innovation; Senior Director of Public Policy and Deputy General Counsel; and Human Resources Business Partner. In addition, the EBCE service area now includes the city of Tracy in San Joaquin County, which makes EBCE a multi-county agency. Accordingly, EBCE's code reviewing body is now the Fair Political Practices Commission.

In accordance with the requirements of the Political Reform Act, a new conflict of interest code must be adopted by resolution which includes the updated information. The attached Resolution rescinds Resolution Nos. R-2017-1 and R-2018-36, the prior Conflict of Interest Code and most recent amendment to the Code, and adopts a revised Conflict of Interest Code to add the new positions, enumerate the appropriate disclosure categories, update the code reviewing body, rename the titles of previously designated positions, and delete positions that have been eliminated.

Attachments

- A. Resolution of the Board of Directors of the East Bay Community Energy Authority Amending the Authority's Conflict of Interest Code

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY
AMENDING THE AUTHORITY'S CONFLICT OF INTEREST CODE**

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the city of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, the Political Reform Act, Government Code Section 81000, *et seq.*, (the “Political Reform Act”) requires all agencies, including the Authority, to adopt and promulgate a local conflict of interest code.

WHEREAS, the Fair Political Practices Commission (the “FPPC”) has adopted a regulation (2 California Code of Regulations Section 18730), which contains the terms of a standard conflict of interest code and can be incorporated by reference in an agency’s code.

WHEREAS, on January 30, 2017, the Board of Directors of the Authority approved Resolution No. R-2017-1, adopting a Conflict of Interest Code for the Authority. Appendix A to the Conflict of Interest Code lists the employee and consultant positions subject to the Code and establishes economic disclosure categories, and Appendix B identifies the specific financial interests to be reported.

WHEREAS, on January 17, 2018, the Board of Directors approved Resolution No. R-2018-7, amending the Conflict of Interest code to update Appendix A to add new positions and enumerate the appropriate disclosure categories.

WHEREAS, on November 7, 2018, the Board of Directors approved Resolution No. R-2018-36, further amending the Conflict of Interest Code to update Appendix A to add new staff positions and enumerate the appropriate disclosure categories.

WHEREAS, since the EBCE service area has expanded to include the city of Tracy in San Joaquin County, EBCE is now a multi-county agency, and its code reviewing body is the Fair Political Practices Commission.

WHEREAS, the Board of Directors now desires to amend its Conflict of Interest Code to add four new positions, enumerate the appropriate disclosure categories,

update the code reviewing body, rename the titles of previously designated positions, and delete positions that have been eliminated.

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 rescinds Resolution Nos. R-2017-1 and R-2018-36, and adopts the attached Conflict of Interest Code, including its Appendices of Designated Positions and Disclosure Categories.

Section 2. All officials and employees required to submit a statement of economic interests pursuant to Appendix A shall file their statements with the Authority's Filing Official. The Filing Official, or his or her designee, shall make and retain a copy of all statements filed with the Authority and forward the originals of such statements to the Fair Political Practices Commission. All retained statements, original or copied, shall be available for public inspection and reproduction (Gov. Code Section 81008).

Section 3. The Board of Directors hereby directs the Secretary of the Board to coordinate the preparation of a revised Conflict of Interest Code in succeeding even-numbered years in accordance with the requirements of Government Code Sections 87306 and 87306.5. Future revisions to the Conflict of Interest Code should reflect changes in employee or official designations. If no revisions to the Code are required, the Authority shall submit a report to the Fair Political Practices Commission no later than October 1st of the same year, stating that amendments to the Authority's Conflict of Interest Code are not required.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

**EAST BAY COMMUNITY ENERGY AUTHORITY
CONFLICT OF INTEREST CODE**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices, designating positions and establishing disclosure categories, shall constitute the conflict of interest code for the **East Bay Community Energy Authority (“Authority”)**.

All designated officials and employees must file their statements of economic interests electronically with the **Authority**, which will make the statements available for public inspection and reproduction under Government Code Section 81008. Upon receipt of the statements, the **Authority** shall make and retain copies and forward the originals to the **Fair Political Practices Commission**. All original statements will be retained by the **Fair Political Practices Commission**.

EAST BAY COMMUNITY ENERGY AUTHORITY
CONFLICT OF INTEREST CODE

APPENDIX "A"

DESIGNATED POSITIONS

<u>Designated Positions</u>	<u>Disclosure Categories</u>
Member of Board of Directors	1, 2, 3, 4
Member of Board of Directors (Alternate)	1, 2, 3, 4
Chief Executive Officer	1, 2, 3, 4
Chief Operating Officer	1, 2, 3, 4
General Counsel	1, 2, 3, 4
Clerk of the Board	1, 2, 3, 4
Vice President of Marketing and Customer Accounts	1, 2, 3, 4
Vice President of Technology and Data Analytics	1, 2, 3, 4
Vice President of Local Development, Electrification, and Innovation	1, 2, 3, 4
Senior Director of Power Resources	1, 2, 3, 4
Senior Director of Public Policy and Deputy General Counsel	1, 2, 3, 4
Human Resources Business Partner	1, 2, 3, 4
Consultants	*
Newly Created Position	**

* Consultants¹

Designated Consultants

Consultants who make (not just recommend) governmental decisions, such as whether to approve a rate, rule, or regulation, authorize or grant Authority approval to enter into, modify, or renew a contract that requires Authority approval, adopt or grant Authority approval to a plan, design, report, study, or adopt or grant Authority approval of policies, standards, or guidelines for the Authority or any subdivision thereof.

Consultants who serve in a staff capacity with the Authority, and in that capacity participate in making a governmental decision by providing information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

Consultants who perform the same or substantially all the same duties for the Authority that would otherwise be performed by an individual holding a designated position in the Authority's Conflict of Interest Code.

Disclosure Categories

1, 2, 3, 4²

Disclosure required at the same level as a comparable designated position in the same or similar Department identified elsewhere in this Code.

Disclosure required at the same level as the comparable designated position identified elsewhere in this Code.

¹ When the consultant is a corporation or partnership, only individuals who fit into one of the three categories of "Designated Consultants" must file disclosure statements.

² Unless the Chief Executive Officer determines in writing that a particular consultant is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. If the Chief Executive Officer determines in writing that a particular consultant is not required to fully comply with the requisite disclosure requirements, then such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**** Newly Created Position**

A newly created position that makes or participates in the making of governmental decisions that may foreseeably have a material effect on any financial interest of the position-holder, and which specific position title is not yet listed in the Authority's Conflict of Interest Code, is included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code, subject to the following limitation: The Chief Executive Officer of the Authority may determine in writing that a particular newly created position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the broadest disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that newly created position. Such written determination shall include a description of the newly created position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Section 81008.)

Within 90 days of the creation of a newly created position that must file a statement of economic interests, the Authority shall update this Conflict of Interest Code to add the actual position title in its list of designated positions, and submit the amended Conflict of Interest Code to the Fair Political Practices Commission for code reviewing body approval. (Gov. Code Section 87306.)

**EAST BAY COMMUNITY ENERGY AUTHORITY
CONFLICT OF INTEREST CODE**

APPENDIX "B"

DISCLOSURE CATEGORIES

Designated positions must report financial interests in accordance with the assigned disclosure categories.

Category 1: Persons in this category shall disclose interests in real property located within the jurisdiction of the East Bay Community Energy Authority. Real property shall be deemed within the Authority's jurisdiction if the property or any part of it is located within two miles of the borders of any of the parties to the Joint Powers Agreement for the Authority, or within two miles of any land owned or used by the Authority.

Designated persons are not required to disclose property used primarily as their principal residence.

Category 2: Persons in this category shall disclose reportable income from persons or business entities that have contracted with the Authority, or that provide, plan to provide, or have provided within two years from the time a statement is required under this Conflict of Interest Code, contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.

Category 3: Persons in this category shall disclose reportable investments in business entities that contract with the Authority or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.

Category 4: Persons in this category shall disclose reportable business positions in business entities that contract with the Authority or that provide, plan to provide or have provided within two years from the time a statement is required under this Conflict of Interest Code, contractual services, or other services, supplies, materials or equipment of the type utilized by the Authority.



Consent Item 9

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer
SUBJECT: Municipal Advisor for Prepay Transaction
DATE: October 21, 2020

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement with PFM Financial Advisors, LLC to serve as the municipal financial advisor on EBCE's energy prepayment transaction.

Background and Discussion

Prepay Overview:

As discussed at the September 11, 2020 Finance, Administrative, and Procurement Subcommittee meeting and September 16, 2020 Board meeting, an energy prepayment - or 'prepay' - is a long-term financial transaction available to municipal utilities and tax-exempt entities such as CCAs that enables a meaningful power procurement cost savings opportunity. Further overview information can be found in those board documents.

Advisor Role:

Required by the Municipal Securities Rulemaking Board (MSRB), a municipal financial advisor represents and supports the Prepay Buyer (i.e. municipal Load Serving Entity) in the deal modeling and analysis, structuring negotiations, and document preparation. They effectively project manage and advocate for the CCA Group in the preparation and execution of the prepayment transaction.

Solicitation Process:

EBCE and Silicon Valley Clean Energy (SVCE) jointly issued a solicitation in September 2020 to identify potential municipal financial advisors. Given the niche market for prepayments, there are very few firms who provide this type of advisory service and experience. While the advisor solicitation received only three responses, the respondents' combined experience covers more than 80% of the deals executed to date across the country, and ten of the eleven deals executed to date in California. EBCE and SVCE reviewed and scored the respondents, ultimately selecting PFM Financial Advisors, LLC (PFM).

Timeline:

With the execution of a Consulting Services Agreement, staff will progress prepay structuring and document negotiations with Morgan Stanley, the Prepay Supplier. The targeted timeline is to have draft documents prepared for a deal execution by the end of the 2020 calendar year.

Deal execution will be subject to market conditions which are currently still not presenting the necessary taxable vs. tax-exempt interest rate spread. As stated in the September board materials, the details of the prepay agreement will be brought to the Board for review and approval once the documents are negotiated and prepared over the coming months.

Financial Impacts

The financial impacts of this item pertain to the municipal financial advisor fees. These fees may be structured as contingent fees paid out of the proceeds of the prepay transaction upon the successful execution of the program. Alternatively, EBCE may pursue non-contingent fees based on an hourly or quarterly fee structure, which is subject to further negotiation. In all cases, the advisor fees total an amount not to exceed \$250,000. These fees would be shared with SVCE as a joint prepay transaction.

Attachments

- A. Resolution authorizing the CEO to negotiate and execute a Consulting Services Agreement with PFM Financial Advisors, LLC to serve as municipal financial advisor on EBCE's energy prepayment transaction

RESOLUTION NO. __

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE EXECUTION OF A CONSULTING SERVICES AGREEMENT WITH PFM FINANCIAL ADVISORS, LLC TO SERVE AS MUNICIPAL FINANCIAL ADVISOR ON THE ENERGY PREPAYMENT TRANSACTION

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS The pursuit of an energy prepayment enables a meaningful power procurement cost savings opportunity in which EBCE utilizes its tax-exempt status to access the municipal bond market to prepay existing energy supply contracts at a discounted rate.

WHEREAS PFM Financial Advisors, LLC (PFM) was selected for the role of municipal financial advisor through a solicitation issued jointly with Silicon Valley Clean Energy in September 2020.

WHEREAS The fees for the municipal financial advisor total an amount not to exceed \$250,000.

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

Section 1. Authorize CEO to negotiate and execute a Consulting Services Agreement with PFM Financial Advisors, LLC to serve as the municipal financial advisor on EBCE’s energy prepayment transaction.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board



Consent Item 10

TO: East Bay Community Energy Board of Directors

FROM: Stefanie Tanenhaus, Principal Regulatory Analyst

SUBJECT: Approve First Amendment with Ascend Analytics to Add to Budget and Scope of Services for Integrated Resource Planning Services

DATE: October 21, 2020

Recommendation

Approve Resolution approving the CEO to enter into the First Amendment with Ascend Analytics to add additional services to the scope and to add an additional \$11,060 to the budget for Integrated Resource Planning Analysis and Valuation Software and Analysis Services, and to authorize the CEO to enter into an additional amendment, as needed, to add an additional amount of \$13,940 to the budget.

Background and Discussion

EBCE is required by the California Public Utilities Commission (CPUC) to file a biennial Integrated Resource Plan (IRP). To assist with this requirement, EBCE engaged Ascend Analytics and entered into a Consulting Services Agreement on May 1, 2020 for an amount not to exceed \$133,000 and a termination date of October 31, 2020.

This IRP cycle, the CPUC required each entity to submit distinct portfolios that achieve their proportional share of two different statewide electric sector GHG targets. On September 1, 2020, EBCE submitted resource portfolios that provide the desired portfolios of resources based on a statewide electric sector goal of 46 million metric tons (MMT) and a maximum of 38 MMT of GHG emissions by 2030.

The CPUC permitted entities to submit an alternative portfolio that used different assumptions, provided they were identified and justification for the discrepancies

described. EBCE elected not to file an alternative portfolio and instead focused its efforts on analysis to develop a portfolio of resources that will contribute to more aggressive GHG emission reductions and organizational goal-setting related to achieving those reductions. Additional funds were required to expand the scope of this supplemental analysis to include cost quantification of achieving a GHG-free portfolio. In light of the immediate need to continue the work, CEO Nick Chaset signed the First Amendment to the Consulting Services Agreement with Ascend Analytics on September 24, 2020, to add an additional \$11,060 to the budget and to extend the termination date through November 30, 2020.

EBCE staff requests the Board to ratify and approve the First Amendment to the Agreement, which added an additional \$11,060 to the budget for a total amount not to exceed \$144,060 and extended the terminate date through November 30, 2020. Furthermore, EBCE staff requests the Board to authorize future amendments to the Agreement with Ascend Analytics to add up to an additional \$13,940 to the budget to cover the cost of additional IRP analysis services that may be required through November 30, 2020.

Fiscal Impact

The fiscal impact of the additional IRP analysis is \$11,060. The costs of the IRP analysis may be an additional amount of \$13,940 for a total amount of \$25,000.

Attachment

- A. Resolution of the Board of Directors Approving a First Amendment to the Consulting Services Agreement with Ascend Analytics; and
- B. First Amendment to Consulting Services Agreement by and Between East Bay Community Energy Authority and Ascend Analytics

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY RATIFYING A FIRST
AMENDMENT AND AUTHORIZING FUTURE AMENDMENTS TO THE CONSULTING
SERVICES AGREEMENT WITH ASCEND ANALYTICS**

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, on May 1, 2020, EBCE and Ascend Analytics entered into a Consulting Services Agreement (“Agreement”), wherein Ascend Analytics agreed to provide Integrated Resource Planning Analysis and Valuation Software and Analysis services to EBCE, with compensation not to exceed \$133,000.

WHEREAS, staff has found Ascend Analytics consistently meets the work product expectations as outlined in the Scope of Work and continues to require its services for Integrated Resource Planning analysis.

WHEREAS, due to the immediate and pressing need to continue the work, EBCE and Ascend Analytics entered into the First Amendment to the Agreement as a short-term extension on September 17, 2020. The First Amendment to the Agreement adds additional compensation, increasing the not-to-exceed amount by \$11,060 for a total amount not to exceed \$144,060, adds completing production cost modeling on preferred alternate portfolio and creating a zero GHG IRP portfolio to the scope of services, and extends the term through November 30, 2020.

WHEREAS, staff anticipates additional amendments may be required to increase the not-to-exceed amount by an additional \$13,940, for a total amount not to exceed \$158,000, in order to cover the cost of additional Integrated Resource Planning analysis services.

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 ratifies, and approves, the First Amendment to the Consulting Services Agreement between EBCE and Ascend Analytics to increase the total not-to-exceed amount by \$11,060, to add additional services to the scope, and to extend the termination date.

Section 2. The Board of Directors hereby authorizes the CEO to negotiate and execute amendments to the Consulting Services Agreement with Ascend Analytics, as needed, for an additional amount of \$13,940 for a total amount not to exceed \$158,000.

ADOPTED AND APPROVED this 21st day of October 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

First Amendment to Consulting Services Agreement by and Between East Bay Community Energy Authority and Ascend Analytics

This First Amendment to the Agreement with Ascend Analytics for Consulting Services (“First Amendment”) is made this 17th day of September, 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 Ascend Analytics, a Colorado Limited Liability Company, for the purposes of adding additional compensation, adding additional services to the scope, and extending the termination date.

Recitals

- A. EBCE and Ascend Analytics entered into that certain Consulting Services Agreement dated May 1, 2020 (“Agreement”), wherein Ascend Analytics agreed to provide Integrated Resource Planning Analysis and Valuation Software and Analysis services to EBCE, with compensation not to exceed \$133,000.
- B. EBCE and Ascend Analytics now desire to amend the Agreement to add additional compensation, increasing the not-to-exceed amount by \$11,060 for a total amount not to exceed \$144,060, to add completing production cost modeling on preferred alternate portfolio and creating a zero GHG IRP portfolio to the scope of services, and to extend the term to November 30, 2020.

