



Community Advisory Committee Meeting

Monday, April 19, 2021

6:00pm

<https://us02web.zoom.us/j/84794506189>

Or join by phone:

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US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or 877 853 5257 (Toll Free)

Webinar ID: 847 9450 6189

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) 906-0491 or cob@ebce.org.

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.

C1. Welcome & Roll Call

C2. Public Comment

This item is reserved for persons wishing to address the Committee 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 Committee are customarily limited to three minutes per speaker and must complete an electronic [speaker slip](#). The Committee Chair may increase or decrease the time allotted to each speaker.

- C3. Approval of Minutes from March 15, 2021 (5 minutes)**
- C4. CAC Chair Report (15 minutes)**
The chair will update the CAC on the metric initiative begun in August 2020, notify the CAC of an upcoming EBCE public meeting on environmental and social justice metrics, and give an update regarding new CAC members.
- C5. Approval of Legislative Positions (20 minutes, CAC Informational Item)**
Staff will give the CAC an update on PCIA and any recommended legislative positions that have changed since last month (when staff presented on the EBCE bill tracker and positions).
- C6. Extension of Temporary Revision to Terms and Conditions Section "Failure to Pay" and Temporary Suspension of Delinquent Accounts and Collections Policy (25 minutes, CAC Informational Item)**
Staff will provide the CAC with a description of the update to this policy.
- C7. California Community Choice Financing Authority Joint Powers Authority (25 minutes, CAC Action Item)**
Staff will describe the structure and purpose of this JPA to the CAC and the CAC will indicate to the board whether they support or have reservations about the JPA.
- C8. Community Solar Green Tariff (CSGT) "Community-based Organization Engagement Plan" (25 minutes, CAC Informational Item)**
Staff will describe the EBCE proposed outreach plan (including goals, activities, and timeline) and preliminary list of community-based organizations to let the CAC know about the opportunity to sponsor a CSGT project. Additionally, staff is looking to the CAC for any possible additional community-based organizations that they could add to the outreach list.
- C9. CAC Member and Staff Announcements including requests to place items on future CAC agendas**
- C10. Adjournment - to Monday, May 17, 2021**



Draft Minutes
Community Advisory Committee Meeting
Monday, March 15, 2021
6:00pm

<https://us02web.zoom.us/j/84794506189>

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C1. Welcome & Roll Call

Present: Members: Eldred, Landry, Padilla, Vice-Chair Franch and Chair Sutter

Excused: Member Pacheco

C2. Public Comment

This item is reserved for persons wishing to address the Committee 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 Committee are customarily limited to three minutes per speaker and must complete an electronic [speaker slip](#). The Committee Chair may increase or decrease the time allotted to each speaker.

There were no speakers for public comment.

C3. Approval of Minutes from February 16, 2021 (5 minutes)

Vice-Chair Franch motioned to approve the February 16, 2021. Member Eldred seconded the motion with passed 5/0. Excused: Member Pacheco

C4. CAC Chair Report (5 minutes)

Chair Sutter spoke regarding the Metrics Initiative, stating that a full review of the Initiative is planned for the April CAC meeting. Chair Sutter then ceded the floor to Member Eldred, who spoke regarding a survey that she is distributing to Board and CAC Members as part of her Masters' thesis project. Member Eldred stated that the survey will be made available to interested public and staff.

The Committee discussed:

- Review of the Metrics Initiative's purpose and goals

C5. Legislative Update (45 minutes, Action Item)

Staff will update the CAC on EBCE's legislative program, bill tracker, and bill positions. The CAC will provide feedback to the board on bills that they feel should be supported or opposed.

The Committee discussed:

- Position on AB 1088
- Position on SB 612
- Resource Adequacy management requirements in AB 427
- Excess utility-owned generation in SB 612
- Status of CPUC's Working Group 3 which respect to SB 612.
- Funding sources for SB 31

Jessica Tovar spoke in support of AB 427 and in opposition to SB 612 and stated why she believes that SB 612 is not in the best interest of California's utility customers.

Member Padilla motioned to approve the staff recommendation of the Legislative Platform. Vice-Chair Franch seconded the motion which passed 3/2. Members Eldred and Landry voted no, and Member Pacheco was excused.

C6. Overview of SMUD EnergyHELP and Connected Communities (25 minutes, Informational Item)

Staff will provide the CAC with a summary overview of the SMUD EnergyHELP program, as an example of what a municipal utility is doing to support customers struggling to pay bills; how this does and does not apply to EBCE;

and plans for future customer payment support programs through Connect Communities.

The Committee discussed:

- Requirements to maintain enrollment in Arrearage Management (AMP) Program
- Assistance program funding sources and outreach efforts
- Disadvantaged Community Green Tariff (DAC-GT) and Community Solar Green Tariff (CS-GT) community sponsorship timeline

Jessica Tovar spoke regarding the need for additional investment to enroll eligible rate payers in the California Alternate Rates for Energy (CARE) and AMP programs. Jessica Tovar stated that information about assistance programs, such as the Low-Income Home Energy Assistance Program (LIHEAP) or the Percentage of Income Payment Plan (PIPP Plus), is difficult to find on the EBCE website. Jessica Tovar stated that assistance program information should be posted on the website prominently and in multiple languages.

C7. Aramis Project Update (15 minutes, Informational Item)

Staff will update the CAC on how the EBCE is involved in the Aramis Project (a 100 MW solar farm in Livermore that the Alameda County of Supervisors recently approved) and expected outcomes of the project. (The project manager, Intersect Power, indicated that the project is slated to begin construction in mid-2022 and could be operational by mid-2023).

The Committee discussed:

- EBCE's power allocation calculation
- Resource Adequacy
- Environmentally beneficial dual usages of solar farmland

Aleta Dupree spoke in support of the Aramis Project, stating that it will reduce pollution and the cost of electricity. Aleta Dupree encouraged strong advocacy to keep the project on track.

Sue Springer spoke in opposition to the Aramis Project, stating that the solar facility should not be placed on agricultural land along a scenic corridor. Sue Springer stated that EBCE would lose public support because of this project.

C8. Supplier Diversity Overview & 2020 Report (25 minutes, Informational Item)

Staff will give the CAC an overview of the California Public Utilities Commission General Order 156 requirements and Supplier Diversity Program, and review of EBCE's first report results, planned activities, and challenges.

The Committee discussed:

- Feasibility of utilizing zip code criteria

Jessica Tovar spoke in support of creating inclusive alternative selection criteria, such as ranking zip code information by income and employment level, to diversify supplier selection.

C9. CAC Member and Staff Announcements including requests to place items on future CAC agendas

There were no CAC Member or Staff announcements.

C10. Adjourned at 8:35pm.

Update on Metrics Initiative

This document provides an update on the Community Advisory Committee (CAC) Chair and Vice-Chair's metrics initiative. This update is being presented during the 4/19/21 East Bay Community Energy Community (EBCE) CAC Meeting.

Background

The CAC's 2020/2021 chair and vice-chair chose to work on a *Metrics Initiative* between November 2020 and June 30, 2021 (which is the end of their term).¹

The goal of the CAC Metrics Initiative is to 1) understand and comment on the measurement and reporting methodologies proposed; and 2) understand the current status of and timeline for reporting out Stage 1 metrics.

The metrics initiative focuses on the first of the three broad area (beneficial pillars) described in the CAC Workplan² and draws on the stages and metrics laid out in the LDBP. The LDBP has three stages that roughly align to fiscal years and cover the first five years of EBCE operations. (EBCE is finishing up Stage 1 in 2020/2021.) The LDBP went through an extensive public process. Therefore, this initiative does not revisit the established metrics, but instead has three goals:

1. **Document** where EBCE stands in terms stage 1 efforts. This is expected to be a "qualitative" documentation (meaning staff will provide a high level, subjective, description of the status of the multiple efforts).
2. **Document and track** the values ascribed to the LDBP metrics
3. **Describe** how the beneficial pillar principles of social equity and just transition are being addressed through the activities, LDBP or other, of EBCE.