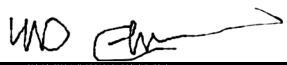
Now therefore, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties agree as follows:


- 1. Section 2 of the Agreement (“Term”) is amended to extend the term of the Agreement through November 30, 2020.
- 2. Section 6 of the Agreement (“Compensation and Payment”) is amended in part to increase the total compensation of the Agreement by \$11,060 for a total amount not to exceed one hundred forty four thousand sixty dollars (\$144,060).
- 3. Exhibit A (“IRP Scope of Work & Schedule”) of the Agreement is replaced in its entirety by Exhibit A, attached hereto.
- 4. Exhibit D (“Compensation/Budget”) of the Agreement is replaced in its entirety by Exhibit D, attached hereto.
- 5. All other terms and conditions in the Agreement not otherwise modified by this First Amendment will remain in full force and effect.

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

East Bay Community Energy Authority,
A Joint Powers Authority

Ascend Analytics,
A Colorado Limited Liability Company

DocuSigned by:

90F6BA3222CE44F...
Nick Chaset
Chief Executive Officer


Name: Gary Dorris, PhD
President

Date: 9/24/2020

Date: 9/24/2020

Approved as to form:


EBCE General Counsel



Name: David Millar
Director, Resource Planning
Date: 9/24/2020

Exhibit A**IRP Scope of Work & Schedule****Task 1. Project Management**

- a. Facilitate a kickoff meeting followed by regular weekly meetings with the EBCE throughout the entire process. The goal of these meetings will be to develop assumptions, goals, procurement preferences and plans, and desired sensitivity analyses that will guide the creation of the IRP. Consultant to provide an agenda and summary for each meeting. Participation in weekly meetings by Ascend staff will be conducted by conference call.
- b. Establish communication protocols with EBCE so that EBCE can track progress on the IRP Workplan and have appropriate input throughout the process.
- c. Establish protocols for staff substitutions including notice and consent by EBCE.
- d. Develop a project plan and schedule with key milestones and deliverable due dates that meet the CPUC proceeding schedule. Ensure the project plan meets all CPUC requirements and objectives and EBCE's objectives and approval requirements. Ensure the plan has appropriate contingencies to allow for CPUC changes in schedule, requirements, or deliverables.
- e. Obtain comments from EBCE on the project plan and schedule.
- f. Track and ensure timely progress per the project timeline and schedule of deliverables. This includes tracking budget and submitting a monthly detailed invoice setting forth work undertaken and completed to East Bay Community Energy. In addition to invoices, communicate budget status and milestone progress to EBCE at least monthly.
- g. Monitor CPUC IRP proceeding and meet with CPUC staff periodically as needed to ensure the plan and modeling meets all regulatory requirements.
- h. Be available to answer questions from EBCE as needed, via email or additional, targeted phone meetings when needed.

Deliverables and due dates:

Deliverable	Timeline
Prepare protocols for tracking progress	Within 2 weeks of executing the contract
Schedule and facilitate kickoff meeting	Within 2 weeks of executing contract
Draft project plan and schedule	For review at the kickoff meeting
Prepare agendas for weekly meetings and distribute to CCAs ahead of the meeting	Weekly; at least 24 hours before the meeting
Distribute summaries of weekly meetings including attendees present, discussions, and any decisions	Weekly; within 24 hours of meeting
Prepare monthly invoices	Monthly; within 10 days after the end of the month until the last invoice is submitted and settled

Task 2. Compile and Develop Inputs

- a. Summarize all CPUC-required inputs and assumptions for 46MMT and 38MMT conforming cases.
- b. Review previous work and follow up with EBCE on 1) individual values, modeling constraints, goals, current programs, and resources; 2) what objectives are most important and 3) the proper balance between cost, rate stability, sustainability, and reliability. These priorities are to guide the development of both the Conforming and Alternate Portfolios.
- c. Comprehensively identify inputs and data needed to create a IRP and gather needed information for both the Conforming Portfolio and Alternate Portfolios. Ensure the inputs meet CPUC requirements and objectives, including as the CPUC changes these requirements.
- d. Create and provide a clear template to gather consistent and compatible data from EBCE. Inform EBCE of any data formatting requirements.
- e. Review information received and conduct any clarifying interviews needed to supplement and harmonize the information provided.
- f. Work with EBCE to agree on the objectives that are most important and to assign metrics to each objective that can be tracked over time.
- g. This includes but may not be limited to:
 - a. Load forecast:
 - i. EBCE will provide Ascend a near-term load forecast for use in an Alternate Portfolio and historical load data. Ascend will assess and verify the data which it receives and use it to extend the forecast as needed.
 - ii. Ascend will work with the EBCE to develop load modifying assumptions for energy efficiency and demand-management penetration, distributed generation, electrification resources, including realistic sensitivities.
 - iii. EBCE will also provide Ascend near-term forecasts for distributed solar and electric vehicle demand for use in the Alternate Portfolio and historical data if available. Ascend will then work with EBCE to develop reasoned and defensible long-term forecasts for DER load impacts for use in the Alternative Portfolio.
 - iv. Ascend will have each forecast completed three weeks after delivery by the CCA or a total of five weeks provided all CCAs submit the requested information within a two-week window.
 - b. Existing Resources
 - i. EBCE will provide Ascend information on existing contracts and their performance.
 - c. New Resources/Technology options.
 - i. Ascend technical staff will ensure cost, availability, and performance forecasts for new resources align with CPUC requirements for the 46MMT and 38MMT conforming cases.
 - ii. The analysis should provide insight into the portfolio trade-offs between short-term market purchases (with or without RECs), longer-term contracts with the existing generation, and new build resources.
 - iii. If included as a sensitivity, Ascend will provide alternative forecasts for energy block market purchases, renewables and storage, ramping

- iv. technologies, and emerging technologies, to be approved by EBCE, including DER technologies.
 - v. Additional presentations and details can be provided if both parties agree to an extended timeline.
- d. Ascend will provide market-based forecasts for northern California and WECC (prices of fuels, carbon, other emissions, capital costs for viable generating and demand-side technologies, and other typical inputs).
- i. For the Conforming Portfolio, Ascend will use the CPUC input assumptions. If additional inputs are required, Ascend will provide its latest forecasts to EBCE for approval.
 - ii. For Alternate Portfolio, Ascend will utilize its forecasts, to be approved by EBCE incorporating EBCE inputs, where relevant.

Ascend will review and provide comment the previously developed six sensitivities on the Conforming or Alternate Portfolios to provide plausible boundary conditions, including values for each of the key variables concerning the reference case. Ascend will use these sensitivities in modeling or work with EBCE to agree on any modifications.

Deliverable	Timeline
Provide a summary of all CPUC-required inputs and assumptions for 46MMT and 38MMT conforming cases	1 week after the kickoff meeting
Create and provide a clear draft template to gather consistent and compatible data sets from EBCE with all necessary due dates	1 week after the kickoff meeting
Discuss feedback on template	1 week after kickoff meeting
Finalize template	2 weeks after kickoff meeting
Obtain approval from EBCE on all assumptions to be used for the Conforming and Alternate Portfolios.	3 weeks after kickoff meeting

Task 3. Create IRPs

- a. Create candidate portfolios and model economic, reliability and environmental (GHG and criteria pollutant emissions) performance using PowerSIMM. Forecast forward requirements for Conforming and Alternate portfolios and design portfolios to cover short positions in RECs, GHG free and RA. Incorporate, as appropriate, information provided by EBCE.
- b. **Create Conforming IRP** that is consistent with the CPUC 46 and 38 MMT reference cases, CPUC required inputs, and the additional priorities of EBCE as identified in step 2a above.
 - i. Base the conforming plans initially on EBCE's share of the CPUC Reference System Plan (RSP), subject to modifications based on recommendations by Ascend, EBCE preferences or constraints. A reasonable number of additional designed portfolios may also be constructed and evaluated to add additional analytical rigor and explore economic trade offs between different macro strategies and satisfy CPUC standards and requirements.
 - ii. Coordinate with CPUC staff as needed to ensure all modeling is compliant with CPUC requirements and objectives.

- c. **Create Alternate IRP** which meets regulatory obligations in an optimal manner, subject to the constraints of CCA goals, policies, and preferences. The Alternate portfolio will be the portfolio that performs the best against the range of future market conditions and GHG targets. The Alternate portfolio will be used to drive internal EBCE strategy. Filing the Alternative Portfolio by September 1 is preferable if time allows or if the submission deadline is extended.
- i. Agree on assumption set with EBCE. Leverage more advanced optimization techniques such as automated resource selection, as well as discrete sensitivities as agreed upon by the combined project team.
 - ii. Develop agreement on the set of metrics in addition to GHG emissions and reliability measures. Include at least two (2) GHG benchmarks distinct from the CPUC required targets.
 - iii. Develop a scorecard to the extent possible that will compare the performance of each portfolio against the metrics selected in step ii of the analysis. This will show the cost of achieving or overachieving the required renewable paths and will allow for assessing the tradeoffs for different compliance paths or different portfolios against each of the specified metrics (least cost, most stable, lowest carbon reductions etc.).
 - iv. Using agreed upon assumptions, undertake modeling to identify alternatives to allow EBCE to meet state law requirements, GHG benchmark(s) and additional internal goals.
 - v. Work with EBCE to select an agreed upon suite of additional resources that achieve the goals listed above in iii.

Develop agreement on sensitivity analyses for further development. Sensitivity analyses should include additional production cost modeling in PowerSIMM on up to two (2) selected sensitivity portfolios that achieve different GHG benchmarks.

ci. Complete IRP.

Deliverables: Three (3) Draft IRPs, two for the Conforming Portfolios and one being the Alternate Portfolio. These will include:

- a detailed PowerPoint presentation describing recommendations as a result of the IRP effort including documenting the assumptions, and modeling analyses.
- all the data and inputs required to file the IRP reports with the CPUC in easily shareable formats like MS Excel spreadsheets, and / or MS Word and / or MS PowerPoint documents. This will include the Conforming and the Alternate IRP results with respect to cost, reliability/renewable integration needs, GHG- emissions, other pollutants, rate results, and a dashboard enabling sensitivity analysis. Ascend will provide these spreadsheets for both the Conforming and Alternate portfolios.

Due date (Conforming Portfolios): Complete draft data by July 1, 2020, draft templates by July 15, 2020. Final data & completed templates by July 31, 2020.

Due date (Alternative[s]): Complete modeling by October 15, 2020, Presentation by October 20, 2020.

Task 4. Participate in external stakeholder meetings

Participate in up to two (2) external stakeholder meetings. Provide limited assistance or guidance during preparation of materials that summarize IRP analysis for the stakeholder meetings. Based on the feedback received and further discussion with EBCE, provide adjustments to IRP models.

Table 1

Title	Role	Hourly Rate
Gary Dorris, PhD	CEO, Engagement director	\$490
David Millar	Director, Senior Project Management	\$310
Brent Nelson PhD	Manager, Senior Analyst	\$260
Daniel Weingarten PhD	Senior Analyst	\$230
Valerie Katz	Analyst	\$220
Danielle Labruzzo	Analyst	\$220
Moein Choobineh	Analyst	\$210
Zachary Brode	Analyst	\$220

Task 5. Create Final Report

- Create a detailed PowerPoint document describing recommendations as a result of the IRP effort. Ascend to support the development of this report by documenting the assumptions, and modeling analyses for inclusion in the final report.
- Ascend to provide all the data and inputs as documentation in easily shareable formats such as MS Excel spreadsheets, and / or MS Word and / or MS PowerPoint documents (as directed by the Joint CCAs). This will include all the resource, cost, reliability, and local pollution impacts, including the conforming portfolio, the alternate portfolio, rate results, GHG-emissions, integration needs, assumptions, and dashboards.
- Ascend will populate the Resource Data Templates and Clean System Power Calculator with the results of the Conforming 46 MMT and 38 MMT portfolios. These files will be in the proper format required by the CPUC.
- Ascend will also provide narratives describing the IRP modeling techniques, assumptions, goals, as well as results pertaining to recommended procurement, rate, reliability metrics, GHG- emissions, and other pollutants in Word format to be used as a component of CCA IRP filings
- Ascend will ensure the final reports to be filed with the CPUC meet all CPUC regulatory requirements and can ultimately be utilized for the IRP filing.
- Answer questions from the CPUC or other stakeholders on the final plans to ensure regulatory compliance.

Exhibit D

Compensation/Budget

IRP: services will be compensated on hourly basis at the rates in Exhibit A, Table 1. Total compensation for this project is not to exceed \$106,060.

Valuation Work: services will be compensated on both a monthly fixed fee of \$4,500 per month (\$27,000 for the term of the Agreement, this includes 12 hours of support each month) and on a time and materials basis as specified for any pre-approved additional support hours. Additional Support hours will be compensated at the hourly rates in Exhibit B, Table 1. Additional support hours are not to exceed \$11,000. Total compensation for this project is not to \$38,000.

The maximum compensation under this Agreement is \$144,060.



Consent Item 11

TO: East Bay Community Energy Board of Supervisors
FROM: Annie Henderson, Vice President, Marketing and Account Services
SUBJECT: Extension of Brilliant 100 product to January 31, 2021
DATE: October 21, 2020

Recommendation

Adopt a Resolution that extends the product offering of Brilliant 100 at 100% carbon free content and cost parity with PG&E standard rate until January 31, 2021

Background and Discussion

At June 2020 meeting, the Board of Directors approved the following:

- Close the Brilliant 100 product to new customers
- Continue to offer the Brilliant 100 product at RPS renewables plus the remaining percentage large hydro power for a combined 100% carbon free power, offered at cost parity to the standard PG&E rate for the duration of 2020
- During Q4 2020, take action on Brilliant 100 options for 2021

Subsequently, staff made an initial presentation to the full board on September 16, 2020, and to the executive committee on September 25, 2020. Options discussed to date include:

1. Closing the Brilliant 100 product and moving existing customers to Bright Choice,
2. Continuing to offer Brilliant 100, but at a premium of 2-5% above the standard PG&E rate,
3. Create a new product which is 100% carbon-free, priced at parity with the standard PG&E rate, and would include nuclear power, and
4. Subsidize the current population of Brilliant 100 customers for the next year to maintain the cost at parity without accepting an allocation of nuclear power.

The fourth option was discussed primarily at the Executive Committee meeting.

There are several variables that impact the path forward for Brilliant 100 including:

- Will the CPUC approve a carbon free allocation from PG&E to other load serving entities in 2021? (Decision requested by 10/31.)
- What will be the change in the PCIA when the cap is removed? (Advice letters filed by PG&E in first week of October.)
- What will PG&E rates be in 2021? (Next filing will be in November.)

Given the potential impact of these variables on a decision, staff proposes the following timeline:

Board Action	Date
Vote to extend Brilliant 100 to 1/31/21	10/21/20
Vote on Brilliant 100 options for 2021	11/18/20
Vote on product requests from JPA members for 2021	12/16/20

The new option selected by the Board in November 2020 would be implemented with an effective date of February 1, 2021. This timeline allows for JPA members to discuss the options with their local governing bodies from now until early December and provide feedback to EBCE staff on their preferred products for enrollment and/or default. By extending the current Brilliant 100 product through January 2021, JPA members will have time to do appropriate outreach to their constituents and EBCE staff can make the necessary back-end updates to support the product offerings before the February 1 implementation date.

Fiscal Impact

Brilliant 100 is currently and will continue to be priced at a retail rate to customers that is below the actual cost of service. Extending this product offering for an additional month beyond the previously approved closure date will continue to have a negative impact on the overall financial health of EBCE. However, staff believes this extension is warranted given the numerous decisions that need to be made about changes to the Brilliant 100 product between now and the time of its closure.

Attachments

- A. Resolution to Extend Brilliant 100 to January 31, 2020

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO CONTINUE TO OFFER THE
BRILLIANT 100 PRODUCT UNTIL JANUARY 31, 2021**

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS The Board voted on June 17, 2020 to no longer offer the Brilliant 100 product to any customers after December 31, 2020.

WHEREAS As of October 2020, the Board is still discussing the potential product options to replace the current Brilliant 100 product in 2021.

WHEREAS It is in the best interest of our customers that a decision on potential product options be made with as much relevant information as possible and that customers are given adequate notice of changes to our products.

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

Section 1. The Brilliant 100 product will be offered until January 31, 2021 at price parity to the standard PG&E rate, with a renewable energy content equivalent to the current Renewable Portfolio Standard, and with the remaining power being supplied by large hydro-electricity for a total of 100% carbon free power.

Section 2. The Board hereby authorizes the Chief Executive Officer to take any necessary actions to implement this Resolution.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board



Consent Item 12

TO: East Bay Community Energy Board of Directors

FROM: Annie Henderson, VP of Marketing and Account Services

SUBJECT: Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy

DATE: October 21, 2020

Recommendation

Given the on-going public health emergency caused by COVID-19 and the associated financial strain to many households and businesses, EBCE staff recommends that the Board adopt the Resolution to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies and extend the suspension of the "Failure to Pay" section of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 91 days until January 20, 2021.

Background and Discussion

On March 18, 2020, the Board approved a resolution temporarily increasing the signing authority of the Chief Executive Officer for a period of 90 days to maintain operations during the COVID-19 pandemic, until June 16, 2020. The resolution also included the following:

Section 2. For a period of 90 days, the Board hereby authorizes the CEO to suspend the following customer terms and conditions and administrative policies:

- (a) Customer terms and conditions related to 'Failure to Pay' and
- (b) Delinquent Accounts and Collections Policy.

On June 17, 2020, the EBCE Board extended the suspension of the "Failure to Pay Section" of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy for an additional 90 days, through September 14, 2020.

PG&E has suspended service disconnections for non-payment for all residential and small business customers until further notice. Staff proposes that EBCE extend the suspension period for our own collections and "failure to pay" activities for an additional 91 days, through the board meeting on January 20, 2021. Unless the suspension is further extended by

the Board, the approved EBCE policies regarding a failure to pay and delinquent account and collections would again become effective on January 21, 2021.

Financial Impacts

The financial impact is minimal given the limited pool of customers who would be eligible for return to PG&E and for collections.

Attachments

- A. Resolution of the Board of Directors of the East Bay Community Energy Authority to Extend the Temporary Suspension of Certain Customer Terms and Conditions and Administrative Policies or an additional 91 days until January 20, 2021
- B. P-2018-4 Delinquent Accounts and Collections Policy

RESOLUTION NO. R-2020 -

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO EXTEND THE TEMPORARY SUSPENSION OF CERTAIN CUSTOMER TERMS AND CONDITIONS AND ADMINISTRATIVE POLICIES FOR AN ADDITIONAL NINETY-ONE (91) DAYS UNTIL JANUARY 20, 2021

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting more than 75 countries, including the United States; and **WHEREAS**, since the federal Centers for Disease Control and Prevention (“CDC”) confirmed the first possible case of community spread of COVID-19 in the United States on February 26, 2020, there has been a significant escalation of United States domestic cases and deaths from COVID-19; and

WHEREAS, on March 4, 2020, Gavin Newsom, Governor of the State of California, proclaimed a state of emergency to exist in California due to the spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency due to COVID-19; and

WHEREAS, as of October 1, 2020, the California Department of Public Health reported over 835,000 cases and over 16,000 fatalities in the state; and,

WHEREAS, many EBCE customers continue to face ongoing economic hardships as fall out the COVID-19 global health pandemic; and

WHEREAS, on March 18, 2020, the Board of Directors resolved to temporarily suspend, for a period of 90 days, certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on June 17, 2020, the Board of Directors resolved to extend, for an additional 90-day period, certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, it is understood that PG&E will be suspending disconnection services until further notice; and

WHEREAS, EBCE desires to further extend the temporary suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments.

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

Section 1. For a period of 91 days, through January 20, 2021, the Board hereby authorizes the CEO to suspend the following customer terms and conditions and administrative policies:

- (a) Customer terms and conditions related to ‘Failure to Pay’ and
- (b) Delinquent Accounts and Collections Policy.

Section 2. Unless extended by the Board, this Resolution shall expire and be of no further force or effect on January 21, 2021, at which point the approved terms and policy shall resume to be effective.

ADOPTED AND APPROVED this 21st day of October 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of Board



POLICY NO. 2018 - 4
Delinquent Accounts and
Collections

Agenda: February 7, 2018
Item No.: 7
Resolution: No Resolution
associated with policy

Subject: Delinquent Accounts and Collections Policy

Policies:

Delinquent Accounts:

Pursuant to Electric Rules 8 and 11, Pacific Gas & Electric (PG&E) uses the following process to determine past due accounts and the necessary action:

Residential Accounts		Non-Residential Accounts	
Day 1 - Issuance of Bill	Customer Receives Bill	Day 1 - Issuance of Bill	Customer Receives Bill
Day 22	Past Due	Day 18	Past Due
Day 27 - 33	15 Day Notice on Next Bill	Day 21	7 Day Notice Delivered
Day 41-47	48 Hour Notice via Mail	Day 29	24 Hour Phone Call or In Person Notice
Day 45 - 51	24 Hour Phone Call or In Person Notice	Day 32	Account is Eligible for Disconnection
Day 50-56	Account is Eligible for Disconnection		

Aging Accounts:

All EBCE accounts, whether Residential or Non-Residential, identified in the month aging accounts receivable report, as provided by PG&E, with outstanding balances over 90 days or more are eligible to be returned to PG&E.

EBCE Residential customer accounts exceeding \$250 in charges overdue for more than 90 days will be sent a late payment notification by EBCE. The customer will be provided 60 days to pay or make payment arrangements. If payment in full is not received within 60 days from the date of notification, or the terms of an activated payment arrangement are not fulfilled, the EBCE customer account may be closed and returned to PG&E bundled generation service on the next account meter read date. Residential customers returned to PG&E will be charged the applicable EBCE opt-out fee.

EBCE Non-Residential customer accounts exceeding \$500 in aggregate in unpaid charges for 60 days or more will be sent a late payment notification by EBCE. The customer will be provided 30 days to pay or make payment arrangements. If payment in full is not received within 30 days of the date of notification, or the terms of an activated payment arrangement are not fulfilled, the EBCE customer account may be closed and returned to PG&E bundled generation service on the next account meter read date. Non-residential customers returned to PG&E will be charged the applicable EBCE opt-out fee.

Collections:

Closed East Bay Community Energy accounts with overdue amounts greater than \$100 may be referred to a collection agency. Amounts \$100 or less may be written off. PG&E may close customer accounts before payment delinquencies bring them to the attention of EBCE operations. When PG&E closes customer accounts, these accounts are also closed in the EBCE program. In these cases, the thresholds outlined in the preceding paragraphs apply in either referring closed accounts to collections or writing off balances.



Consent Item 13

TO: East Bay Community Energy Board of Directors

FROM: Jason Bartlett, Finance Manager

SUBJECT: Fiscal Year 2019-2020 Audited Actuals to Budget Comparison
(Informational Item)

DATE: October 21, 2020

Recommendation

Receive report comparing EBCE's final audited financial actuals to the approved budget for the 2019-2020 fiscal year.

Background and Discussion

This report compares EBCE's financial expectations for the July 1, 2019 to June 30, 2020 fiscal year as presented in the approved budget to the resulting annual audit. Attachment A provides the summaries and comparisons as per budget line item. This comparison shows the approved June budget alongside the audited results, and provides a percent difference for reference.

Highlights from the comparison show:

- Total Revenue and Other Sources is about 4% below budgeted amounts, due to lower customer load and deferred revenue to the Rate Stabilization Fund
- Energy costs are about 4% under budgeted amounts, due to lower customer load and lower prices
- Overhead was 31.7% under budget (\$7.2M), due to Local Development costs shifting to next fiscal year and reduced spending in other functional areas
- Interest was lower than budgeted due to retirement of outstanding debt
- Total Expenses were 5% below budget, as the combination of reduced energy costs and overhead
- Net Increase in position was about 2% above budget

Fiscal Impact

This report has no fiscal impact.

Attachments

- A. 2020 Operating Fund Budget Comparison to Actuals Report Table

**EAST BAY COMMUNITY ENERGY AUTHORITY
OPERATING FUND
BUDGETARY COMPARISON SCHEDULE
July 1, 2019 through June 30, 2020**

	2019/20 YTD Budget	2019/20 YTD Actual	2019/20 YTD Budget Variance Over (Under)	2019/20 YTD Actual/ Budget %	2019/20 Annual Budget	2019/20 Budget Remaining
REVENUE AND OTHER SOURCES						
Electricity Sales	\$ 487,015,000	\$ 479,276,111	\$ (7,738,889)	98%	\$ 487,015,000	\$ 7,738,889
Revenue direct to Rate Stabilization Fund	-	(12,680,000)	(12,680,000)	0%	-	n/a
Uncollectables	(2,448,000)	(3,548,839)	(1,100,839)	-145%	(2,448,000)	1,100,839
Investment Income	579,000	1,357,175	778,175	234%	579,000	(778,175)
Miscellaneous Income	-	334,205	334,205	0%	-	n/a
Total Revenue and Other Sources	<u>485,146,000</u>	<u>464,738,652</u>	<u>(20,407,348)</u>		<u>485,146,000</u>	<u>8,061,553</u>
EXPENDITURES AND OTHER USES						
CURRENT EXPENDITURES						
Cost of energy	386,904,000	372,696,756	(14,207,244)	96%	386,904,000	14,207,244
Scheduling	653,000	780,661	127,661	120%	653,000	(127,661)
Data Management/Billing/Customer Service	6,758,000	7,148,728	390,728	106%	6,758,000	(390,728)
PG&E Service Fees	2,253,000	2,351,988	98,988	104%	2,253,000	(98,988)
Personnel	6,703,000	5,852,793	(850,207)	87%	6,703,000	850,207
Marketing, Outreach, Communications	2,263,000	1,078,236	(1,184,764)	48%	2,263,000	1,184,764
Legal, Policy, & Regulatory Affairs	1,586,000	971,647	(614,353)	61%	1,586,000	614,353
Local Development	6,340,000	1,969,306	(4,370,694)	31%	6,340,000	4,370,694
Other Professional Services	1,214,000	1,340,123	126,123	110%	1,214,000	(126,123)
General & Administrative	2,290,000	1,333,463	(956,537)	58%	2,290,000	956,537
Depreciation	61,000	43,298	(17,702)	71%	61,000	17,702
Total Current Expenditures	<u>417,025,000</u>	<u>395,566,999</u>	<u>(21,458,001)</u>	95%	<u>417,025,000</u>	<u>21,458,001</u>
DEBT SERVICE						
Interest	1,230,000	743,178	(486,822)	60%	1,230,000	486,822
Total Expenditures, Other Uses and Debt Service	<u>418,255,000</u>	<u>396,310,177</u>	<u>(21,944,823)</u>	95%	<u>418,255,000</u>	<u>21,944,823</u>
Net Increase (Decrease) in Available Fund Balance	<u>\$ 66,891,000</u>	<u>\$ 68,428,475</u>	<u>\$ 1,537,475</u>	102%	<u>\$ 66,891,000</u>	



Staff Report Item 14

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: CEO Report (Informational Item)
DATE: October 21, 2020

Recommendation

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

Executive Committee Meeting

The Executive Committee met on September 25, 2020 and were given a Regulatory/Legislative update and presentation on Brilliant 100 options for 2021. The members reviewed the Community Advisory Committee Guide and Appointment Process and made recommendations to staff. The final meeting for 2020 will be held on October 23, 2020 at 12 pm.

Finance, Administration and Procurement Subcommittee Meeting

The Finance, Administration and Procurement Subcommittee meeting was held on October 13, 2020. The subcommittee members received updates on the draft audit review, the Authority's Days Liquidity on Hand (DLOH) position, and bank interest rates. There is no subcommittee meeting scheduled for the month of November. The next meeting will be held on December 11, 2020 at 3 pm.

Marketing Regulatory and Legislative Subcommittee Meeting

The Marketing, Regulatory and Legislative Subcommittee met on October 1, 2020 and received updates from both the Marketing and Account Services Team and the Policy Team. The next subcommittee meeting will be held on Thursday November 5, 2020.

COVID-19 Community Grant Fund Update

In July, East Bay Community Energy issued a third-round solicitation to provide small grants to community-based organizations (CBOs) serving residents and/or businesses in EBCE's service area. Twenty local charitable organizations were allocated \$10,000 each, and an additional \$100,000 in grants were given to three workforce development organizations across Alameda County. The funds were allocated by EBCE's renewable energy development partners EDPR Renewables North America (developers of a 100MW solar + 30MW storage project in Fresno

County) provided \$275,000 and Clearway Energy Group (developers of a 112MW solar project in Kern County) provided \$25,000, following the \$225,000 they provided for the previous round of grants.

Marketing and Account Services Update

October Rate Updates

There were several small changes to the PG&E generation rate on certain rate tariffs that became effective October 1, 2020. Per previous board authorization and our standard process, staff made the appropriate modifications to EBCE generation rates to maintain the value proposition of 1% discount for Bright Choice and cost parity for Brilliant 100. Updated rates will be used starting Monday, October 19, 2020 with an effective date of October 1. Updated rate sheets will be posted to <https://ebce.org/rates/>.

Power Content Label Mailer

The Power Content Label mailer is typically sent to customers by October 1 each year. This year, the California Energy Commission pushed the deadline for the mailer to December 31. EBCE staff has been working on the design and content of the mailer and intends to send it out as both email and a physical mailer, depending on information on file for each customer. Staff currently plans to send out the PCL email/mailer in mid-November. This timing is after the election but before the Thanksgiving holiday. Below are the current drafts of the email and mailer.

Email

Supporting the East Bay with green power and local investment

Dear East Bay Community Energy customer:

We are proud to share our annual Power Content Label, which provides information about the mix of sources used to provide electricity service, as well as updates about our services. As you can see, we continue to save money for our customers, as well as invest in new renewable energy projects, offer program options, and support our community here in the East Bay.

Green Power

Helping speed the transition to local renewable energy: In January 2021, EBCE's wind farm near Livermore, shown here, will start producing up to 37.5 MW of renewable energy — enough to power about 30,000 homes per year.

LEARN MORE

Lower Rates

East Bay customers saved \$8 million on their 2019 energy bills.

LEARN MORE

Local Investments

We've been busy launching programs to help customers save energy and avoid power outages. The new Reconnect Home program lowers the cost of installing home solar panels and energy storage systems in the East Bay.

We put revenue back into East Bay communities by donating almost \$2 million to local non-profits for COVID-19 relief.

EBCE's Janel Bernardez at a mask distribution point in Oakland, giving a bowl of hundreds of masks to Laurie Goldman of East Bay FoodER, a volunteer-run local partner of World Central Kitchen.

RECIPIENTS INCLUDE:
 Alameda County Health System Foundation
 Meals on Wheels of Alameda County
 Alameda County Community Food Bank
 UCSF Benioff Children's Hospital Oakland

LEARN MORE AT: ebce.org/covid-19-response

Your Choice

Choose from our service plans or return to PG&E.

Renewable 100
100% California wind & solar power at a small premium.

Bright Choice
A small discount to PG&E rates.

LEARN MORE

2018 Power Content Label

[table goes here]

Copyright © 2020 East Bay Community Energy. All rights reserved. You are receiving this email because you are either EBCE's former agent or you signed up to receive our updates.

Our mailing address is:
 East Bay Community Energy
 1901 Franklin Street, Suite 300
 Oakland, CA 94612

Add us to your address book.

Want to change how you receive these emails?
 You can update your preferences or unsubscribe from this list.

Postcard

YOUR CHOICE

Choose from our service plans or return to PG&E. **Bright Choice** 100% California wind & solar power at a small premium. Visit ebce.org/compare-plans-rental.html

Energy Resources	Renewable 100	Bright Choice	2018 CA Power Mix
Eligible Renewable	100.0%	76.0%	69.3%
Renewable	0.0%	0.0%	0.4%
Coal	0.0%	0.0%	16.2%
Natural Gas	0.0%	0.0%	54.5%
Nuclear	0.0%	0.0%	1.8%
Other	0.0%	0.0%	0.2%
Unspecified sources of power*	0.0%	0.0%	13.1%
TOTAL	100%	100%	100%

DRAFT

Percentage of Retail Sales Covered by National Unlabeled RECs†: 0.0%

† For publicly available information, we do not disclose the specific RECs used in our generation, which is determined using different methodology. ‡ Energy that power is likely to be purchased through open market transactions and is not subject to specific generation source. * Renewable energy credits (RECs) are not subject to specific generation source. † National Unlabeled RECs are not subject to the same rules as RECs. ‡ National Unlabeled RECs are not subject to the same rules as RECs.

No specific information about this electricity product is available. For general information about this electricity product, please visit the California Energy Commission website: www.energy.ca.gov/

For additional questions, please contact the California Energy Commission: 541 West 9th Street, 9th Floor, Oakland, California 94612-1217

East Bay Community Energy 1901 Franklin Street, Suite 300 Oakland, CA 94612

Resident Name: 123 Address St, Berkeley, CA 94702

Questions? Give us a call: 1-888-878-8822 (EBCE)

Follow us on social media: @ebceenergy, @ebceenergy, #EBCE, #ebce.org

Supporting the East Bay with green power and local investment

EBCE's Janel Bernardez at a mask distribution point in Oakland, giving a bowl of hundreds of masks to Laurie Goldman of East Bay FoodER, a volunteer-run local partner of World Central Kitchen.

GREEN POWER LOW RATES LOCAL INVESTMENT

HELPING SPEED THE TRANSITION TO LOCAL RENEWABLE ENERGY

550 MW of wind and solar power contracted.

150 MW of battery storage systems contracted.

In January 2021, EBCE's wind farm near Livermore, shown here, will start producing up to 37.5 MW of renewable energy — enough to power about 30,000 homes per year.

\$8 million saved by East Bay customers on their 2019 energy bills.

LEARN MORE AT: ebce.org/about-our-rates

We've been busy launching programs to help customers save energy and avoid power outages. The new Reconnect Home program lowers the cost of installing home solar panels and energy storage systems in the East Bay.