Main Outcomes to Date

From November 2020 to April 2021, the vice-chair (Jane Franch) and/or chair (Mary Sutter) held eight 1-hour long meetings with the EBCE director (JP Ross) to help meet the metric initiative goals. The majority of discussion revolved around Goal 3. As of April 19, 2021, outcomes of these meetings by goal are:

Goal 1 – Document EBCE in terms of stages

- Determined that this goal is best handled outside of this process as it touches on multiple EBCE organizational activities, while our effort is more targeted.

Goal 2 – Document and track LDBP metrics (already in the LDBP)

- Learned that EBCE has been moving forward to input EBCE program specific information into the software used within the LDBP scenarios (IMPLAN) for certain metrics (e.g., jobs created), but that this approach may change if too costly.

Goal 3 – Describe how beneficial pillar principles of social equity and just transition are being addressed

- Helped to structure a public meeting on Environmental and Social Justice (ESJ) metrics that is planned for May/June. Discussed the use of a facilitator for the meeting as well.

¹ See the full metrics initiative document on the November 16, 2020 CAC meeting, Item C6

https://res.cloudinary.com/diactiwk7/image/upload/v1605550649/C6_-_Metrics_Initiative_and_LDBP_Projects_Corrected_cpbnpu.pdf

² https://res.cloudinary.com/diactiwk7/image/upload/fl_sanitize,q_auto/cac-workplan_final.pdf

- Clarified that JP would like to collaborate with CAC members to increase participation Frontline Communities. This idea will be brought back to the CAC for further discussion of a possible point group on community outreach who could work with an EBCE staff person to help EBCE consider how to reach various groups for possible program participation (and bring back information during CAC meetings for further discussion).
- Learned that there has been extensive community engagement amongst many groups during the development of City's Climate Action Plans and other regional planning efforts (not EBCE) around ESJ and these groups have arrived at agreed upon terminology.
 - JP's team has reviewed the documentation that arose from many of these ESJ discussions and have a specific set they expect to use. As such, terms such as "ESJ communities" most likely will be "Frontline Communities".
- Discussed how possible metrics could be grouped to help measure the Climate Equity Impacts of EBCE programs.
 - Determined that it would be good to discuss whether EBCE is seeking to fulfill certain metrics at the same rate or a higher rate (based on population) within Frontline Communities as compared to outside of Frontline Communities.



CAC Item C5
Staff Report Item 13

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Approval of Legislative Positions (Action Item)

DATE: April 21, 2021

Recommendation

Take a "support" position on Assembly Bill ("AB") 33 (Ting), AB 1239 (Ting), and Senate Bill ("SB") 589 (Hueso).

Background and Discussion

In July 2018 the EBCE Board approved a Legislative Program which outlined three general legislative principles and five more specific public policy positions, as well as guidance for legislative policy coordination. The following recommended bill positions align with the guidance in EBCE's Legislative Program.

Recommended EBCE Bill Positions:

- **SUPPORT:** AB 33 (Ting) would require the California Energy Commission ("CEC") to provide grants and loans to local governments and public institutions to maximize energy use savings, expand installation of energy storage systems, and expand the availability of transportation electrification infrastructure, including technical assistance, demonstrations, and identification and implementation of cost-effective energy efficiency, energy storage, and transportation electrification infrastructure measures and programs in existing and planned buildings or facilities. This bill would align with EBCE's principles of accelerating decarbonization and promoting local development through increased investment in distributed energy resources. It would also support EBCE's policy positions on environmental sustainability by supporting increased funding for a sustainable and stable energy supply infrastructure and encouraging the conservation of energy resources and development of dynamic load-shifting capabilities.

- **SUPPORT:** AB 1239 (Ting) would require the California Public Utilities Commission (“CPUC”) to open an investigation into the root causes of demand response market failures and why demand response has not reached its potential and make recommendations for policy changes aimed at ensuring those market failures are not repeated. The bill would further require that the investigation include detailed and specific recommendations to the CPUC for suggested revisions to existing CPUC policies governing the use of demand response resources. The bill would also require that the CPUC, CEC, and the California Independent System Operator (“CAISO”) identify and develop initiatives to achieve all cost-effective demand response by 2030, with expanded demand response programs that improve reliability of the electrical grid, avoid increasing emissions of greenhouse gases, and include optional participation by residential customers. EBCE staff has found that the CPUC’s and CAISO’s demand response policies have often been at odd with, rather than supportive of, increased demand response. AB 1239 could break through these barriers by requiring regulatory changes to support enhanced DR. This aligns well with EBCE’s legislative principles around accelerating decarbonization and promoting local development, and even maintaining community choice autonomy as it enables EBCE to have more control over its investment choices. It also aligns with our environmental sustainability policy priorities and has the potential to support our educational, neighborhood and social services policy principles by enabling greater demand response investments and participation.
- **SUPPORT:** SB 589 (Hueso) would require the CEC in implementing existing law to identify workforce development and training resources needed to meet electric vehicle charging infrastructure goals. The bill would also specify that projects that develop in-state production of raw materials and the manufacturing supply chain for zero-emission vehicle components are eligible for funding under the existing Alternative and Renewable Fuel and Vehicle Technology Program, which provides financial assistance to develop and deploy innovative technologies to transform California’s vehicle and fuel types. SB 589 aligns well with EBCE’s legislative principle of promoting local development, as it could increase both investment in zero-emission transportation and local workforce development efforts.

Fiscal Impact

AB 33 may result in additional funding for energy use savings and installation of energy storage and transportation electrification infrastructure through the CEC. SB 589 may eventually result in additional funding for workforce development and training, as well as zero-emission vehicle component manufacturing.

Attachments:

- A. April 21, 2021 Regulatory and Legislative Update

APRIL 21, 2021

Regulatory and Legislative Update



Power Charge Indifference Adjustment (PCIA)

- PCIA is the CPUC-authorized way for PG&E to recover uneconomic procurement costs
- For EBCE to maintain its value proposition, EBCE's generation rate + PCIA must be less than the equivalent PG&E bundled generation rate
- The PCIA *rate* (*i.e.*, how much customers pay) is set via annual PG&E Energy Resource Recovery Account (ERRA) proceedings at the CPUC
- PCIA *rate design* (*i.e.*, how the PCIA is structured) is the subject of an ongoing CPUC PCIA rulemaking proceeding
 - New rate framework adopted in October 2018; implementation ongoing
 - In Feb 2020, several parties filed a joint proposal (the “Working Group 3” proposal) for allocating PCIA-eligible resources
 - On 4/5/21, CPUC issued a proposed decision on Working Group 3 that does NOT adopt the proposal

PCIA Working Group 3 Proposed Decision

Product Type	Working Group 3 Proposal	Proposed Decision
Resource Adequacy (RA)	Allocates RA attributes proportionally to all PCIA-paying customers' Load Serving Entities (LSEs)*	Does not allocate RA – IOUs keep all RA, incl. excess
Renewables Portfolio Standard (RPS)	Allocates RPS proportionally to all PCIA-paying customers' LSEs* and auctions excess (<i>e.g.</i> , rejected allocations)	Allocates attributes proportionally to all PCIA-paying customers' LSEs beginning in 2023 but prohibits resale of allocated RPS and allows IOUs to set an auction bid floor and keep unsold excess
Greenhouse gas (GHG)-free	Allocates GHG-free energy proportionally to all PCIA-paying customers' LSEs*	Allows allocations through 2023 and defers actions on post-2023 – may continue allocations or assign a value to GHG-free energy