LEARN MORE AT: ebce.org/reconnect-home

We put revenue back into East Bay communities by donating almost \$2 million to local non-profits for COVID-19 relief.

RECIPIENTS INCLUDE:
 Alameda County Health System Foundation
 Meals on Wheels of Alameda County
 Alameda County Community Food Bank
 UCSF Benioff Children's Hospital Oakland

LEARN MORE AT: ebce.org/covid-19-response



CEO Report

PRESENTED BY: Nick Chaset
DATE: October 21, 2020



3rd Round COVID-19 Community Grantees

[20]



COVID-19 Community Grantees

- Arsola's Distribution Center and Community Services
- Building Opportunities for Self-Sufficiency (BOSS)
- CityServe of the Tri-Valley
- Downtown Streets Team
- Eden United Church of Christ
- Family Resource Navigators
- Fred Finch Youth & Family Services
- Global Communication Education & Art (GCEA)
- Kitchen to Ward
(Affiliated to E Biz Solutions Inc.)
- La Clinica de La Raza, Inc
- Owing My Own Truth Inc.
- San Leandro Boys & Girls Club
- Senior Support Program
- Sister to Sister 2, Inc. dba Serenity House
- Tiburcio Vasquez Health Center
- Tri-City Volunteers Food Bank and Thrift Store
- Tri-Valley Haven for Women
- Trybe Inc.
- UCSF Benioff Children's Hospitals Foundation
- Viola Blythe Community Service Center

Organization	Cities Served	Description
<p>Arsola's Distribution Center and Community Services</p> <p>HQ: Oakland</p>	<p>Oakland</p>	<p>Arsola's Distribution Center and Community Services operates a food rescue and distribution center. Funds from this grant will be used over three months to pay two current .25 FTE staff, provide monthly flat-rate stipends to six long-time volunteers, contribute to weekly gas allowance for two vans to pick up food from grocery stores and markets, the cost of daily washing and sanitizing of the inside of two vans, and the purchase of plastic grocery bags.</p>
<p>Building Opportunities for Self-Sufficiency (BOSS)</p> <p>HQ: Berkeley</p>	<p>Berkeley, Hayward, Oakland</p>	<p>BOSS' mission is to help homeless, poor, and disabled people achieve health and self-sufficiency, and to fight against the root causes of poverty and homelessness. Funds from this grant will provide assistance to BOSS' homeless shelter residents (3 shelters: 1 each in Berkeley, Oakland, and Hayward), and assistance to residents who utilize BOSS's Oakland-based Neighborhood Impact Hub services. Relief will be provided in the form of rental assistance, food assistance (food giveaways when donated food is available, or referrals to food banks or meal programs); and other direct assistance as needed, including payment of overdue bills.</p>
<p>CityServe of the Tri-Valley</p> <p>HQ: Pleasanton</p>	<p>Dublin, Livermore, Pleasanton</p>	<p>CityServe of the Tri-Valley is a crisis-stabilization direct-service non-profit that values creative solutions, quick responsiveness, and above all else, compassionate care for those in need here in the Tri-Valley communities. The grant will provide payments to cover the needs of low income families/individuals who are homeless or in need of emergency shelter (hotel nights or rent assistance to prevent eviction) as we connect them with below market housing or shelters that provide for longer-term coverage.</p>
<p>Downtown Streets Team (DST)</p> <p>HQ: Berkeley</p>	<p>Unincorporated Alameda County, Berkeley, Hayward, Oakland</p>	<p>DST builds inclusive communities that put people experiencing homelessness at the center of their own solutions: volunteer teams of unhoused individuals change perceptions of homelessness while cleaning up their community. Funds for this grant would support these efforts: in exchange for their volunteerism, Team Members receive case management, employment coaching, job placement, and basic needs assistance in the form of gift cards to grocery stores, pharmacies, gas stations, and third party checks for cell phones, storage, and rent. Peers manage their own volunteer teams which foster a community of support, motivation, hope and dignity, as they transition back to self-sufficiency from homelessness.</p>

Organization	Cities Served	Description
<p>Eden United Church of Christ</p> <p>HQ: Hayward</p>	<p>Unincorporated Alameda County, Hayward</p>	<p>Eden Church is a 155 old culturally diverse congregation located in the Eden Area of South Alameda County. In partnership with Alameda County Health Care Services Agency, they launched the first community-based Newcomer Navigation Center for asylum-seekers and recently arrived immigrants in 2020. Funds from this grant will be used to provide direct rent relief and support their food assistance program.</p>
<p>Family Resource Navigators</p> <p>HQ: San Leandro</p>	<p>Albany, Unincorporated Alameda County, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland</p>	<p>FRN is a parent to parent agency that serves families with children with developmental delays, special health care needs and disabilities. FRN primarily serves families who are eligible for MediCal. Funds will be used to provide mini grants of \$500 to families that have substantial unmet needs.</p>
<p>Fred Finch Youth & Family Services</p> <p>HQ: Oakland</p>	<p>Albany, Unincorporated Alameda County, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy, Union City</p>	<p>Fred Finch Youth & Family Services seeks to provide innovative, effective services supporting some of the most vulnerable populations in the Bay Area, including families that face poverty, violence and trauma; former foster youth and formerly incarcerated youth; children and youth with more than one emotional or intellectual diagnoses; and young people living with autism. These services include family services, mental health services, housing, young adult services, residential treatment, and education services. The funds will be used to provide general operating support and expand telehealth options.</p>
<p>Global Communication Education & Art (GCEA)</p> <p>HQ: Oakland</p>	<p>Albany, Unincorporated Alameda County, Berkeley, Emeryville, Fremont, Hayward, Newark, Oakland, San Leandro, Union City</p>	<p>GCEA's mission is to advocate, educate, empower, and train African immigrants and African American Communities in the Bay Area. GCEA will work with its established network of community partners to deliver food, aid, supplies, housing, and launch health education campaigns to help combat the pandemic and to support the East Bay's African immigrant community.</p>

Organization	City Served	Description
Kitchen to Ward (Affiliated to E Biz Solutions Inc.) HQ: Fremont	Dublin, Fremont, Hayward, Livermore, Newark, Oakland, Pleasanton, San Leandro, Union City	The organization, Kitchen to Ward (affiliated to E Biz Solutions Inc), is an online platform to simultaneously assist frontline healthcare workers and local restaurants in the COVID-19 situation. 100% of the funds will be used to purchase meals from local restaurants for frontline healthcare workers.
La Clinica de La Raza, Inc. HQ: Oakland	Oakland	At 35 service sites, La Clínica provides culturally and linguistically responsive care to more than 90,725 clients annually. La Clínica’s full range of services includes primary medical care, prenatal care, dental services, health education, vision, pharmacy, and behavioral health services. La Clínica plans to prioritize the use of funds for our newcomer patient population at Hawthorne School-Based Clinic (HSBC), one of La Clínica’s eight school-based health centers.
Owning My Own Truth Inc. HQ: Oakland	Hayward, Oakland, San Leandro, Unincorporated Alameda County	Owning My Own Truth is a cognitive behavior support open platform for mental and physical support. OMOT advocates self awareness through empowerment exercises and professional coaching for life skills. OMOT will use the funds to give stipends to professional facilitators as they guide community members through self awareness empowerment exercises, prepare covid-19 self care personal needs bags, buy gifts cards for personal items and meals, travel for groceries for families and safe travel taking seniors to covid-19 testing.
San Leandro Boys and Girls Club HQ: San Leandro	Hayward, San Leandro	Since 1947, the Club has served over 70,000 youth in the San Leandro, San Lorenzo, Ashland, and Cherryland communities in Southern Alameda County. The SLBGC serves 2,500 youth, primarily low-income, annually with academic, healthy lifestyles, character and citizenship, mentoring and Workforce Development Programs. Funding would be used to support our Club Mentoring and Leadership Program that provides a range of social-emotional support to teens enabling them to address the barriers to not only academic learning but also to functioning in society.

Organization	City Served	Description
<p>Senior Support Program</p> <p>HQ: Pleasanton</p>	<p>Dublin, Fremont, Hayward, Livermore, Pleasanton, San Leandro</p>	<p>Senior Support Program of the Tri-Valley's (SSPTV's) mission is to deliver free, comprehensive services and assistance to seniors aged 55 and older in the Tri-Valley (Dublin, Livermore, Pleasanton, and surrounding areas) to foster independence, promote well-being, preserve dignity, and improve quality of life. Funds will be used to conduct bi-monthly Re-Assurance calls to approximately 200 home-bound seniors, weekly online and phone mental health counseling sessions for 50 or so seniors and bi-monthly food bag delivery to roughly 60 seniors with food security issues.</p>
<p>Sister to Sister 2, Inc. dba Serenity House</p> <p>HQ: Oakland</p>	<p>Oakland</p>	<p>Provides emergency shelter, transitional housing, rental assistance, food, counseling and job training to women who are survivors of domestic violence, homelessness, incarceration and addiction. Funds will be used to help clients pay rent and cover move-in costs for those currently in hotel rooms after being connected to housing opportunities.</p>
<p>Tiburcio Vasquez Health Center</p> <p>HQ: Hayward</p>	<p>Dublin, Hayward, San Leandro, Union City</p>	<p>Provides accessible, high quality health care to address health disparities among the County's most vulnerable and marginalized populations. Funds will be used to support their new food distribution program, including through the purchase of reusable grocery bags and PPE for food distribution staff.</p>
<p>Tri-City Volunteers Food Bank and Thrift Store</p> <p>HQ: Fremont</p>	<p>Fremont, Hayward, Newark, Pleasanton, San Leandro, Union City</p>	<p>Largest client-direct hunger relief organization in Alameda County. Distributes food and provides volunteer opportunities to improve the quality of life for low- and extremely low-income households. Funds will be used to cover losses from traditional funders (Safeway and Trader Joes) and additional costs incurred to create a COVID-safe food distribution system.</p>

Organization	City Served	Description
<p>Tri-Valley Haven for Women</p> <p>HQ: Livermore</p>	<p>Unincorporated Alameda County, Dublin, Hayward, Livermore, Pleasanton, Tracy</p>	<p>Serves homeless families and individuals, as well as people affected by poverty and victims of abuse in the East Bay for over 40 years. Funds will be used to provide healthy groceries to hundreds of at-risk families and individuals daily, as well as motel vouchers for homeless families and individuals.</p>
<p>Trybe Inc.</p> <p>HQ: Oakland</p>	<p>Unincorporated Alameda County, Berkeley, Hayward, Oakland, San Leandro</p>	<p>Works to build and nurture community, create safe gathering spaces and recreational activities for youth and families, revitalize and beautify neighborhoods by coordinating a range of programs and experiences. Funds will be used to purchase more food and supplies to meet growing demand and provide cash to households that need assistance with essential items, including housing (rent), household bills (electricity/water/garbage) and with school supplies.</p>
<p>UCSF Benioff Children’s Hospitals Foundation</p> <p>HQ: Oakland</p>	<p>Albany, Unincorporated Alameda County, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Tracy, Union City</p>	<p>UCSF Benioff Children’s Hospital Oakland offers a broad range of inpatient, outpatient, and community programs. Although UCSF Benioff Oakland serves patients throughout Northern California and other states and counties, about 80% of our patients come from Alameda and Contra Costa Counties. Tragically, though, there are teens living in poverty with low income or no income at all. The severe housing shortage and skyrocketing rent increases put them at great risk of homelessness. Funds will enable Children Hospital staff to provide basic necessities to homeless teen patients upon discharge from the hospital.</p>
<p>Viola Blythe Community Service Center</p> <p>HQ: Newark</p>	<p>Fremont, Newark, Union City</p>	<p>The Viola Blythe Center has been in operation in Newark for more than 70 years. The last 30 years as a 501c3 non-profit organization. The Viola Blythe Center operates an emergency food and clothing pantry. They are a partner with the Alameda County Food Bank. The funds awarded through this program will be used to provide fresh meats, vegetables, rice and beans. In addition, the funds would be used to purchase and distribute face masks to each family or person we serve. Newark has a high infection rate of COVID-19 for our population and many of the at-risk include our clients.</p>

Workforce Development Grants [3]



Workforce Development Grantees

Tri-Valley Career Center at Chabot-Las Positas Community College District (TVCC)

- Funds will be used to build capacity to reach new COVID-impacted job seekers through the development of a new marketing plan, a Job Search Boot Camp, and a Boot Camp Refresher.

GRID Alternatives and Cypress Mandela

- Funds will be used to work with EBCE and Sunrun to train the local workforce needed to deploy solar and battery backup power systems through EBCE's Resilient Home program.

FOURTH AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE EAST BAY COMMUNITY ENERGY AUTHORITY AND NICOLAS CHASET

The Employment Agreement (“Agreement”) between the East Bay Community Energy Authority (“EBCE”) and Nicolas Chaset, an individual (“EMPLOYEE”), dated June 21, 2017, is hereby amended by this Fourth Amendment, effective as of September 16, 2020. EBCE and EMPLOYEE are collectively referred to herein as the “PARTIES.”

RECITALS

- A. EBCE and EMPLOYEE entered into the Agreement, dated June 21, 2017, providing for employment of EMPLOYEE as Chief Executive Officer.
- B. EBCE and EMPLOYEE agreed to three prior amendments to the Agreement, dated October 17, 2018, December 16, 2019, and July 15, 2020, respectively.
- C. In the Agreement, EBCE and EMPLOYEE agreed to an annual performance evaluation and an annual merit bonus review, in conjunction with the annual performance review.
- D. Following completion of the 2020 review and evaluation and without limitation to the continuing nature of review and evaluation communications between the Board of Directors and EMPLOYEE, EBCE and EMPLOYEE desire to amend the Agreement (“Fourth Amendment”), as follows:

AMENDMENT

- 1. Section 7.e. of the Agreement is amended to read in full as follows:
 - 1. “Retirement. EMPLOYEE will be eligible to participate in any public retirement program or similar plan for which EBCE employees become eligible to participate. EMPLOYEE is eligible for an employer matching contribution of any contribution made by EMPLOYEE, up to 10% of EMPLOYEE’s salary (subject to IRS limits). Employee has established both a 401(a) and a 457(b) retirement savings account. In the event that the Total Combined Contribution to the Employee’s 401(a) Retirement Plan reaches or exceeds the annual compensation limit set by law, any remainder contribution, or portion thereof, which would otherwise be due notwithstanding the annual compensation limit, shall be directed, to the extent allowed by law, and without undue delay, to fund the Employee’s 457(b) Retirement Plan.”
- 2. All other provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Amendment to the Agreement.

Dan Kalb, Chair

East Bay Community Energy Authority

APPROVED AS TO FORM:

Nicolas Chaset

DATE: October 21, 2020

Inder Khalsa, Interim General Counsel

ATTEST:

Stephanie Cabrera, Clerk of the Board



Staff Report Item 17

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer & Treasurer
SUBJECT: Treasurer’s Report (Informational Item)
DATE: October 21, 2020

Recommendation

Receive report on EBCE cash position

Background and Discussion

For quarter ending September 30, 2020, EBCE has maintained a positive cash balance on all EBCE bank accounts. Below is a summary of account balances, cash received, and outstanding loan balances.

Account Balances as of 9/30/2020

Ending In	Account	Amount
*0045	Internal Operating	\$ 375,496
*2886	Operating Fund	\$ 38,188,658
*3199	Lockbox (Includes \$4,000,000 reserve)	\$ 15,878,656
*6189	Operating Reserve Fund	\$ 40,897,852
*8900	Money Market	\$ 1,001,302
*9364	Insured Cash Sweep	\$ 63,001,137
Total		\$ 159,343,101

Cash Received by Month into Lockbox Account

July	2020	\$ 45,332,292
August	2020	\$ 42,194,223
September	2020	\$ 46,073,424
Total		\$ 133,599,939

Outstanding Loan Balances:

Barclays Credit Facility: \$0.00

Customer Delinquency:

As of October 14, 2020

30 - 60 Days: \$3,960,649

60 - 90 Days: \$2,808,146

90 - 120 Days: \$1,938,693

120+ Days: \$10,066,366



Staff Report Item 18

TO: East Bay Community Energy Board of Directors

FROM: Jason Bartlett, Finance Manager

SUBJECT: Fiscal Year 2019-2020 Audited Financial Statements (Action Item)

DATE: October 21, 2020

Recommendation

Accept and file the Fiscal Year 2019-2020 audited financial statements

Background and Discussion

EBCE hires an independent auditor to verify the annual financial statements each year. In June of 2019, EBCE selected Pisenti & Brinker, LLP (P&B) as the Authority's auditor through a formal RFP. They were EBCE's auditor the previous year and their familiarity with EBCE and CCA finance space made them the best choice.

This year's audit focuses on EBCE's financial activities of the fiscal year dating from July 1, 2019 to June 30, 2020.

P&B engaged with an ad-hoc committee of board members throughout the audit process and was assisted by EBCE staff. The audit was reviewed in full by the Finance, Administrative, and Procurement Committee on Tuesday, October 13, 2020.

The final audited financial statements provide and independently verified, accurate portrait of EBCE's financial position as of June 30, 2020. These financial statements include EBCE's financial activities related to:

- Net Position
- Revenues, Expenses, and Changes in Net Position
- Cash Flows
- Accompanying Notes and Subsequent Activities

Highlights from the Statements for the fiscal year include:

Statements of Net Position (Balance Sheet)

- Total Assets increased from \$151.3 million to \$220.4 million
 - Primarily as increase in cash and equivalents and account receivables
 - \$12.7 million of deferred revenues
- Total Liabilities decreased from \$69.9 million to \$57.9 million due to the retirement of outstanding debt to Barclay's Bank
- Total Net Position increased from \$81.4 million to \$149.8 million as driven by the changes mentioned for assets and liabilities
 - $\text{Net Position} = \text{Assets} - \text{Liabilities} - \text{Deferred Revenue}$
- All outstanding debt has been retired

Statements of Revenue, Expenses, and Changes in Net Position (Income Statement)

- Net Operating Revenue was approximately \$463.4 million, after \$12.7 million was deferred to a Rate Stabilization Fund approved in September, 2020
- Operating Expenses were approximately \$395.6 million, with \$373.5 million in Cost of Electricity
- The Authority netted \$614k from non-operating activities as related to interest earned on holdings and interest paid on commitments
- Change in Net Position was \$68.4 million
 - $\text{Change in Net Position} = \text{Operating Revenue} - \text{Operating Expenses} + \text{Net Non-operating Activities}$

Fiscal Impact

This report has no fiscal impact.

Attachments

- A. EBCE's Audited Financial Statements June 30, 2020; and
- B. Presentation from the Auditor, Pisenti & Brinker

East Bay Community Energy

*Report to the
Board of Directors
by Pimenti & Brinker LLP
October 21, 2020*



PISENTI & BRINKER LLP
Certified Public Accountants & Advisors

An independently owned member
RSM US Alliance



Introduction...

- Brett Bradford, CPA
 - Audit Partner
 - 17 years in public accounting and performing audits of governmental entities
- Andrea Lifto, CPA candidate
 - Engagement Manager
 - 5 years in public accounting, audits of governments (CCAs)

Audit of the Financial Statements for the year ended June 30, 2020

Relative Roles & Responsibilities

- **Management** is responsible for preparing the Financial Statements and establishing a system of internal control
- **Auditor** is responsible for auditing the Financial Statements
 - Considering risks of material misstatement in the Financial Statements – Inherent risk
 - Considering internal controls relevant to the Financial Statements – Control risk
 - Performing tests of year-end balances based on risk assessment
 - Evaluating adequacy of disclosures

Audit of the Financial Statements for the year ended June 30, 2020

- Audit is complete. We have reported:
 - Unqualified opinion – Based on our audit, the financial statements are materially accurate.
 - No significant deficiencies in internal control have been identified.

Risk Assessment for the year-ended June 30, 2020

- Significant areas of focus
 - Review policies and procedures for various types of financial transactions
 - Consider impact of current economic climate (COVID)
 - Revenue recognition
 - Accounts receivable and accrued revenue
 - Test a sample of customer billings
 - Relate total cash received subsequent to year-end to revenue (accrued revenue)
 - Cut-off
 - Review revenue recognition through year-end and method for determining (accrued revenue)

Risk Assessment for the year-ended June 30, 2020

- Cash – Existence
 - Confirmation sent to financial institutions
- Accrued cost of electricity and accounts receivable
 - Review subsequent bills from electricity providers and cash payments and analyze margin
- Notes payable
 - Confirmations sent directly
- Financial Statement Note Disclosures – Complete and without bias

Required Board Communications

- The significant accounting policies adopted by EBCE throughout the periods audited appeared appropriate and consistently applied.
- No alternative treatments of accounting principles for material items in the financial statements were discussed with management.

Required Board Communications

Other Required Communications with those charged with governance:

- We did not propose any adjustments to the financial statements.
- We did not identify any significant or unusual transactions or applications of accounting principles where a lack of authoritative guidance exists.

Required Board Communications

- There were no disagreements with management concerning the scope of our audits, the application of accounting principles, or the basis for management's judgments on any significant matters.

Required Board Communications

- We did not encounter any difficulties in dealing with management during the performance of our audits.

Questions?

- Brett Bradford: 707-577-1582
- Andrea Lifo: 707-559-7317



Staff Report Item 19

TO: East Bay Community Energy Board of Directors

FROM: Stefanie Tanenhaus, Principal Regulatory Analyst, Public Policy

SUBJECT: Integrated Resource Plan Results (Informational Item)

DATE: October 21, 2020

Recommendation

Receive update on results of EBCE's Integrated Resource Plan (IRP) analysis.

Background and Discussion

The IRP proceeding includes two primary components: the biennial study workstream and the mandated procurement workstream. This memo refers only to the biennial study workstream.

The IRP is a long-term planning proceeding intending to evaluate all of the CPUC's electric procurement policies and programs and the reliability and cost-effectiveness of the CPUC-jurisdictional entities'¹ electric supply with the goal of reducing the cost of achieving GHG reductions and other CPUC policy goals. The IRP proceeding looks 10 years forward to determine the least-cost resource mix required to meet these goals while maintaining system reliability.

The IRP also evaluates the contribution of individual entities' resource portfolios to the State's greenhouse gas (GHG) emissions. This IRP cycle, the CPUC required each entity to submit distinct portfolios that achieve their proportional share of two different statewide electric sector GHG targets. On September 1, 2020, EBCE submitted IRPs that provide the desired portfolios of resources based on a statewide electric sector goal of 46 million metric tons (MMT) and a maximum of 38 MMT of GHG emissions by 2030. In July, these portfolios were shared with the Community Advisory Committee and the Board. At that time, the Board also authorized the CEO to approve the final IRP reports and file the two compliance portfolios with the CPUC.

¹ In context of IRP requirements, includes Investor Owned Utilities (IOUs), Energy Service Providers (ESPs), and Community Choice Aggregators (CCAs).

The CPUC permitted entities to submit an alternative portfolio that used different assumptions, provided they were identified and justification for the discrepancies described. EBCE elected not to file an alternative portfolio and instead has focused its efforts on analysis to develop a portfolio of resources that will contribute to more aggressive GHG emission reductions and organizational goal-setting related to achieving those reductions.

This supplemental analysis includes evaluating a 30 MMT scenario, which corresponds to the lowest statewide electric sector goal that the CPUC has explored. In addition, EBCE quantified the costs of procuring additional GHG-free energy to offset the emissions associated with market purchases. Under this scenario, EBCE would be “net GHG-free”, that is over the course of the year the amount of clean energy generated from our portfolio and purchased through short-term transactions would equal EBCE’s load.

Discussion

EBCE evaluated a range of three different GHG targets for its complete IRP analysis. The GHG targets selected were informed by the three primary state-wide electric sector GHG targets that the CPUC explored in its system-wide IRP modeling- 46 MMT, 38 MMT and 30 MMT. 30 MMT corresponds to the low end of the GHG planning target range for the electric sector established by the California Air Resource Board (CARB). CARB, in coordination with the CPUC and CEC, determined a range of 30-53 MMT by 2030 was required by the electric sector for the state to meet its economy-wide GHG reduction goals of 40% below 1990 levels by 2030.

Methodology

EBCE’s 46 MMT and 38 MMT compliance scenarios were based on the CPUC’s system-level resource portfolios. For the development of the 30 MMT portfolio, EBCE relied on its consultant Ascend Analytics’ modeling tools to provide an optimized build-out of resources over time. The portfolio selection was subject to a constraint on the over-all amount of energy provided by long-term contracts. The remaining 50% of energy needed to meet EBCE’s load was filled with short-term transactions and spot market purchases. EBCE’s short-term transactions were assumed to be made up of RPS and carbon-free purchases from existing resources. Short-term RPS transactions were assumed to fill the remaining need to meet the required 60% RPS by 2030. This need was determined based on EBCE’s forecasted load and RPS generation in its long-term portfolio. Short-term carbon-free transactions were then assumed to provide the remaining GHG-free energy required to meet EBCE’s GHG target of 0.73 MMT, which corresponds to its load-weighted share of a statewide 30 MMT target. Remaining energy need was assumed to be filled with brown purchases or spot market energy, which has emissions associated with it. As the annual GHG target decreases, the amount of these purchases is reduced. By 2030, less than 20% of EBCE’s load can be met with spot market purchases in order to meet a 0.73 MMT GHG target.

Ascend then performed production cost modeling to simulate the hourly performance and evaluate the total costs of the 30 MMT scenario. In addition, EBCE evaluated the estimated range of additional costs required to achieve a net 0 MMT portfolio by purchasing additional carbon-free energy.

Differences in Inputs and Assumptions Between CPUC and EBCE Scenarios

EBCE opted to revise certain inputs and assumptions between the CPUC compliance scenarios and the 30 MMT scenario to better reflect internal forecasts and preferences. The primary differences are described below.

- Load
 - CPUC Analysis: CEC IEPR annual load forecast required. Within the CPUC emissions calculator that was used to create the IRP portfolio, Ascend used the CPUC assumed load shapes but changed the assumed commercial & industrial vs residential ratio to better reflect EBCE's customer base. For the production cost analysis with the IRP portfolio, Ascend simulated load based on historical EBCE load shapes, but scaled the simulations to the IEPR Mid case.
 - EBCE analysis: EBCE load forecast with embedded assumptions for behind-the-meter resource adoption (EE, DR, BTM PV, electrification) was used. Ascend simulated two separate load items - one based on historical EBCE load shape, and the other based on an Ascend-generated EV load profile that begins with NREL charging shapes and gradually evolves over time to a 'smarter' load shape reflecting charging patterns that adjust to TOU rates and resource availability. Both of these evolving load shapes were simulated to match EBCE forecasted yearly load quantities from 2020-2030.
- Resource Costs
 - CPUC Analysis: Renewable resource and financing costs are based on the 2018 National Renewable Energy Laboratory Annual Technology Baseline (NREL ATB). Storage resources are based on Lazard Levelized Cost of Storage 4.0 and NREL Solar + Storage study.
 - EBCE analysis: Ascend cost curves which incorporate recent PPA pricing and therefore reflect current, market information more consistent with EBCE's expectations.
- Candidate Resources
 - Similar resource types are included as new resources in EBCE's portfolio for both the CPUC and EBCE scenarios. In the 30 MMT EBCE scenario however, optimized resource selection was used, and the resource characteristics vary from the CPUC's assumptions. Ascend's modeling includes a combined solar and storage resource, whereas the CPUC models these resources separately. In addition, battery energy storage resources of fixed durations are available in Ascend's modeling, in contrast to the CPUC where energy storage capacity and duration are selected independently. The assumed contributions to resource adequacy (RA) also vary between the CPUC and Ascend by resource type.

The CPUC assumes renewable and storage resources receive reliability credit on a marginal basis, where Ascend's RA accounting is based on existing program rules but with projected declines in storage RA value over time. Finally, in the 30 MMT scenario, staff imposed annual and total limits on the availability of different resource types to reflect a realistic pace of development and current commercial dynamics.

- Risk management and treatment of short-term contracts
 - In the CPUC scenarios, short-term transactions are reflected as specific resource types for GHG accounting purposes. In the EBCE scenario, staff and Ascend chose to reflect commercial products and transactions more accurately through RPS and carbon-free purchases. In addition, allocation of the CPUC's system-level portfolios to EBCE results in a higher portion of EBCE's load covered by long-term contracts (60.5% and 65% in the 46MMT and 38 MMT scenarios, respectively) than in the 30 MMT scenario, which limits long-term transactions to 50% of load.

Results of Analysis

Using the approach described herein, EBCE developed a resource portfolio to achieve a 0.73 MMT emissions target. EBCE is currently evaluating the cost of achieving net zero MMT emissions by 2030. A summary of results follows; additional details and visual aids are included as Attachment 1, "Integrated Resource Plan Results" PowerPoint.

- Resource Mix
 - 30 MMT Portfolio: Total long-term contracted nameplate capacity 3,488 MW by 2030, including 1,600 MW of energy storage (590 MW paired with solar). New renewable resources (primarily solar) make up 1,220 MW. Remaining need is met by short-term contracts with existing resources and market purchases.
- Risk Management associated with Portfolios
 - Long-term contracts provide 50% of EBCE's total energy need, or around 4,800 GWh in 2030.
 - EBCE staff intends to enter into Short Term Contracts in the form of fixed-price energy transactions to fill a portion of its un-hedged position to ensure EBCE is not overly relying on the CAISO system, providing negative contribution to system reliability and as a means of insurance, to protect its customers from volatility in Spot Market prices. It is assumed RPS purchases fill EBCE's remaining RPS position and carbon-free purchases are used to meet EBCE's GHG target. Under a 30 MMT target, less than 20% of EBCE's energy purchases come from the spot market by 2030.
- Reliability of Portfolios
 - Resource Adequacy: The long-term contracts anticipated in this portfolio do not represent sufficient capacity to meet annual or September RA

obligations. Additional RA procurement will be necessary for each year from 2021 to 2030.

- Market exposure: While forecasted market exposure decreases over time, the number of hours when there is some market exposure remains a high portion of total hours. By 2030, the number of market exposure hours are accounted for is 6977 hours per year. However, the volume of market purchases provides a better measure of the degree of market exposure. In 2030 when short-term purchases are accounted for, the average volume of market purchases over all hours compared to load is 16% (50% without short-term transactions). During the evening, when market prices tend to be highest, the average volume of market purchases over all hours compared to load is 10% (35% without short-term transactions).

Financial Impacts

There is no financial impact. Actual procurement authorization will be brought forth to the board in accordance with EBCE's risk management policies.

Next Steps

Staff will complete a comparative economic analysis of the four portfolios to provide the Board of Directors with a menu of options for setting EBCE's 2030 clean energy goals. EBCE staff will also seek input from the Community Advisory Committee and the community at large. The analysis may inform procurement criteria and decisions in EBCE's upcoming renewable solicitation.

Attachments

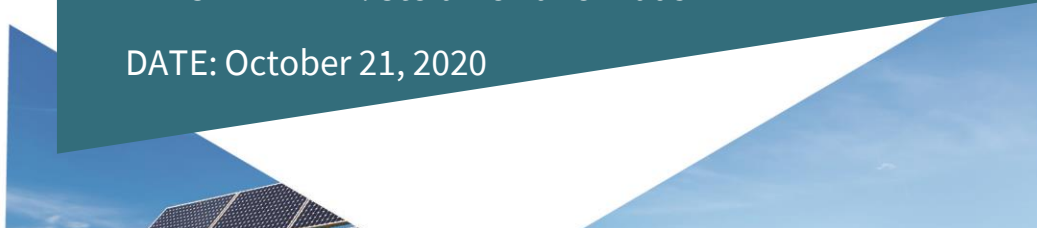
- A. Integrated Resource Plan Compliance Filing PPT



Integrated Resource Plan Results

PRESENTED BY: Stefanie Tanenhaus

DATE: October 21, 2020



Overview of EBCE IRP Process

- Phased approach to meet compliance obligations and evaluate portfolios to meet a range of greenhouse gas (GHG) emissions targets for EBCE
- Phase 1: CPUC IRP Compliance Filing
 - Includes two GHG target scenarios that represent EBCE’s share of a 46 million metric ton (MMT) and 38 MMT statewide electric sector target
 - Phase 1 results presented to Board in July and September
- Phase 2: EBCE IRP Analysis
 - Includes GHG target scenario that represents EBCE’s share of a 30 MMT statewide electric sector target
 - Explores cost of achieving net zero GHG emissions
- Due to differences between CPUC and EBCE inputs, the results across all scenarios are not “apples to apples”. Different resource cost, availability and load assumptions make Total Costs difficult to compare directly.

Summary of Scenario Results

Key Evaluation Metrics	Scenario 1: CPUC 46 MMT i.e. 1.22 MMT	Scenario 2: CPUC 38 MMT i.e. 0.98 MMT	Scenario 3: EBCE 30 MMT i.e. 0.73 MMT
Carbon Free (by 2030)	69%	76%	82%
RPS (by 2030)	67%	76%	60-82%
Resource Mix (incl. New build vs existing)	840 MW new RE PPAs 460 MW/ 1.7 GWh new energy storage	1 GW new RE PPAs 510 GW/ 2.1 GWh new energy storage	1.2 GW new RE PPAs (includes 100 MW BTM S+S) 1.5 GW/ 6 GWh new energy storage
Risk Mgmt: Spot Market vs Short-Term vs Long-Term Contracts	Based on CPUC portfolio. Long- term contracts provide ~60% of energy	Based on CPUC portfolio. Long- term contracts provide ~70% of energy	Long-term contracts provide 50% of energy
Reliability			~50% RA need met by market purchases

*Note inputs and assumptions vary between CPUC and EBCE scenarios. Adjustments to Carbon Free metric outputs have been made for comparison to account for modeling differences between scenarios. Costs between portfolios are not directly comparable due to the degree of differences in assumptions between scenarios.