*LSEs have the option to accept or reject the allocations

PCIA Advocacy

- CalCCA and its members including EBCE are developing comments and seeking *ex parte* meetings with CPUC Commissioners' offices
- Opening comments on proposed decision are due 4/26
- Reply comments are due 5/3
- Proposed decision could be voted out at the CPUC's 5/6 meeting
- If unsuccessful at CPUC, our best option is continued support of SB 612 (Portantino), the CalCCA-sponsored bill that essentially adopts the Working Group 3 proposal

Adopted Bill Positions – Assembly

Bill #	Author	Description	Sponsor	Status	EBCE Position
AB 427	Bauer-Kahan	Requires CPUC to establish rules governing the intersection of demand response, energy storage including customer-sited distributed generation plus storage, and RA.	CalSSA	Asm U&E Cmte 4/21	SUPPORT: letter sent 3/31
AB 525	Chiu	Requires CEC to develop plan to achieve 10,000 MW offshore wind by 2040; requires CPUC to include offshore wind in IRP.	American Clean Power California	Asm U&E Cmte postponed	SUPPORT: letter sent 3/31
AB 843	Aguiar-Curry	Allows CCAs to enter into Bioenergy Market Adjusting Tariff (BioMAT) contracts and recover related costs through the existing nonbypassable charge for the BioMAT program.	Marin Clean Energy	Asm Approps Cmte	SUPPORT: letter sent 3/31
AB 1087	Chiu	EJ Community Resilience Hubs. Reallocates funding from CA Climate Credit towards streamlined grant program run by third-party administrator for climate resiliency improvements to buildings that constitute community hubs.	APEN, CEJA, NRDC	Asm Nat. Res. Cmte	SUPPORT IF AMENDED: drafted amendments; sponsors rejected
AB 1539	Levine	Requires CEC's EV infrastructure training course to remain available in an online format indefinitely. Commercial vessels protection and indemnity insurance.		Asm Trans. Cmte 4/26	WITHDRAWN: gutted & amended
TBD	Ting	Budget bill – not yet in print. Reallocates unused funds from the New Solar Homes Partnership Program and applies them to two new programs to be administered by the CEC for residential building decarbonization efforts and grants to local governments to adopt automated permitting systems to support reducing home GHG emissions.	NRDC	Being prepared for June budget pkg	SUPPORT: signed on to coalition as supportive

Adopted Bill Positions – Senate

Bill #	Author	Description	Sponsor	Status	EBCE Position
SB 31	Cortese	Requires CEC to identify/implement programs to promote existing & new building decarb. Would authorize expending fed funds for these projects. Would require CEC under EPIC to award funds for projects benefiting electric ratepayers & leading to development of building decarbonization technologies and investments to reduce GHG in those bldgs.	Author-sponsored	Sen EUC Cmte hearing 4/19	SUPPORT
SB 52	Dodd	Expands sudden and severe energy shortage definition to include deenergization events, constituting state of emergency and local emergency.	Napa Cty Board of Supervisors	Amended 4/12	SUPPORT: letter to be sent to Asm cmte
SB 99	Dodd	Community Energy Resiliency Act of 2021. Requires the CEC to develop and implement a grant program for local govts to develop community energy resilience plans.	The Climate Center	Sen EUC Cmte 4/19	SUPPORT: letter sent 4/14
SB 345	Becker	Requires the CPUC to establish common definitions of nonenergy benefits, incorporate into DER programs and projects, and track nonenergy benefits produced in DER program evals.	Author-sponsored	Sen Suspense File	SUPPORT: letter to be sent to Asm cmte
SB 551	Stern	Establishes California EV Authority in the Governor's office, responsible for coordinating state agency activities to deploy EV and zero emission charging infrastructure, create funding/financing tools to support deployments, prioritize equity	LACI, TEP	Sen Trans. Cmte 4/7	SUPPORT: letter sent 3/31
SB 612	Portantino	Requires electrical corporations to annually offer for the following year an allocation of each product arising from legacy resources that departed load customers currently bear cost responsibility for through the PCIA. Requires the CPUC to recognize and account for the value of all products in the legacy portfolio in determining the PCIA.	CalCCA	Amended 4/13; Sen EUC Cmte 4/26	SUPPORT: letter sent 3/1

Recommended Bill Positions

Bill #	Author	Description	Sponsor	Status	Recommended EBCE Position
AB 33	Ting	Requires CEC to provide grants and loans to local governments to maximize energy use savings and expand installation of energy storage and availability of transportation electrification infrastructure.		Asm U&E Cmte 4/21	SUPPORT
AB 1239	Ting	Requires investigation into causes of demand response market failures and why demand response is not reaching its potential; recommendations to ensure market failures not repeated. Recommendations to CPUC to revise policies governing demand response resources. CEC and CAISO to develop initiatives to achieve all cost-effective demand response by 2030.	California Efficiency + Demand Management Council	Asm U&E Cmte 4/21	SUPPORT
SB 589	Hueso	Requires CEC to identify workforce development and training resources needed to meet EV charging infrastructure goals.	Author-sponsored	Sen Trans. Cmte	SUPPORT

Next Steps

- Continue to review and analyze bills and amendments
- Send position letters for bills once EBCE formally takes a position
- Monitor existing bills on our watch list; determine when EBCE should formally take a position
- Monitor Governor's Budget request: \$1.5B for Zero Emission Vehicles (ZEV)
- Engage with CalCCA on legislative efforts
 - Collaborate with CalCCA on SB 612
 - Request to EBCE Board Members to reach out to Senators seeking support of SB 612 at upcoming 4/26 Sen EUC hearing
 - Request to EBCE member jurisdictions to take a "support" position on SB 612



CAC Item C6
Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Kelly Brezovec, Sr Manager of 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: April 21, 2021

Recommendation

Adopt a 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 70 days, until June 30, 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.

The temporary suspension of EBCE's customer terms and conditions related to 'Failure to Pay' and the Delinquent Accounts and Collections Policy has been extended three additional times:

- 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.
- On October 21, 2020, the Board again 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 91 days, through January 20, 2021.
- On January 21, 2021, this action was repeated. The Board again extended the suspension of the “Failure to Pay Section” of the Service Terms and Conditions of the Delinquent Accounts and Collections Policy and extended for an additional 91 days, from to April 21, 2021.

PG&E has suspended service disconnections for non-payment for all residential and small business customers until June 30, 2021. Staff proposes that EBCE extend the suspension period for our own collections and “failure to pay” activities for an additional 70 days, through June 30, 2021. Unless the suspension is further extended by the Board on June 16, 2021, the approved EBCE policies regarding a failure to pay and delinquent account and collections would again become effective on July 1, 2021.

Staff will provide an additional update on the state of this policy based on the California Public Utilities Commission Resolution M-4842, dated February 11, 2021, Emergency Authorization and Order Directing Utilities to Implement Emergency Customer Protections to Support California Customers During the COVID-19 Pandemic. Resolution M-4842 extended customer protections through June 30, 2021, with an option to extend further.

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 70 days until June 30, 2021
- B. P-2018-4 Delinquent Accounts and Collections Policy

RESOLUTION NO. R-2021-X

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 SEVENTY (70) DAYS UNTIL JUNE 30, 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), spread around the world, 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, as of December 24, 2020, the California Department of Public Health reported that statewide Intensive Care Unity capacity was only 1.1 percent, and the state had reported over 2 million COVID-19 cases and 23,000 fatalities; and

WHEREAS, as of April 4, 2021, the California Department of Public Health reported that 22.7% of Californians are fully vaccinated against COVID-19; 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, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on October 21, 2020, the Board of Directors resolved to temporarily extend, for a period of 91 days, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, on January 20, 2021, the Board of Directors resolved to temporarily extend, for a period of 91 days, the suspension of certain customer terms and conditions and administrative policies associated with collections and customer payments; and

WHEREAS, PG&E has suspended disconnection services through June 30, 2021; and

WHEREAS, the California Public Utilities Commission has extended emergency customer protections through June 30, 2021, with an option to extend; 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 70 days, through June 30, 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 July 1, 2021, at which point the approved terms and policy shall resume to be effective.

ADOPTED AND APPROVED this 21th day of April 2021.

Dan Kalb, Chair

ATTEST:

Adrian Bankhead, Assistant 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.



CAC Item C7
Staff Report Item 14

TO: East Bay Community Energy Board of Directors

FROM: Howard Chang, Chief Operating Officer

SUBJECT: California Community Choice Financing Authority Joint Powers Authority (Action Item)

DATE: April 21, 2021

Recommendation

Approve a Resolution authorizing the formation of and membership in the California Community Choice Financing Authority Joint Powers Authority (JPA) to issue municipal bonds for prepay transactions.

Background and Discussion

Prepay Overview:

As has been discussed now at Board and Board Committee meetings, 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. This prepayment structure has historically been utilized for natural gas procurement and is now being applied towards renewable energy. EBCE and Silicon Valley Clean Energy (SVCE) are currently jointly preparing a prepay transaction. A number of other CCAs are also in the process of initiating a similar structure.

Issuing Entity Overview:

Prepays utilize the municipal bond market and therefore need a bond issuing entity in order to participate. The issuing entity is the final party to the prepay transaction that EBCE and SVCE need to secure to fully prepare to transact. While there are 'issuers for hire' in the California municipal bond market, there are a number of advantages to CCAs to establish a conduit issuance JPA. The primary reasons are control and oversight in the bond issuance process and cost savings. Utilizing an available issuance JPA can cost in excess of \$200,000 annually.

California Community Choice Financing Authority Overview:

The Joint Exercise of Powers Act, California Government Code Sections 6500 *et seq.* (the "Act"), permits two or more public agencies to create, by agreement, a joint powers authority for the purpose of jointly exercising any common powers and certain additional powers provided for in the Act, including the power to issue bonds for the purposes specified in the Act. EBCE, along with Central Coast Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy (together, "the CCAs") propose to enter into a Joint Powers Agreement (the "Joint Powers Agreement" or "JPA Agreement") to create the California Community Choice Financing Authority (the "CCCFA") to serve as a conduit financing joint powers authority. The CCCFA's objective will be to undertake the financing or refinancing of energy prepayments that can be financed with tax advantaged bonds on behalf of one or more of its members by, among other things, issuing or incurring bonds and entering into related contracts with its members. By entering in the CCCFA JPA Agreement, EBCE will have the opportunity, but not the obligation, to structure a prepay transaction and issue the bonds through the CCCFA. This will be a project financing based public agency, rather than policy making agency. It is not intended to be a policy-maker nor advocate, though it may, from time to time, advance or support public policies in support of its purpose that do not conflict with interests or policies advanced by any Member.

Membership in the CCCFA will be divided into two tiers: the first tier will consist of Founding Members and the second will consist of Associate Members (as such terms are defined in the Joint Powers Agreement). The Board of Directors of the CCCFA will consist of one representative of each of the Founding Members, which will initially consist of EBCE, Central Coast Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy. Each Founding Member shall appoint a Director to represent the Founding Member. The director shall be the Chief Executive Officer ("CEO") or the designee of the CEO. Associate Members may be added to the CCCFA pursuant to the terms of the Joint Powers Agreement, provided that any such Associate Member possesses the power to purchase and sell electric energy and enter into related contracts for such purposes. Associate Members will not have representatives on the Board of Directors.

In the preparation of the proposed JPA Agreement, the CEOs and General Counsels decided to propose that the Directors be administrative staff of the members due to the very technical, project financing (as opposed to policy oriented) purpose of this JPA. Also, it was felt that continuity on the Board will be important due to the fact that the project financing agreements will be long-term obligations, and having directors with a long-term knowledge base will be important to inform the Board's decision-making.

Pursuant to the Act, and subject to the limitations in Section 6508.1 of the Act, the Joint Powers Agreement specifies that the debts, liabilities and obligations of the CCCFA, including bonds issued by the CCCFA, will not constitute debt, liabilities or

obligations of any member. If a member agency desires to withdraw, it may do so with Board approval as long as (1) a minimum of three Founding Members remain parties to the JPA Agreement, so as not to cause the obligations of the CCCFA to consolidate on any individual member's balance sheet, and (2) the withdrawal shall not result in the dissolution of CCCFA so long as any bonds remain outstanding.

It is important to note that the CCCFA JPA will be the counterparty with the Prepay Supplier in the prepay transaction, and therefore the counterparty to all the underlying agreements. That is, EBCE will sign an agreement with the CCCFA JPA, and the CCCFA JPA will be the entity to sign all the rest of the transaction documents. Under California law and the JPA Agreement, the CCCFA will be a public entity separate and apart from the parties to the JPA Agreement, and the debts, liabilities and obligations of the CCCFA will not constitute debts, liabilities or obligations of EBCE or any representative of EBCE serving on the governing body of EBCE.

Financial Impact

The legal fees associated with the development of the CCCFA JPA amount to a maximum of \$60,000; this fee is to be split by the four Founding Members. The only costs imposed by the JPA Agreement on the members are the administrative costs of CCCFA, which do not include any project costs. The annual fees to maintain the JPA will be shared among Founding and Associate Members. Administrative costs will be paid in accordance with policy that will be developed by the Founding Members. The costs are not substantial as the staffing of this JPA will be limited with most staffing and operating costs supported by individual members. Additional costs will include retaining an independent auditor, administrative costs, and filing fees.

Attachments

- A. Resolution Approving the CCCFA Joint Powers Agreement and Authorizing the CEO to Execute the Agreement P-2018-4 Delinquent Accounts and Collections Policy
- B. Presentation

RESOLUTION NO. R-2021-X

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY APPROVING THE CALIFORNIA COMMUNITY CHOICE FINANCING AUTHORITY JOINT POWERS AGREEMENT AND AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE AGREEMENT

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

WHEREAS, the East Bay Community Energy Authority (“EBCE”) was formed on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-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, EBCE, acting pursuant to Article I (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “JPA Law”), may enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them and, pursuant to Government Code Section 6588, to exercise certain additional powers; and

WHEREAS, EBCE, Central Coast Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy desire to create and establish a joint exercise of powers agency pursuant to the JPA Law, such joint exercise of powers agency to be known as the California Community Choice Financing Authority (the “CCCFA”) or by such other name as specified in the JPA Agreement as executed and delivered, for the purpose of establishing an entity to undertake the financing or refinancing of energy prepayments that can be financed with tax advantaged bonds on behalf of one or more of its members by, among other things, issuing or incurring bonds and entering into related contracts with its members; and

WHEREAS, EBCE is a community choice aggregator, as such term is defined in Section 331.1 of the Public Utilities Code of the State of California (the “Public Utilities Code”), that is a public agency, as such term is defined in the JPA Law, which has implemented a CCA program pursuant to Section 366.2 of the Public Utilities Code, and possesses the power to purchase and sell electric energy and enter into related contracts for such purposes.

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

Section 1. The Board of Directors hereby approves the California Community Choice Financing Authority (CCCFA) Joint Powers Agreement and authorizes the Chief Executive Officer or a designee to execute the attached Agreement with any minor, non-substantive modifications to be approved by General Counsel.

Section 2. The formation of the CCCFA pursuant to the JPA Agreement is hereby authorized and approved.

Section 3. The officers, employees and agents of EBCE are hereby authorized and directed, jointly and severally, to execute and deliver any and all documents, agreements and instruments and to do any and all things which they may deem necessary or advisable in order to consummate the transactions herein authorized and otherwise to carry out, give effect to and comply with the terms and intent of the JPA Agreement and this Resolution.