Modeling Approach

1. Develop portfolio of resources under long-term contracts
 - 46 MMT and 38 MMT portfolios based off CPUC’s system-level resource portfolios
 - 30 MMT and net 0 MMT portfolios represent optimized buildout of resources over time
2. Perform production cost modeling on portfolios, which includes:
 - Short-term contracts
 - Detailed emissions
 - Hourly spot purchases and sales
 - Ancillary services value

EBCE Optimized Buildout Constraints

Optimization Constraints

- Selects long-term PPA resources up to target of ~50% of total delivered energy.
- Yearly Long-Term RPS targets.
- Meets yearly RA requirements, optimizing between PPA resources and market RA purchases.

Resource Constraints

- No new resources until 2022
- No 8hr storage before 2026
- No in-state hydro available for long-term contracting
- Annual build limits for each resource
- Max capacity limits:
 - Standalone Storage <4 hours – 800 MW
 - Geothermal – 300 MW
 - Imported Hydro – 100 MW

Other Notes

- Storage was given a \$50/kw-yr credit for sub-hourly dispatch value (conservative estimate)
- Short-term purchases layered on top of selected PPAs to achieve RPS, emissions, and spot exposure targets

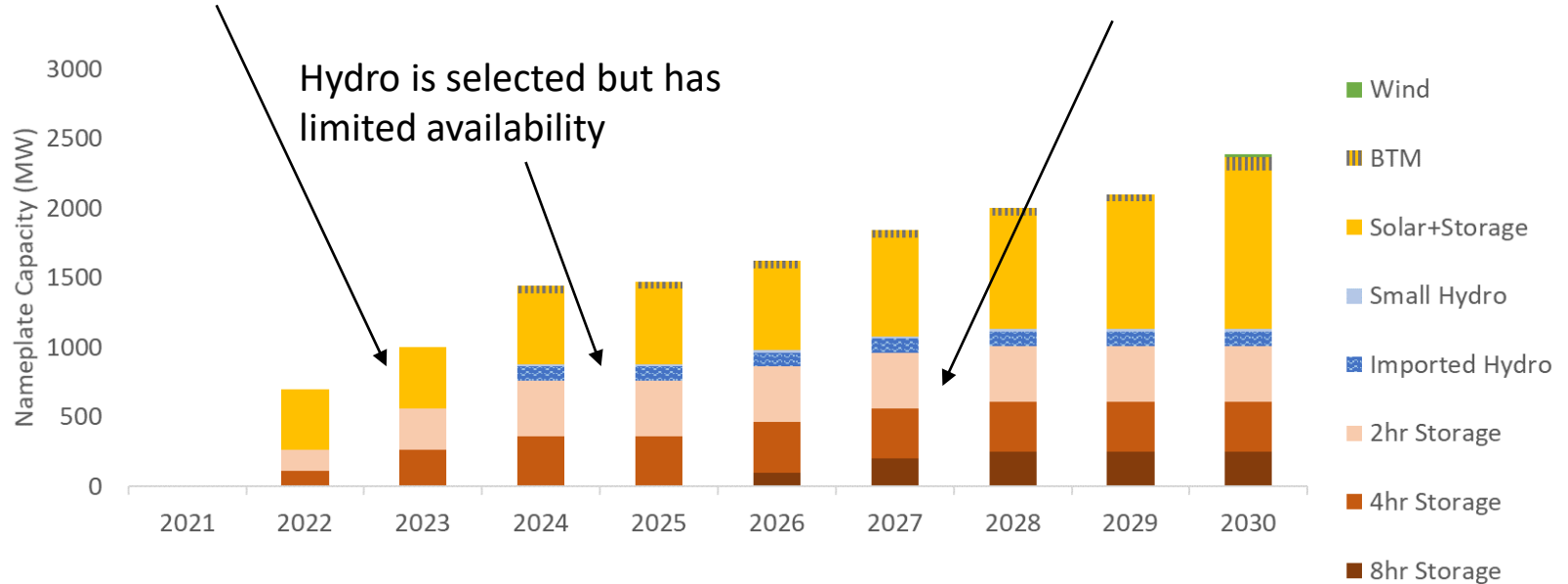
Inputs & Assumptions

	Scenario 1: CPUC 46 MMT i.e. 1.22 MMT	Scenario 2: CPUC 38 MMT i.e. 0.98 MMT	Scenario 3: EBCE 30 MMT i.e. 0.73 MMT	Scenario 4: EBCE net 0 MMT
Load	<ul style="list-style-type: none"> CEC IEPR annual load forecast Modified C&I to Res split CEC IEPR hourly load modifiers 	Same as 1	<ul style="list-style-type: none"> EBCE annual load forecast EBCE hourly baseline consumption EBCE/Ascend hourly load modifiers 	Same as 3
Resource Costs	<ul style="list-style-type: none"> CPUC assumptions 		<ul style="list-style-type: none"> EBCE/Ascend assumptions 	
Candidate Resource Types, Availability and Characteristics	<ul style="list-style-type: none"> CPUC assumptions w/ EBCE-specific adjustments 		<ul style="list-style-type: none"> Includes hybrid solar + storage Fixed storage durations Custom RE profiles Annual and total build limits Modified ELCC/QC assumptions 	
Risk Mgmt: Spot Market vs Short-Term vs Long-Term Contracts	<ul style="list-style-type: none"> 61% long-term, remaining spot and short-term GHG emitting 	<ul style="list-style-type: none"> 65% long-term, remaining spot and short-term GHG emitting 	<ul style="list-style-type: none"> 50% long-term ~32% short-term REC/carbon free ~18% spot 	<ul style="list-style-type: none"> 50% long-term, remaining 50% REC/carbon free

Resource Build (new)

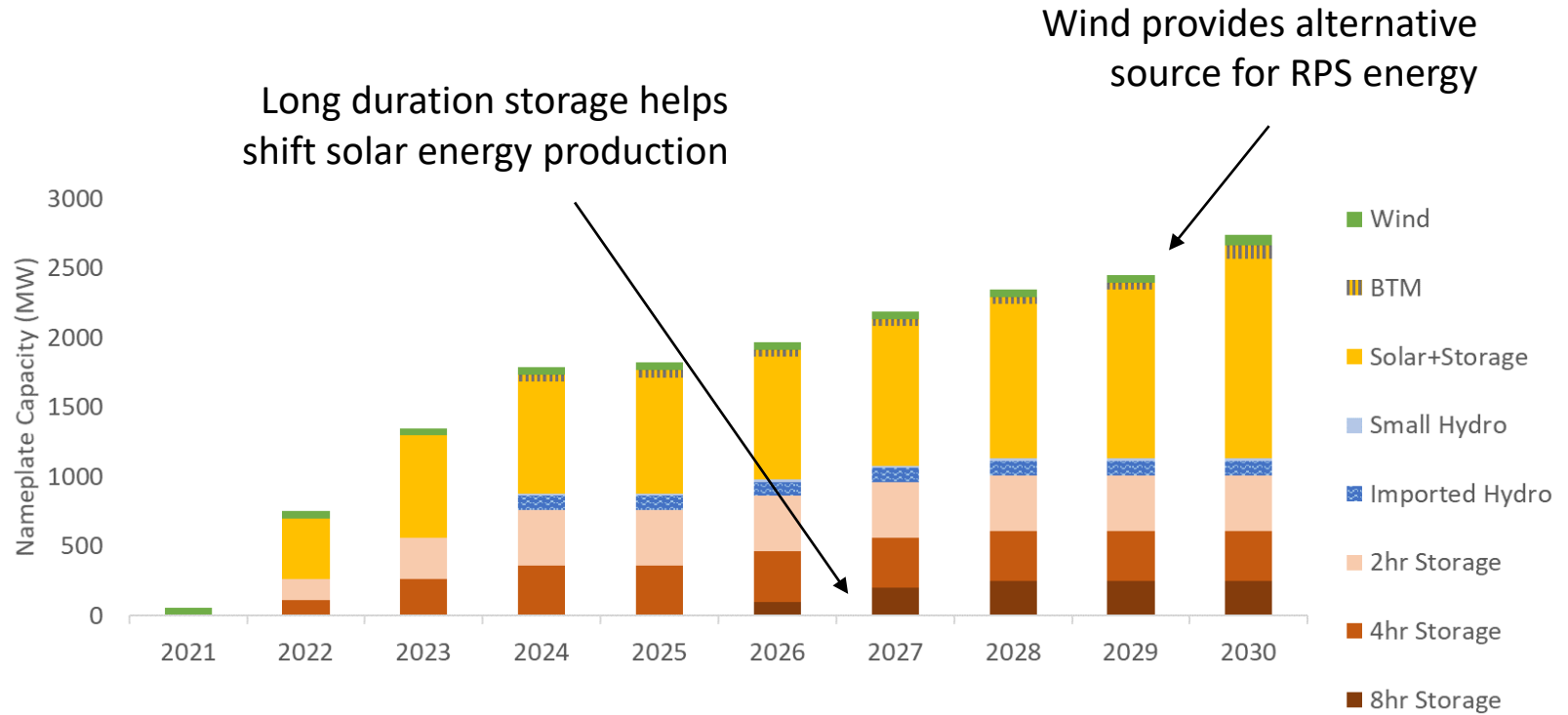
Solar+ storage provides economical energy paired with RA value

Standalone storage provides RA and energy arbitrage value



Solar + storage shown as solar nameplate capacity. Storage assumed to be 40% of solar nameplate

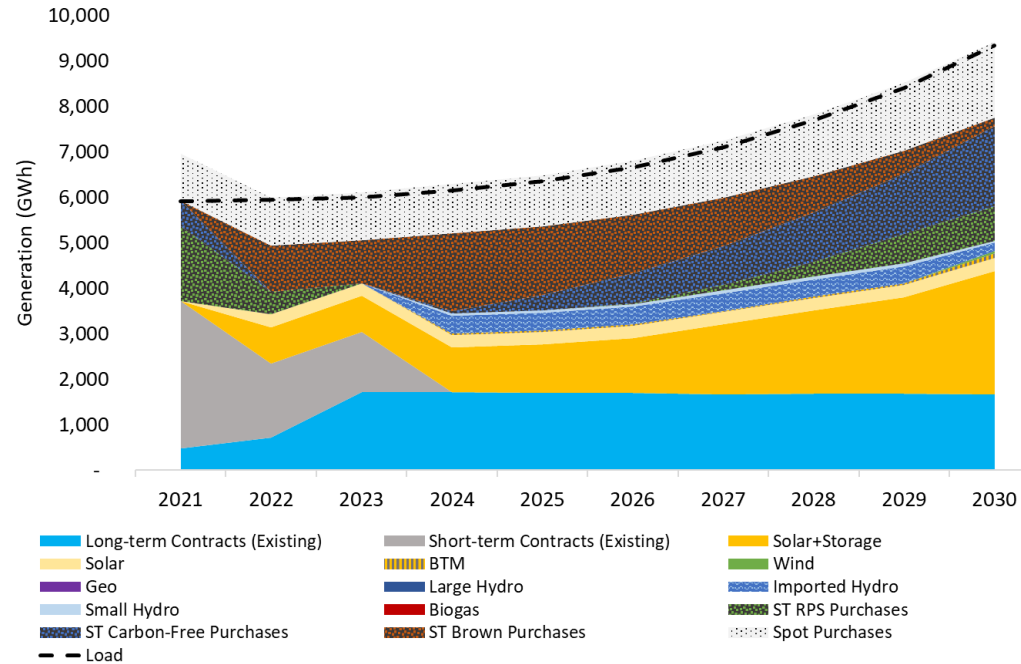
Resource Build (total)



Solar + storage shown as solar nameplate capacity. Storage assumed to be 40% of solar nameplate

Energy Position

- Existing resources and solar + storage provide majority of long-term PPA energy
- Short-term and spot market purchases are illustrative
 - Short-term RPS purchases are assumed to fill remaining RPS requirements
 - Short-term carbon-free purchases fill remaining emissions requirements
 - Spot market purchases are kept at <20% of energy
 - Short-term brown purchases disappear as emissions target decreases



SUMMARY AND NEXT STEPS

- EBCE Staff have identified four distinct procurement pathways for 2030
 - 69% GHG-free CPUC Compliance Pathway
 - 76% GHG-free CPUC Compliance Pathway
 - 82% GHG-free EBCE Pathway
 - 100% GHG-free EBCE Pathway
- Both EBCE Pathways exceed California RPS and GHG-free requirements
- Next Step is to complete comparative economic analysis of each pathway and provide EBCE Board of Directors with a set of options to create a 2030 Clean Energy Goal



Staff Report Item 20

TO: East Bay Community Energy Board of Directors

FROM: Feby Boediaro, Regulatory Analyst
Kelly Brezovec, Senior Manager Account Services

SUBJECT: EBCE's Participation in the CPUC-approved Arrearage Management Program (Action Item)

DATE: Wednesday, October 21, 2020

Recommendation

Adopt a Resolution to allow EBCE to participate in the California Public Utilities Commission approved Arrearage Management Program, provided that the CPUC approves a cost recovery approach that uses the Public Purpose Program Charge or similar socialized charge levied on the distribution portion of customers' bills, and to inform PG&E of EBCE's conditional participation.

Background

On June 16, 2020, the California Public Utilities Commission (CPUC, or Commission) issued Decision 20-06-003 to reduce residential customers' disconnections due to nonpayment of electric service. As detailed in the Decision, the Arrearage Management Program (AMP) is a 12-month plan program to help customers who have accumulated significant arrearages to eliminate that debt. The AMP will forgive 1/12 of the customer's arrearages after each monthly on-time payment. After 12 timely payments, the customer's debt will be fully forgiven. Customers can miss up to two non-sequential payments, but only if the customer makes the payment up in the next billing due date, including the current bill amount. If a customer misses more than two non-sequential payments, then they will no longer be eligible to participate in AMP. If a customer drops out of the program prior to the twelve months, there is no impact on the debt that has already been forgiven.

A customer is eligible for AMP if they meet all of the following criteria:

- The customer is enrolled in the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) bill assistance programs for low-income customers.
- The customer has been a PG&E electric distribution customer for a minimum of six months.
- The customer has made at least one on-time payment within 24 months.
- The customer has an account balance that reaches at least \$500 in arrears (or \$250 for gas-only customers) and is at least 90 days old.

Figure 1. PG&E’s AMP Eligible Customer and Debt Estimate for EBCE proposed at the AMP Working Group meeting (8/6/2020) on AMP Eligibility and Forgiveness (by CCA)

CCA	# of Eligible Customers	Estimated AMP Debt Forgiveness			
		Total Eligible Debt Balance	30% of Eligible Customers Participate*	50% of Eligible Customers Participate*	70% of Eligible Customers Participate*
East Bay Community Energy	5,804	\$3.4M	\$505K	\$842K	\$1.2M

*Assumes 50% of enrolled customers complete the full AMP

PG&E estimates that there are 5,804 EBCE customers eligible for AMP in their proposal and expects \$505k to be forgiven if 30% of eligible EBCE customers participate, and half of them complete the program (Figure 1).

Debt Forgiveness Concerns

After the Decision was adopted by the Commission, PG&E, The Utility Reform Network (TURN), California Community Choice Association (CalCCA), and other stakeholders participated in four working groups to address program details and roll-out. One of the topics discussed was how CCAs were to recover their costs of providing debt forgiveness to customers through AMP.

Debt forgiveness for CCAs is complicated by two issues: equity of debt among all CCA customers and the way that partial payments are handled.

1. Inequity among CCA customers

The number of customers that are eligible for this program, as well as the amount of potential debt forgiven, varies from CCA to CCA. Figure 2 shows how four different CCAs might be impacted by a full participation (with half of those customers completing the payment plan) rate in AMP. If each CCA was responsible for debt forgiveness, their customers, overall, would be affected at varying levels - ranging from 55 cents per person to nearly 4 dollars per person. This scenario places additional burden on those CCAs that have a population that is already harmed by high arrearages.

Figure 2: Potential Debt Forgiven by Population Served by CCA

	Debt to Population Ratio
CCA A	\$0.55
CCA B	\$2.03
CCA C	\$2.28
CCA D	\$3.79

2. The payment waterfall effect

Today, partial payments and (non-AMP, standard) payment plan payments are allocated on a pro-rata basis, among PG&E and any third-party providers (namely, CCAs). PG&E is allocating payments this way because, as part of COVID-19 consumer protections, residential customers currently may not be disconnected for their non-payment. As of today, PG&E anticipates maintaining this plan through April 2021.

Starting in April 2021, PG&E intends to re-start their normal business operations, which include disconnecting customers for non-payment. At this time, PG&E plans to also revert to their standard method of allocating residential payments. If a customer makes a partial payment on their energy bill or is placed on a payment plan to pay off a past-due balance, those payments are allocated through a waterfall mechanism. In the waterfall treatment, PG&E's debt is paid first, then the CCA (or other third-party provider) receives its revenues. PG&E handles the payments this way because it considers its costs to be *disconnectable charges* and thus it allocates payments towards disconnectable costs first to prevent a customer from being disconnected.

If a customer has made a series of partial payments under this waterfall payment allocation and then chooses to participate in AMP, the past due balance is disproportionately higher for the third-party provider, or CCA, than for PG&E. The

waterfall payment allocation increases the cost responsibility of CCAs for the arrearage relative to PG&E's responsibility.