Section 4. All actions heretofore taken by the officers, employees and agents of EBCE with respect to the matters set forth above are hereby approved, confirmed and ratified.

ADOPTED AND APPROVED this 21st day of April 2021.

Dan Kalb, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



CCCFA JPA Overview

PRESENTED BY: Howard Chang, COO

DATE: April 21, 2021

Energy Prepay Introduction

- An energy prepay transaction - 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
- EBCE is currently in negotiations on an energy prepay transaction jointly with Silicon Valley Clean Energy (SVCE) with Morgan Stanley, who was selected through an RFP.
- The intent of the prepay transaction is to issue tax exempt bonds off balance sheet to prepay energy. As a public agency, EBCE can reduce its procurement costs by utilizing lower cost tax exempt debt.
- This prepay structure has been used historically for natural gas prepayment and is now being applied to energy.
- A number of other CCAs are also in the process of initiating a similar structure.
- The prepay transaction requires the bonds to be issued through an issuance conduit

Bond Issuance Conduit

- Prepays utilize the municipal bond market and therefore need a bond issuing entity in order to participate.
- While there are ‘issuers for hire’ in the California municipal bond market, there are a number of advantages to CCAs to establish a conduit issuance JPA. The primary reasons are control and oversight in the bond issuance process and cost savings. Utilizing an available issuance JPA can cost in excess of \$200,000 annually.
- EBCE, along with Central Coast Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy (together, “the CCAs”) propose to enter into a joint powers agreement (the “Joint Powers Agreement”) to create the California Community Choice Financing Authority (the “CCCFA”) to serve as a conduit financing joint powers authority.
- The CCCFA’s objective will be to undertake the financing or refinancing of energy prepayments that can be financed with tax advantaged bonds on behalf of one or more of its members by, among other things, issuing or incurring bonds and entering into related contracts with its members.
- By entering in the CCCFA JPA Agreement, EBCE will have the opportunity, but not the obligation, to structure a prepay transaction and issue the bonds through the CCCFA.
- This will be a project financing based public agency, rather than policy making agency. It is not intended to be a policy-maker nor advocate, though it may, from time to time, advance or support public policies in support of its purpose that do not conflict with interests or policies advanced by any Member.

JPA Details

- Membership in the CCCFA will be divided into two tiers:
 - Founding Members will hold voting rights
 - Associate Members will join the JPA for the purpose of issuing bonds through the conduit for their respective prepays and will have limited voting rights
- The Board of Directors of the CCCFA will consist of one representative of each of the Founding Members, which will initially consist of EBCE, Central Coast Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy.
- Associate Members may be added to the CCCFA pursuant to the terms of the Joint Powers Agreement, provided that any such Associate Member is a CCA and possesses the power to purchase and sell electric energy and enter into related contracts for such purposes.
- Each Director shall be the Chief Executive Officer, General Manager, Executive Director, or designee of the Chief Executive Officer, General Manager, or Executive Director, of each Founding Member and shall be appointed by and serve at the pleasure of the Founding Member that the Director represents.
 - We proposed that the directors be administrative staff of the members due to the very technical nature of this JPA which is project financing rather than policy oriented and continuity on the Board is important due to the fact that the project financing agreements will be long-term obligations

Limitations of liability

- Under California law and the JPA Agreement, the CCCFA will be a public entity separate and apart from the parties to the JPA Agreement, and the debts, liabilities and obligations of the CCCFA will not constitute debts, liabilities or obligations of EBCE or any representative of EBCE serving on the governing body of EBCE.
- If a member agency desires to withdraw, it may do so with board approval as long as the founding members retain a minimum of three members, so as not to cause the obligations of the CCCFA to consolidate on any individual members balance sheet.
- The CCCFA JPA will be the counterparty with the Prepay Supplier in the prepay transaction, and therefore the counterparty to all the underlying agreements. That is, EBCE will sign an agreement with the CCCFA JPA, and the CCCFA JPA will be the entity to sign all the rest of the transaction documents.
- The legal fees associated with the development of the CCCFA JPA are \$60,000, which is to be split by the four Founding Members.
- The only costs imposed by the JPA Agreement on the members are the pass-through administrative costs of CCCFA, which do not include any project costs. These annual fees to maintain the JPA will be shared among Founding and Associate Members. Administrative costs will be paid in accordance with policy that will be developed by the founding members. The costs are not substantial as the staffing of this JPA will be limited with most staffing and operating costs supported by individual members. Additional costs will include retaining an independent auditor, administrative costs, and filing fees.

Appendix



Prepay Overview

Presentation Provided at Jan 29,
2021 Board Meeting with minor
revisions to reflect updated status



Prepay Overview

Structure:

- **Term:** Typically 30-year term
- **Transacting Parties:**
 1. Tax-exempt Load Serving Entity (LSE, also called “Prepay Buyer”)
 2. Taxable financial counterparty (bank, called “Prepay Supplier”)
- **Process:**
 1. Prepay Supplier assigned into existing energy supply contract(s) held by LSE
 2. Municipal bonds issued by conduit, amounting to combined notional value of assigned contracts
 3. Prepay Supplier pays the contract price to PPA Seller, immediately transferring all electricity and attributes to LSE
 4. LSE pays the Prepay Supplier at discounted rate, achieving procurement cost savings
- **Takeaway:** Prepay Supplier is effectively the energy supplier and is prepaid for future energy deliveries. The prepay supplier holds and utilizes capital and provides a discount to the Prepay Buyer that is enabled via the spread between the taxable and tax exempt borrowing costs.

Benefits:

- **Lower energy procurement costs:** Savings over 30-year term estimated to be 8-12% per year on power quantities delivered under prepay, compared to spot market purchases and current contracts; subject to change based on market conditions at the time that the bond is issued.

Risks:

- **Regulatory:** Addressing risks related to compliance with SB350 and Emissions Performance Standard (i.e. receipt of PCC1 RECs, no disruption to deliveries); specific risks and remediations will be addressed when final prepay transaction is brought to the Board for approval in coming months.

Prepay Overview, Cont.

Further Details on Energy Prepayment Transactions:

- An energy prepayment is a long-term non-recourse financial transaction between a tax-exempt Load Serving Entity (LSE) and a taxable financial counterparty (bank, called “Prepay Supplier”) utilizing the municipal bond market.
 - LSE committing total of ~\$600MM-\$800MM of energy supply contracts (combined contract notional values)
 - LSE utilizes prepay in order to lower customer energy costs
- Municipal utilities (and tax-exempt entities such as CCAs) in the US can prepay for a supply of electricity or natural gas from a taxable entity and fund that prepayment with tax-exempt municipal bonds. The LSE must sell the commodity to their retail end-users residing within their traditional service area.
 - This structure is well known and regularly used for gas and is now being applied towards renewables PPAs
 - Codified in US Tax Law. Since first prepayments of natural gas were done in the early 1990s, the IRS issued rules allowing tax-exempt prepayments and Congress enacted legislation specifically allowing the transactions (National Energy Policy Act of 2005; Section 1327)

Key Elements of a Prepay Transaction

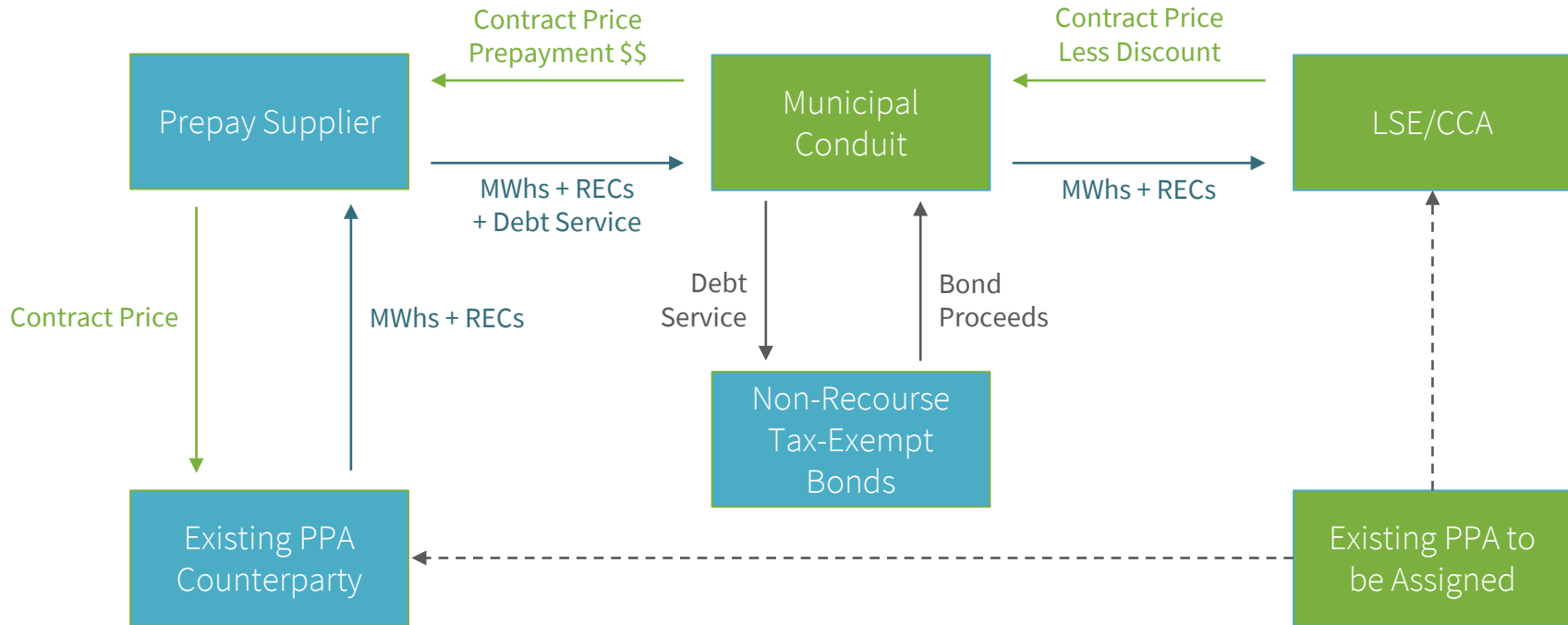
Power Contract Assignment:

- Existing renewable PPAs are assigned to the taxable Prepay Supplier. The LSE continues to **take and pay** for energy and attributes delivered through the contract.
- All other terms of the PPA are unchanged.
- If the prepay program terminates early, Prepay Supplier fails to perform, or LSE fails to perform, the LSE forgoes the future savings and the assigned PPA contract is put back to the original LSE.

Debt:

- Non-Recourse: Prepays utilize non-recourse municipal bonds and are **not** secured or guaranteed by the referenced entity (i.e. the CCA). Rather the debt is recourse to the Prepay Supplier. This significantly protects the CCA and mitigates risk related to the payment of power contracts novated through the prepay.
- Off Balance Sheet for LSE: Bonds are issued by a municipal bond conduit.

Prepay Structure



Market Statistics

- Nationwide: 90+ municipal transactions
 - \$50+ Billion combined notional contract value
- California: 11 municipal transactions
 - \$5.7 Billion combined notional contract value
- Active Suppliers: Goldman Sachs, Morgan Stanley, Royal Bank of Canada, Citi, TD Securities
 - All investment grade rated financial institutions
- Resource Types:
 - Majority of transactions to date have been exclusively for natural gas, remainder including an electricity ‘switch’ at a certain year.
 - The same tax law and similar transaction structure enables the program for electricity from renewables contracts, as well. The market is seeing activity and preparation for these transactions, particularly from CCAs.

Benefits

- ✓ Savings over the 30-year term expected to be 8% - 12% per year on power quantities delivered under the pre-pay structure compared to spot market purchases / current contracts
- ✓ Favorable risk allocation where EBCE only pays for energy that is delivered (same as contracts today)
- ✓ Debt is non-recourse to EBCE
- ✓ Rating agencies comfortable with comparable deals at SMUD, SCPA, others

Risks

- Loss of savings and back to square one*
- Lost investment of staff time*
- Loss of spent out-of-pocket costs \$25-50k*
 - Consultants all contingent on successful deal
 - Consultants are all paid from deal proceeds vs. EBCE directly

**Note: these risks are only relevant if the transaction does not materialize or dissolves*

- Opportunity cost of higher savings through a prepay transaction initiated at a different time

Timeline

November 2019 through September 2020:

- Got enabled with legal and advisory representation
- Began structuring and document negotiations with Morgan Stanley

Oct. – May 2021:

- Continued document negotiations, preparation
- Identification and prelim assignment discussion of power supply contracts
- Documents ready to execute in coming months

Bond raise and initiation of prepay could occur anytime in next 3-6 months

Factors That May Impact Timing:

- Markets: Taxable vs. tax-exempt spreads need to exist in a meaningful way to achieve discounts we are seeking, and current rate environment is not optimal though market conditions are rapidly improving. Important to get docs in place to be able to transact quickly when markets open back up, though market conditions could delay timeline of deal execution.
- Assignment Consents: Still need to identify commodity transactions for assignment, and timeliness of consents could extend the timeline of deal execution.

EBCE Prepay Parties

Counsel: Orrick, Herrington & Sutcliffe (Bond & Tax) | Chapman & Cutler LLP (Disclosure & Issuer's)

- Both firms selected through solicitation issued June 2020

Prepay Seller: Morgan Stanley

- Selected through solicitation issued November 2019
- *Note: No legal obligation or liabilities are being entered into currently; approval of counsel allows EBCE to negotiate documents with Morgan Stanley for which staff will later return to the Board for approval of the official prepay transaction and associated bond issuance.*

Joint Prepay Buyer: Silicon Valley Clean Energy

- EBCE and SVCE issued the RFP together, are preparing a joint transaction in which both CCAs assign contracts, share costs and benefits; SVCE is seeking their Board's approval for associated items later this year.

Municipal Financial Advisor: PFM

- Selected through solicitation issued September 2020

Bond Issuer: California Community Choice Financing Authority

- Currently seeking approval for formation among CCAs

APRIL 19, 2020

EBCE Community Solar Green Tariff Program: Community-Based Organization Engagement Plan



Introduction

Presentation Purpose

- Share a draft Community-based Organization (“CBO”) Engagement Plan and Draft CBO Outreach List for the Community Solar Green Tariff (“CSGT”) program
- Receive CAC’s feedback on the Plan and suggested additions to the Outreach List

Presentation Outline

1. Background
2. Purpose & Goals of CBO Engagement
3. Outreach Strategy
4. Action Plan Summary
5. CBO Outreach List Overview

Background: DAC-GT/CSGT Program Summary

- The CPUC in 2018 adopted Decision 18-06-027, creating the Disadvantaged Communities Green Tariff (“DAC-GT”) and Community Solar Green Tariff (“CSGT”) programs. The programs promote the development of renewable generation in underserved communities. Pursuant to the Decision, EBCE may implement its own DAC-GT and CSGT programs in its service area.
- Both programs** allow CARE and FERA-eligible customers living in disadvantaged community (“DAC”) census tracts to receive 100% solar energy at a 20% discount on their electric bills.
- The key difference between the two programs is that the Community Solar Green Tariff program requires **a community sponsor of the project** and will result in projects **located within five miles of the community** it serves.