Cost-Recovery Mechanism

During the working group, CalCCA strongly advocated that costs of the AMP program's debt forgiveness be recovered from all customers through PG&E's Public Purpose Programs Charge (PPPC). The PPPC is a charge socialized among all customers, and already funds financial assistance programs like CARE, FERA, and the CPUC's Green Tariff disadvantaged community programs. Under CalCCA's proposal, PG&E would add debt forgiveness costs from AMP to collect the charge from all customers, and remit EBCE's portion directly to EBCE.

On September 20, 2020, PG&E filed an Advice Letter stating its support for the PPPC debt forgiveness approach.¹ PG&E has requested that CCAs intending to participate in the AMP program notify PG&E by October 26, 2020. However, PG&E has also stated that it still needs explicit Commission approval in order to adopt the proposed PPPC cost recovery mechanism.² CCAs like EBCE that choose "to participate in AMP prior to the Commission's authorization of the socialized cost recovery approach would be responsible for tracking and recovering unbundled customers' AMP debt forgiveness" related to CCA/EBCE charges.³

Discussion

EBCE supports the AMP objectives and program structure and would like to provide benefits to eligible customers at an especially difficult time. The average eligible customer owes EBCE \$600, and this program can get them on track to reducing this arrearage. EBCE staff recommends that EBCE agree to participate in the AMP if the Commission approves the PPPC, or similar distribution-based socialized allocation, cost recovery approach, and inform PG&E of EBCE's conditional agreement by October 26, 2020.

There are three program funding and participation scenarios:

1. CPUC decides to socialize debt forgiveness using a non-bypassable charge like the PPPC for the entirety of the program and EBCE participates; customers are able to see their PG&E and EBCE debts forgiven over the course of 12 months.
2. The CPUC does not socialize debt forgiveness. EBCE covers the program and absorbs the forgiven debt of participants. This is the worst-case scenario in terms of fiscal impact and staff do not recommend this option.

¹ PG&E Advice Letter 4308-G/5943-E p. 12

² PG&E Advice Letter 4308-G/5943-E p. 13

³ PG&E Advice Letter 4308-G/5943-E p. 14

3. EBCE does not participate in AMP. EBCE's customers may be eligible to participate to have their PG&E-owed debt for the natural gas and electric delivery services forgiven through AMP.

EBCE staff is asking for Board approval now as opposed to waiting for CPUC to approve a cost recovery mechanism in favor of socializing costs so we can streamline the participation process. In PG&E's Advice Letter, it is noted that "if third-party service providers decide to participate at a later date, PG&E will aim to include their customers in the AMP within 45 days of their request."⁴ Hence, EBCE customers can begin receiving AMP benefits on the EBCE portion of their debt starting 45-days post Commission's direction. CPUC's direction is uncertain so staff is recommending we take a proactive approach to participation.

Assuming cost recovery, EBCE staff recommends that the Board approves our participation in the AMP because EBCE can offer a program that provides a path to a fresh start. AMP is also aligned with EBCE's pilot program, Connected Communities, to test interventions that will benefit our customers most impacted by high arrears and/or multiple disconnections. The Alameda County Department of Public Health also presented a white paper in December 2018 titled *Energy Insecurity and Health: Reducing and Avoiding Disconnections*, in hopes of amplifying the stories of everyday residents struggling to pay their usual bills.⁵ These situations are exacerbated due to the health and economic hardships of Covid-19. Arrearages and debts are emotionally-taxing and stress-inducing for the customer. The AMP can give residents an opportunity to have their debt fully forgiven, prompting a new beginning.

Fiscal Impact

EBCE recommends participation in the program based on debt forgiveness that is socialized via a PPPC-like approach, similar to CARE and FERA administration. Assuming EBCE is repaid for debt forgiveness, the fiscal impact to EBCE is limited to staff time and a potential cost to implement the operations component of the program. EBCE does not expect this program to require additional staff. Any required billing operations would be part of the existing budget used for system upgrades and task orders.

Committee Recommendation

This item has not been presented to a Committee.

⁴ PG&E's Advice Letter 4308-G/5943-E p. 14

⁵ [*Energy Insecurity and Health: Reducing and Avoiding Disconnections*](#) published by the Alameda County Department of Public Health, December 2018

Attachments

- A. Resolution Conditionally Approving Participation in the Arrearage Management Program;
- B. CPUC Arrearage Management Program (AMP) Implementation (to present to CAC and Board);
- C. EBCE Disconnection Decision Summary Presentation (for reference); and
- D. CalCCA's Response to PG&E's Advice Letter on AMP Implementation (for reference)

RESOLUTION NO. __
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY CONDITIONALLY APPROVING
PARTICIPATION IN THE ARREARAGE MANAGEMENT PROGRAM (AMP)

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS in Decision 20-06-003, the California Public Utilities Commission (CPUC) approved a new debt forgiveness payment plan program, referred to as the Arrearage Management Plan (AMP), to assist residential customers who have accumulated significant arrearages to pay down an eliminate that debt.

WHEREAS participating in the AMP would provide EBCE an opportunity to offer assistance to its customers that are experiencing high arrearages.

WHEREAS on September 20, 2020, PG&E filed an Advice Letter stating its support for recovering the costs of debt forgiveness through the Public Purpose Programs Charge (PPPC), but also that it needs explicit approval from the CPUC in order to adopt such a cost recovery mechanism.

WHEREAS PG&E has requested that CCAs intending to participate in the AMP program notify PG&E by October 26, 2020.

WHEREAS EBCE seeks to work with PG&E and the CPUC to ensure that EBCE’s participation in the AMP will support EBCE customers that enroll in the 12-month arrearage management plan without harming non-participating customers.

WHEREAS, the Board of Directors desires for EBCE to participate in AMP at such a time that the CPUC provides PG&E guidance to adopt a socialized cost-recovery approach like the PPPC.

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

Section 1. The Board hereby approves EBCE’s participation in the California Public Utilities Commission-approved Arrearage Management Program, provided that the CPUC approves a cost recovery approach that uses the PPPC or similar socialized charge levied on the distribution portion of customers’ bills.

Section 2. The Board directs staff to inform PG&E of EBCE's conditional participation in the AMP by October 23, 2020.

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board



CPUC Arrearage Management Program (AMP) Implementation

PRESENTED BY: Feby Boediarso, Regulatory Analyst
DATE: October 21, 2020



Arrearage Management Plan

Program Eligibility

- CARE/FERA residential customers
- Customer has been a PG&E electric distribution customer for a min. 6 months
- Customer has made at least one on-time payment within 24 months
- Customer has an account balance that reaches at least \$500 in arrears
- ~5,000 eligible EBCE AMP participants

Program Overview

- 12-month payment plan forgives 1/12 of a customer's arrearage after each on-time payment of the existing month's bill.
- After 12 on-time payments, the individual's pre-existing debt will be fully forgiven.
- Customer can miss two non-sequential payments, but need to be made up in the next bill + current bill amount
- IOUs expected to enroll customers in November 2020

CCA	# of Eligible Customers	Estimated AMP Debt Forgiveness			
		Total Eligible Debt Balance	30% of Eligible Customers Participate*	50% of Eligible Customers Participate*	70% of Eligible Customers Participate*
East Bay Community Energy	5,804	\$3.4M	\$505K	\$842K	\$1.2M

*50% of Enrolled Customers Complete the Payment Arrangement

Figure 1. PG&E's AMP Eligible Customer and Debt Estimate for EBCE proposed at the AMP Working Group meeting (8/6/2020) on AMP Eligibility and Forgiveness (by CCA)

Discussion/ Recommendation

Discussion

- PG&E requests that CCAs inform them of our intent to participate in AMP by October 23, 2020
- Cost recovery mechanism is unknown until the Commission provides further guidance
- EBCE staff recommends responding to PG&E that EBCE would like to participate in the AMP, if the Commission proceeds with covering costs through a mechanism like PPC.

Recommendation

- Approves EBCE's participation in the California Public Utilities Commission-approved Arrearage Management Program, provided that the CPUC approves a cost recovery approach that uses the PPC or similar socialized charge levied on the distribution portion of customers' bills.



Disconnection Decision and Next Steps

PRESENTED BY: Feby Boediarso

DATE: July 1, 2020



Disconnection Final Decision (D.20-06-003)

- Led by Commissioner Guzman Aceves
- Goal: Reduce residential customer disconnections
- The Decision was unanimously voted for on June 11, 2020.
- Phase 1 focused on policy adoption, rules, regulations with a goal of reducing the statewide level of disconnections for nonpayment by Jan 1, 2024.
- Phase 2 focused on evaluating disconnections and determining reforms and preventative approaches.
- Decision can [be found here.](#)

Service Disconnection Pilot Programs

Arrearage Management Payment (AMP)

- Manage a customer's arrears through a 12-month plan
- ~80k PG&E customers are eligible (~5,000 EBCE AMP eligible customers)
- Eligibility: CARE/FERA residential customers with \$500 or more in arrears (gas-only \$250 in arrears), customer for min. 6 months, and made 1 on-time payment

Percentage of Income Payment Plans (PIPP)

- Level a customer's monthly bill based on their income
- ~20k customers are eligible
- Eligibility: Only for customers residing in the ten zip codes with the highest disconnection rate in each large IOU territory; households at or below 250% FPL

Arrearage Management Payment (AMP)

- PG&E stated that approximately 78,000 PG&E customers in their territory would qualify, and it would *cost \$139 million* for CCA customers and PG&E customers.
- 12-month payment plan forgives 1/12 of a customer's arrearage after each on-time payment of the existing month's bill.
- After 10 on-time payments, the individual's pre-existing debt will be forgiven.
- Open to CARE and FERA customers at this time; CARE and FERA customers enrolled in AMP are protected from disconnection while participating.
- AMP pilot eligibility be discussed in working group

Other Considerations in the Decision

- Increased transparency between IOUs and CCAs.
 - CCAs will be notified of who and when a customer is disconnected and the notification process (15-day and/or 48-hour shut-off notice) through NDAs
 - IOUs are required to provide ongoing access to information on who has been disconnected in .xlsx or .csv file format

How does this program apply to EBCE?

- Scoping Memo in 2018:
 - What is the role of Community Choice Aggregators in disconnections and should the Commission establish policies as it relates to disconnections that are managed by the interconnecting utility?
- In the past, EBCE presented disconnection history data to inform Decision
- Decision states that IOUs must facilitate participation of CCAs within their territories to discuss enrollment strategies
- Both unbundled and bundled customer are eligible

Cost Recovery Mechanism

- The AMP Program will adopt a two-way balancing account
 - This is to create more transparency and accurately reflect the actual cost of uncollectibles (p. 113)
- PG&E has a mechanism, but the details need to be worked out
- Decision does not address how CCA costs will be recovered
- Commissioner Guzman Aceves mentioned that the utility should recover CCA costs, but not explicit in the Decision
- CalCCA advocated for pro-rata payment (similar to COVID Protection Plan) and cost of arrearage forgiveness run through Public Purpose Funds (similar to CARE)
- To be determined in Phase 2

Phase 2

- The issue of concern raised by CalCCA as it relates to the allocation of proportional recovery shall be discussed in the AMP working group
- Utilities will file a Tier 2 AL and the Commission will issue a resolution
- Timeline and implementation of the PIPP program to be discussed in Phase 2 (Ratesetting proceeding)
 - Are CCAs eligible/required to implement PIPP?
- Expansion of AMP program to non-CARE and non-FERA customers to be considered

Next Steps

- Working Group includes IOUs, TURN, and CalCCA
 - Convene no later than 45 days of issuance **(by July 26)**
 - Specific criteria for pilot within 45-60 days of decision **(by August 10)**
 - Launch of pilot within 90 – 120 days of decision **(by October 9)**
- Citlalli (cleanpowerSF) requested volunteers to participate in the internal working group
 - Internal: writes comments, responds to staff proposals
 - External: figures out cost recovery/ billing mechanisms
 - Meeting tentatively take place: The week of July 13th, week of August 3rd, and week of August 24th
- AMP and PIPP must be established at the expiration of the IOUs' Emergency COVID-19 Implementation Plans (April 2021)

Dates to Consider

- IOUs to file Tier 3 AL within 60 days of issuance on how to increase marketing and outreach efforts with the medical community and county public health offices
 - **Due August 10, 2020**
- IOUs to file Tier 2 AL within 90 days of the Decision to implement AMP plan
 - Cost recovery must be addressed/ establishment of the two-way balancing account
 - **Due September 9, 2020**
- IOUs to file Tier 2 AL within 120 days implementing the establishment of PIPP
 - **Due October 9, 2020**
- IOUs to file Tier 3 AL after two years of PIPP implementation (2022)
- IOUs to file Tier 3 AL after three years of AMP implementation (2023)

Other Questions/Topics (September 2020)

- Communication of data that can be processed by EBCE's accountant and SMUD
- Timeline of PPP charges collection and the start of the AMP program
- Important – timeliness and accuracy of data
 - Accountability
 - Trackability
- What is the process for EBCE to recover costs on behalf of CARE customers?



September 29, 2020

CPUC Energy Division
Attn: Tariff Unit and Edward Randolph, Director
505 Van Ness Avenue
San Francisco, CA 94102

By email: EDTariffUnit@cpuc.ca.gov

Re: CalCCA Protest to PG&E AMP Advice Letter in response to Decision 20-06-003

Dear Tariff Unit and Mr. Randolph:

Pursuant to General Order 96-B, the California Community Choice Association (CalCCA)¹ submits this protest to Pacific Gas & Electric Company's Advice Letter 4308-G/5943-E ("Advice Letter").

Pacific Gas & Electric Company (PG&E) filed its Advice Letter on September 9, 2020 in response to Decision ("D") 20-06-003, Ordering Paragraph ("OP") 83 and OP 87.

OP 83: To implement the arrearage management payment (AMP) plan, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company must each file a Tier 2 Advice Letter within 90 days of this decision to implement the AMP plan.

OP 87: The issue of concern raised by CalCCA as it relates to the allocation of proportional recovery shall be discussed in the AMP working group and a proposed resolution shall be set forth in the Tier 2 Advice Letters that Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company file.

¹ CalCCA was formed in 2016 as a trade organization to facilitate joint participation in certain regulatory and legislative matters in which members share common interests. CalCCA's voting membership includes CCAs serving load and others in the process of implementing new service, including: Apple Valley Choice Energy, Baldwin Park Resident Owned Utility District, Central Coast Community Energy, CleanPowerSF, Clean Energy Alliance, Clean Power Alliance, Desert Community Energy, East Bay Community Energy, Lancaster Choice Energy, MCE, Peninsula Clean Energy, Pioneer Community Energy, Pico Rivera Innovative Municipal Energy, Pomona Choice Energy, Rancho Mirage Energy Authority, Redwood Coast Energy Authority, San Diego Community Power, San Jacinto Power, San José Clean Energy, Silicon Valley Clean Energy, Solana Energy Alliance, Sonoma Clean Power, Valley Clean Energy, and Western Community Energy.



While the Advice Letter adequately addresses some requirements established in D. 20-06-003, other provisions do not adequately implement certain requirements or require further clarification.

1. By proposing that the issue of third party cost recovery be addressed in the next phase of R.18-07-005, PG&E fails to fully comply with OP 87.

CalCCA, along with the investor-owned utilities (“IOUs”), The Utility Reform Network (“TURN”), and other parties, participated in a series of AMP Working Group (“AMP WG”) meetings where parties discussed and agreed to various implementation and cost recovery issues included in PG&E’s Advice Letter, one of which was socialization of all AMP debt forgiveness (both IOU and CCA) costs as the preferred method for cost recovery. As expected, PG&E proposes to socialize the recovery of both bundled and unbundled customers’ AMP debt forgiveness among all customers. However, in its Advice Letter PG&E further states that it believes “Commission approval is needed to proceed with third party AMP cost recovery.”²

OP 87 clearly states that a resolution to the issue of cost recovery was to be set forth in the Advice Letters. By proposing to add the topic of cost recovery to “the rate setting phase of the proceeding,”³ PG&E fails to comply with OP 87 and creates an additional obstacle to achieving the Commission’s intent of offering customers, both unbundled and bundled, access to an AMP program that does not burden certain ratepayers more than others through disproportionate cost recovery. At the prehearing conference (PHC) for the Percentage of Income Payment Plan (PIPP) phase of the proceeding held on September 17, 2020 PG&E suggested that the Commission is unable to approve the proposed cost recovery mechanism through an Advice Letter because proper notice has not been provided to affected parties.⁴ This proceeding, however, focused centrally on vulnerable customers, including CARE and FERA customers, making clear that program funding could be affected. Moreover, D.20-06-003 further made clear that the details of cost recovery would be addressed by the AMP WG. Finally, this Advice Letter provides yet another opportunity for comment. By approving the proposed cost recovery without change, the Commission will, indeed, make clear that it has approved this methodology without question, as PG&E requires.