	DAC Program	Community Solar Program
Program Size:	~5.7 MW (serves ~1,700 customers)	~1.6 MW (serves ~450 customers)
Participant Requirements:	Residential customers who are CARE/FERA eligible and live in a DAC	At least 50% of participants must be residential customers who are CARE/FERA eligible; all participants must live in a DAC
Other Requirements:	N/A	<ul style="list-style-type: none"> ▪ Community Sponsor ▪ Located within 5 miles of community served ▪ Workforce development requirements

Today's discussion

Background on CSGT and Project Sponsor Role

- **Project Sponsor Eligibility:**
 - Non-profits, local governments, and schools
 - Located in a DAC that is within 5 miles of the project (same eligibility criteria as customers who subscribe)
- **Benefits to Sponsor:**
 - 20% bill discount
 - May subscribe to up to 25% of solar project output
 - Potential to receive Marketing, Education & Outreach funds to educate and recruit customer subscribers.
- **Sponsor's role: Help project developers and the community come together.**
 - Identify community-suggested project sites
 - Work with EBCE to conduct outreach and create interest in subscribing to the project
 - Provide a Letter of Commitment
- **Projects may have more than one sponsor.***

*If there are multiple sponsors, if eligible, the 20% bill credit can be shared for up to 25% of the project's output (not to exceed the sponsor's energy needs).

Purpose and Goals of the Engagement Plan

Who are we engaging?

Community Advisory Committee members, Alameda County and City of Tracy residents, and CBOs.

In what?

In the effort to identify potential project sponsors for the CSGT program.

Why?

- CBO participation is a required element of the CSGT program. Each CSGT project must have an organization that sponsors the project on behalf of residents.
- This program offers benefits to CBOs and to the communities they serve. EBCE can fund CBO outreach for this program, and in turn the CBO and its constituents benefit from lower electricity bills and more local renewables.

What's the goal of the Engagement Plan?

To maximize participation by potential CSGT project sponsors.

Note: Program participation is capped, based on EBCE's allocation of program capacity, and we anticipate that the CSGT program will be able to serve approximately 450 customers.

Outreach Strategy & Tactics

To maximize participation by potential project sponsors, we will:

Reach a broad audience.

Consult with stakeholders to refine our list of potential sponsors

Proactively reach out to organizations we think might be interested and who may be eligible to sponsor a CSGT project

Make information transparent and accessible.

Ensure all communications are **multi-lingual**.

Rely on **more than one mode of communication**: fact sheets and information packets (written), information sessions (verbal)

Publish **responses to questions & answers** received during information sessions.

Ensure project selection criteria are **clear and transparent**

Allow sufficient time for project sponsors to commit to participating.

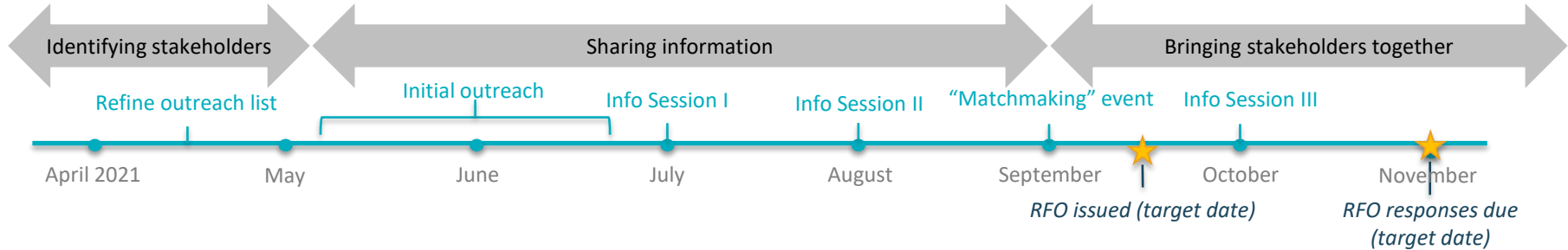
Make accommodations in CSGT project **RFO timeline**, allowing it to proceed more slowly than the DAC-GT project RFO timeline.

Allow for **at least five months of outreach activities** and events to occur prior to the sponsorship commitment letter due date.

Ensure sponsors are compensated for their work.

EBCE's implementation advice letter **allocates budget for CBOs' work** related to the CSGT program.

Action Plan Summary



Activity	Description	Timing (subject to change)
Phase I: Identifying stakeholders		
Refine outreach list	In consultation with CAC, other CBOs, develop a list of potential partners	April 2021
Phase II: Raising awareness of sponsorship opportunity through proactive outreach.		
Initial outreach & information sharing	Direct communications, with fact sheets and advertisement of upcoming events; website updates.	May-June 2021
Information Session I	Overview of CSGT Sponsorship opportunity and requirements	July 2021
Information Session II	Overview of CSGT Sponsorship opportunity and requirements	August 2021
Phase III: Bringing interested sponsors and developers together		
"Matchmaking" event	Host an opportunity for developers and interested sponsors to meet	September 2021
Additional informational event	Host additional information or Q&A session, as needed, prior to solicitation response date in November	October 2021
RFO responses due, with Sponsor Commitment Letters (target date – subject to change)		November 2021

CBO Initial Outreach List: Overview

- **Purpose of the List:** EBCE staff will use this list to conduct initial outreach to CBOs who may be interested in learning more about CSGT project sponsorship. Organizations on the list will be sent information about the CSGT program, sponsorship requirements and benefits, and a list of upcoming events where they can learn more.
- **Scope and eligibility:** This list may contain non-profit, community-based organizations; schools or local government agencies that may be interested in being a community solar project sponsor and that are geographically located in a DAC.
 - EBCE is developing a mapping tool to help stakeholders determine whether their organization is in a DAC: <https://www.google.com/maps/d/u/0/edit?mid=1jC7HCRCop-xGM9wlgjYYX18Sdq9ENZDD&usp=sharing>
- **EBCE Staff are seeking input on additional organizations to include in the Outreach List.**
 - View the list in a map format at the link ([here](#), and above), or on the next slide
 - Please direct questions or suggested additions to Samantha Weaver at sweaver@ebce.org

CBO Outreach List: Current Draft

<u>Organization</u>	<u>Location or City Served</u>
Ecology Center	Berkeley
Albany-Berkeley Soccer Club	Berkeley
Waterside Workshops	Berkeley, Albany, Emeryville, Oakland
Aquatic Park School	Berkeley
Berkeley-East Bay Humane Society	Berkeley
Spectrum Community Services (Hayward office)	Hayward, Dublin, Fremont, Livermore, Newark, Oakland, Pleasanton, San Leandro, Union City
Rising Sun Center for Opportunity	Oakland
West Oakland Environmental Indicators Project	Oakland
Acta Non Verba: Youth Urban Farm Project	Oakland,
Allen Temple Health & Social Services Ministries	Oakland
Centro Legal de la Raza	Oakland
City Slicker Farms	Oakland
Civicorps	Oakland
East Bay Agency for Children (EBAC)	Oakland
Mandela Partners	Oakland
Mercy Retirement & Care Center's Mercy Brown Bag Program	Oakland
Mujeres Unidas y Activas	Oakland
Planting Justice	Oakland
Society of St. Vincent de Paul of Alameda County (Community Center, Oakland)	Oakland
St. Mary's Center	Oakland
The Crucible	Oakland
The Unity Council	Oakland
Vietnamese American Community Center of the East Bay	Oakland
MedShare	San Leandro
The Davis Street Community Center	San Leandro, ca
Alameda County Public Health Dept	County Org
California Clean Energy Fund (CalCEF)	Oakland
Interfaith Council	Oakland
Community S.A.V.E./Community Christian Church	Oakland
Grandmothers Who Help: Basic Ministry/East Bay Baptist Association	Oakland
Chabot College	Hayward
Little Flowers Montessori	Newark