Of further concern to CalCCA is the proposal that “third-party service providers that elect to participate in the AMP prior to Commission authorization of the socialized cost recovery approach would be responsible for tracking and recovering unbundled customers’ AMP debt forgiveness associated with the third party provider’s charges.”⁵ This is troublesome for three

² PG&E Advice Letter at p. 13.

³ PG&E Advice Letter at p. 13.

⁴ PHC Transcript at p. 34.

⁵ PG&E Advice Letter at p. 14.



reasons. First, this implies that all forgiven debt would be recovered solely from the ratepayers that each individual CCA serves and that debt forgiven prior to Commission approval of socialized recovery, under PG&E’s proposal, would not be eligible for socialized cost recovery once it is approved by the Commission. This would disproportionately burden CCA communities with higher AMP participation than others. Second, CCAs have no certainty about a timeline for when the issue of cost recovery could be resolved. Indeed, PG&E proposed in the recent PHC addressing the PIPP that AMP cost recovery be addressed in the PIPP working group, and the Administrative Law Judge indicated that he anticipates an 18 month resolution to the PIPP phase.⁶ Third, taking PG&E’s approach would leave CCAs with no certainty of the ultimate outcome, which would discourage CCA participation in the AMP program.

Furthermore, PG&E is requesting that CCAs in its territory notify it “within 45 days of this AL regarding their intent to participate.”⁷ CCAs are being asked to make a determination about participation in the AMP without knowing if their participation risks ultimately burdening their ratepayers with disproportionate cost recovery. CCAs have and continue to be supportive of the AMP and would like to be able to offer their unbundled customers access to the program, especially since many customers face economic hardship due to the COVID-19 pandemic. However, PG&E’s proposal makes CCA participation in the program difficult because neither the magnitude of the potential financial impact of participating in the program before socialized cost recovery is approved nor the timeline for third-party cost recovery to be authorized are known. CalCCA requests that PG&E clarify whether the requested 45 day notification is 45 days after the disposition of the Advice Letter or 45 days after the date it was filed. If PG&E requests notification 45 days after the date the Advice Letter was filed, CalCCA requests that the Commission provide guidance on cost-recovery through approval of the AMP Advice Letters prior to the 45 day mark.

2. PG&E did not adequately address what information it will provide CCAs that notify PG&E they intend to participate the AMP.

With respect to coordination with third-party providers, PG&E states that it is “coordinating with the CCAs to determine the customer information that PG&E must share with the CCAs to enroll customers in the program as well as the appropriate channels to provide that information in a secure and efficient manner.”⁸ CalCCA is unaware of any coordination or outreach to CCAs besides the coordination that occurred as part of the AMP WG. Given that the AMP WG spent substantial time discussing the data that would need to be communicated to CCAs to enable third-party participation and that CalCCA provided tables specifying the requested information, CalCCA is surprised that PG&E failed to include any mention of the specific data that would be shared with CCAs. Under the situation proposed by PG&E, where CCAs would be responsible for tracking and recovering all forgiven debt prior to a Commission

⁶ PHC Transcript at p. 20.

⁷ PG&E Advice Letter at p. 14.

⁸ PG&E Advice Letter at p. 13.



approval of socialized cost recovery, the data that is communicated to the CCAs is of central importance. For example, CCAs have no visibility into the amounts owed to the IOU. Because eligibility is determined based on both IOU and third-party arrears, a CCA would have no way of knowing with certainty which of its customers are eligible for the AMP or which have enrolled. Additionally, the dollar value of arrears that are expected to be forgiven, the value of forgiven amounts that have been processed, and whether a customer has made the monthly payment it was supposed to make and is still in good standing in the program must be communicated to the CCAs that participate in the program.

CalCCA agrees with PG&E that “existing channels to share required information” should be leveraged. However, what specifically that information is should be added to the Advice Letter or PG&E should set up regular meetings related to AMP data needs with CCAs to ensure program alignment and streamlined customer enrollment. Finally, PG&E uses the word “required” to describe the information that it intends to share with CCAs. CalCCA requests that PG&E clarify what it means and whether it is stating that only information required by the Commission to be shared to CCAs would be shared.

We thank the Commission for its consideration of this protest and urge the Commission to require PG&E to re-file its Advice Letter so that it includes the information it plans to share with CCAs that intend to participate in the AMP and a proposal for how it intends to track and recover all forgiven bad debt, including third-party charges.

Respectfully submitted,

Evelyn Kahl
General Counsel to the
California Community Choice Association

cc: PGETariffs@pge.com
Service List R. 18-07-005



Staff Memo Item 21

TO: East Bay Community Energy Board of Directors
FROM: Michael Susko, Power Resources Manager
SUBJECT: Aramis Solar & Storage Project (Informational Item)
DATE: October 21, 2020

Recommendation

Receive a presentation on the background of Intersect Power, an infrastructure development company, and Aramis, a local solar & storage project.

Background and Discussion

Intersect Power is a clean infrastructure company based in the Bay Area focusing on bringing low-carbon energy and infrastructure solutions to its customers in California. Their team has developed projects together in the Bay Area, and in California, for over a decade. The Intersect team has shared experience in all phases of development across 60-plus projects and 3.7 GWDC of solar assets with a total value of more than \$8 billion.

The Aramis Solar & Storage Project is a 100MW project based in the North Livermore community. EBCE is in the process of negotiating a 10 year contract for 20MW of local Greater Bay Area resource adequacy from the project. Another CCA will likely be a significant off-taker of the project as well. The project is seeking permitting approvals from the County during the fall and winter of 2020, and EBCE intends to bring Aramis forward for board approval at the November meeting.

Fiscal Impact

There are no fiscal impacts related to the release of the presentation on the Aramis Solar & Storage Project.

Attachments

- A. Aramis Solar & Storage Presentation



Aramis Solar & Storage Project

Presented By: Michael Susko
Date: October 21, 2020



Introduction



- Intersect Power is a clean infrastructure company based in the Bay Area focusing on bringing low-carbon energy and infrastructure solutions to its customers in California.
- Their team has developed projects together in the Bay Area, and in California, for over a decade.
 - As part of the San Francisco Bay Area community themselves, the Intersect team places a unique emphasis on their projects' local community and environmental impacts and benefits.
- Intersect has developed and sold a 1.7 GWDC portfolio of utility-scale solar projects, comprising of five large sites in California and Texas, that began construction in early 2020. Their pipeline includes 3 GWDC of solar assets across California and Texas in various stages of development and power marketing.
- The Intersect team has shared experience in all phases of development across 60-plus projects and 3.7 GWDC of solar assets with a total value of more than \$8 billion.

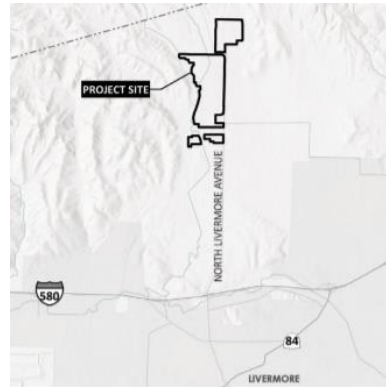
The Aramis Solar & Storage Project

- The Aramis Solar & Storage Project is a 100MW project based in the North Livermore community at the Intersection of North Livermore Avenue and Manning Road.
- It is the only large-scale PV + storage project in EBCE service territory capable of reaching COD prior to end of 2023.
- EBCE is in the process of negotiating a 10-year contract for 20MW of local Greater Bay Area resource adequacy from the project.
- Another CCA will likely be a significant off-taker of the project as well.



Aramis Solar & Storage Project cont'd

- An estimated 300 jobs created during construction at prevailing wage; Intersect's goal is to hire 100% of those jobs from Alameda County.
- The project executed a project labor agreement in January 2018 with 5 local construction crafts representing over 3,500 members living in Alameda and Contra Costa counties.
- The project is seeking permitting approvals from the County during the fall/winter of 2020, and EBCE intends to bring forward Aramis for board approval at the November meeting.
- Support letters for this project have been received from:
 - Sierra Club
 - IBEW
 - Sola Bee Farms
 - Zero Net Energy Center
 - Livermore Valley Chamber of Commerce
 - East Bay Leadership Council





Staff Report Item 22

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, Chief Executive Officer

SUBJECT: Community Advisory Committee Guide and Appointment Process Updates (Action Item)

DATE: October 21, 2020

Recommendation

Adopt Resolution to amend the Community Advisory Committee (CAC) Guide and Appointment Process to:

- A. Include new EBCE service areas;
- B. Assign seats based on planning areas (see chart below);
- C. Expand the committee to 12 seats (10 seats based on planning areas and two at-large seats);
- D. Appoint one alternate for each planning area;
- E. Shorten appointment terms to 2-years, maintaining the appointment maximum of 8 years (4 full 2-year terms or combination thereof); and
- F. Request the Mayors' Conference to appoint the two at-large seats.

Background and Discussion

On September 25, 2020, staff presented suggested updates to the CAC Guide and Appointment Process to the Executive Committee in preparation of opening the 2020 application period. The suggested updates were made to ensure proper representation and engagement of the CAC. The Executive Committee reviewed the suggested updates and recommended the addition of three seats, increasing the CAC to 12 active seats to address the voting shares, appointing one alternate for each planning area, and engaging the Mayors' Conference to appoint two at-large seats.

The Committee directed staff to update the CAC guide and appointment process to include our new communities and to configure the apportionment of CAC seats to geographic regions of the EBCE service area. The seat allocations approximate the voting share percentage of each member jurisdiction:

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH Fremont, Union City and Newark	27%	3	1
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large		1	
At-Large		1	

Below is a table with the current make-up of the CAC.

	Current CAC Seat Allocation	Current Alternate Seat Allocation
Albany, Berkeley, Oakland, Emeryville, and Piedmont	3* (4 th and 5 th CAC Members termed out 7/20)	Open
Dublin, Livermore, and Pleasanton	0	Open
Fremont, Union City, and Newark	1	Open
Hayward, San Leandro, and Alameda County Unincorporated	2	Open
Tracy	0	Open
At-Large	Open	
At-Large	Open	

By assigning seats to member jurisdiction areas, EBCE is able to engage the city Board representatives for outreach and appointment recommendations. This apportionment will also ensure equitable representation of all EBCE communities on the CAC.

To ensure engagement and active participation, appointment term lengths will be shortened to two years for members of the CAC with a maximum of eight years of service (four complete terms). If the proposed changes to the CAC are approved by the Board, open CAC seats and CAC seats that reach the end of a two-year term will be reviewed and allocated based on the new geographic apportionment formula. In order to facilitate transition, implementation of the new two-year terms will be applied to all current members of the CAC, as well as all future appointments.

The committee also recommended engaging the Mayor's Conference to appoint 2 at-large

seats to the CAC for outreach and agency visibility, and to enhance engagement with member agencies.

The CAC currently has 6 members with 3 regular and 2 alternate vacancies. To ensure the CAC is able to maintain a quorum, the application period is tentatively set for October/November 2020.

Fiscal Impact

The addition of 3 new seats and 5 alternate seats will increase the stipend budget from \$13,200 to \$20,400.

Attachments

- A. Resolution to Amend the Community Advisory Committee Guide and Appointment Process
- B. Community Advisory Guide and Appointment Process - Redline

RESOLUTION NO. __**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AMEND THE COMMUNITY ADVISORY COMMITTEE GUIDE AND APPOINTMENT PROCESS**

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) 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-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, the Board of Directors approved the Community Advisory Committee Guide and Appointment Process on November 10, 2019, which outlines the committee seats, qualifications, and appointment process.

WHEREAS, since the EBCE service territory has expanded to include the City of Tracy in San Joaquin County, staff sought direction from the Executive Committee on suggested updates to the Guide language to include the new EBCE service area, committee seat qualifications, and member term lengths.

WHEREAS, at the September 25, 2020 meeting, the Executive Committee recommended updates to include the new service area, assign seats based on planning areas, shorten current and future member terms to two years, increase the Committee Advisory Committee by two (2) additional at-large seats, appoint one (1) alternate for each planning area, and request the Mayors’ Conference to appoint the two (2) at-large seats. The Committee directed staff to make the recommended updates and present it to the Board of Directors for approval.

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 amendments to the Community Advisory Committee Guide and Appointment Process to include the new service area of City of Tracy in San Joaquin County; to assign seats based on planning areas and voting shares based on the chart below; to expand the Community Advisory Committee to 12 seats, 10 based on planning areas and two (2) at-large; to appoint one (1) alternate for each planning area; and to request the Mayors’ Conference to appoint the two (2) at-large seats.

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH Fremont, Union City and Newark	27%	3	1
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large		1	
At-Large		1	

ADOPTED AND APPROVED this 21st day of October, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board



Community Advisory Committee Guide

Purpose

Advise the Board of Directors on all subjects related to the operations of the CCA program as set forth in the work plan adopted on October 18, 2019

Authority

Established by the Board of Directors. See JPA section 4.9

Agency

East Bay Community Energy (EBCE)

Qualifications

EBCE service area resident or shall have owned or actively operated a business in EBCE service area for a period of at least 5 years prior to appointment and shall do so for the entire period of appointment. Applicants will be considered with an interest in maintaining diversity of representation by geography, population, work experience and community.

Staff Person

Stephanie Cabrera (510-736-4981)

Composition

The Advisory Committee consists of 10 planning area seats and two (2) at-large seats for a total of 12 seats. The 10 seats each represent the following areas:

	JPA Vote Share	CAC Seat Allocation	Alternate Seat Allocation
NORTH Albany, Berkeley, Oakland, Emeryville, and Piedmont	30%	3	1
EAST Dublin, Livermore, and Pleasanton	14%	1	1
SOUTH	27%	3	1

Fremont, Union City and Newark			
CENTRAL Hayward, San Leandro, and Alameda County Unincorporated	23%	2	1
SAN JOAQUIN COUNTY Tracy	6%	1	1
At-Large		1	
At-Large		1	

Application Process

Any person residing or operating a business in the EBCE service area interested in serving on the Advisory Committee should complete the Advisory Committee application during the specified application period. EBCE will announce the start of the application window via meeting announcements, EBCE email distribution list and the Community Advisory Committee site: <https://ebce.org/community-advisory-committee/> . The application period will be for 30 days from the first announcement of the vacancy.

Applicants will receive an automated email response to their application submission with the appointment target date. EBCE staff will review applications for completeness and qualifications. Once the applications have been reviewed, applicants will be notified via email if they will or will not advance to be interviewed.

The Executive Committee and/or an ad hoc committee of the Board will interview enough candidates for the number of available planning area and alternate seats and will recommend the appointment of members to the full Board for approval. The Mayors' Conference will interview and appoint members for the two (2) at-large seats. Once selected applicants have completed the interview process, interviewees will be notified of their appointment status.

If a selected applicant declines the appointment invitation, another candidate may be selected from the same pool of interviewees. Applications will be retained for 30 days after appointments are made. In the event a vacancy is created during these 30 days, EBCE may use the same pool of applicants.

No applications will be retained for future application periods. Applicants not selected may resubmit an application when the next application period opens.

Appointment

The Committee is appointed by the Board of Directors based on the qualifications outlined above.

Term

Appointments shall be for two (2)-year terms. With the exception of the initial committee which had three (3) members serving a shorter term to stagger the term end dates. Members may serve up to four (4) full terms or any combination thereof for a total of eight (8) years, or at the pleasure of the Board, from the

date of appointment. No appointee shall serve more than a total of eight (8) years.

Chair and Vice-Chair

The Committee shall elect a new Chair and Vice-Chair annually at the June meeting. Members may serve as Chair or Vice-Chair for one (1) year and for no more than two (2) consecutive years.

Ex Officio Board Member

The Committee Chair will serve as a non-voting member of the Board of Directors as described in section 4.2.2 of the Joint Powers Authority Agreement. The Ex Officio Board member may not serve on the Executive Committee or participate in Closed Session Meetings of the Board.

Stipends

Committee members are eligible to receive a \$50 stipend per meeting with a maximum of \$100 per month. As the Ex Officio Member of the Board, the Chair will receive a \$100 stipend per meeting with a maximum of \$200 per month, in line with the Board's stipend.

For Committee members to be eligible for stipends, the Committee must have a quorum and members must arrive no later than 30 minutes after the meeting start time. Please see Board of Directors' Resolution R-2018-17 for additional information.

Attendance

Members are expected to attend up to two (2) meetings per month. Members must inform the Clerk of the Board of a planned absence.

Absences may not be communicated through the Chair, although the member should include the Chair in any attendance communications with the Clerk. Members with excessive absences may potentially be dismissed from the committee. The decision to dismiss a member will be made by the Board of Directors.

Vacancies

When a vacancy is created on the committee, EBCE will announce the vacancy and the start of the application window via meeting announcements, EBCE email distribution list, and the Community Advisory Committee site: <https://ebce.org/community-advisory-committee/> closest to the date the vacancy was created.

Vacancies will be filled no later than 90 days of the vacancy announcement. If the seat vacated is a regular seat, an alternate may be appointed immediately following the vacancy announcement to fill the seat and complete the remaining term.

Removal from Committee

A member of the Community Advisory Committee may be removed by the Board of Directors for any reason by majority vote. See JPA section 4.9.