Appendix

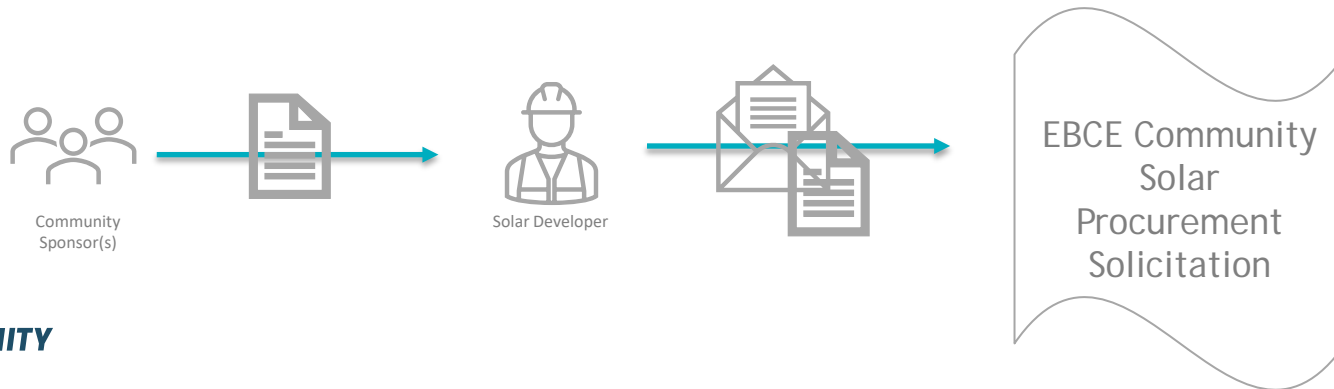


Community Sponsor “Commitment Letter”

The CPUC requires that project developers obtain a **letter of commitment from a project sponsor** that includes:

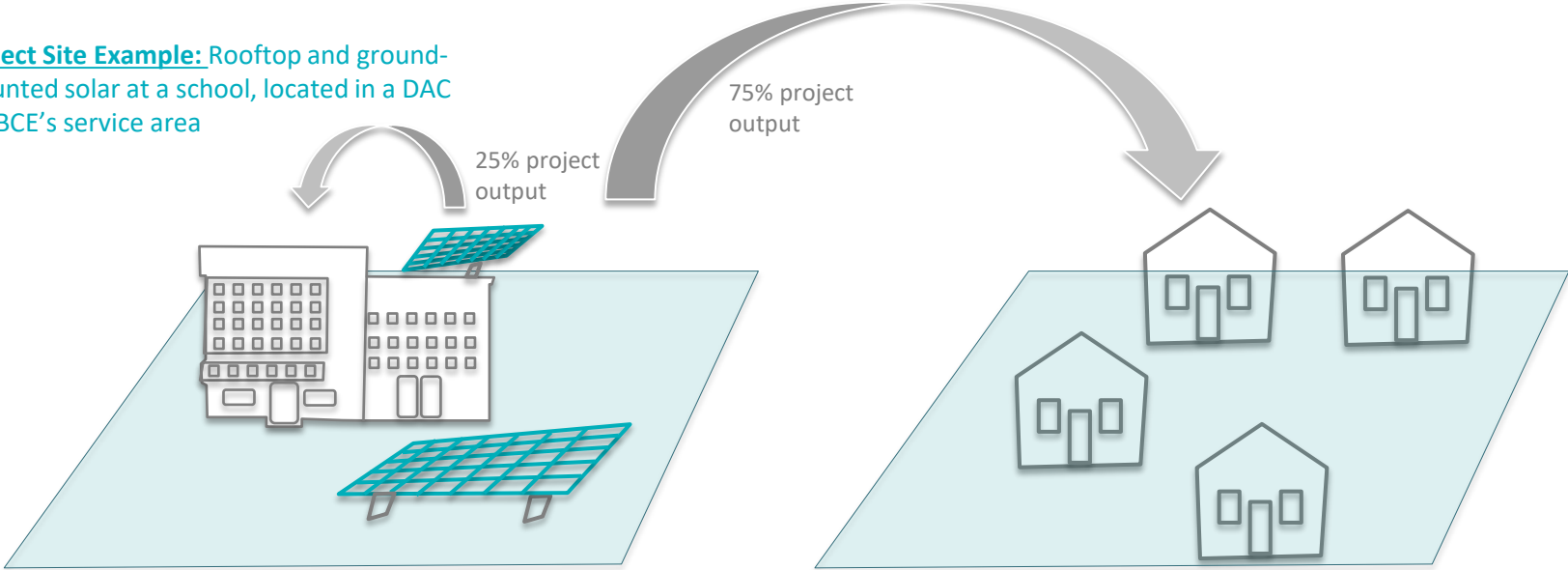
- “Demonstration of substantial interest of community members in subscribing to project;
- Estimated number of subscribers, with justification to ensure project is sized to likely demand;
- A preliminary plan to conduct outreach and recruit subscribers (which may be conducted in conjunction with the developer and/or EBCE); and
- Siting preferences, including community-suggested host sites, and verification that the site chosen for the bid is consistent with community preference.”

The sponsor provides the letter to the project developer, who includes it in their bid package to EBCE.



Community Sponsorship Example

Project Site Example: Rooftop and ground-mounted solar at a school, located in a DAC in EBCE's service area

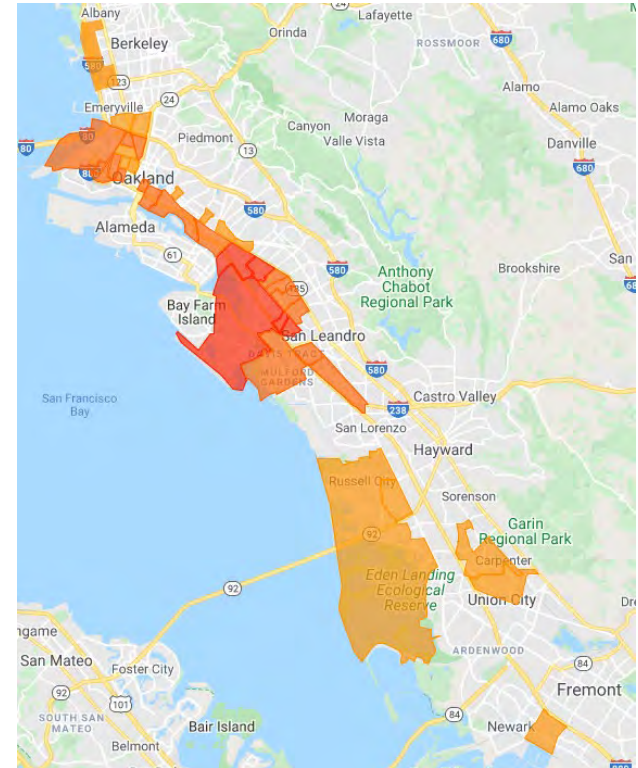


Community Sponsor Example: School, located in a DAC in EBCE's service area. (NOTE: Project site and community sponsor do *not* need to be the same.)

Customer Subscribers: EBCE customers, located in a DAC that is within 5 miles of the project site; at least 50% of subscribers are low-income customers.

Disadvantaged Communities

- **What is a “DAC”?**
 - For purposes of the DAC-GT and CSGT program, DACs are defined geographically as the **25% highest-scoring census tracts in CalEnviroScreen 3.0**, a scoring methodology developed by CalEPA.
 - The CPUC defines DACs in the following way: “Disadvantaged communities refers to the areas throughout California which most suffer from a combination of economic, health, and environmental burdens. These burdens include poverty, high unemployment, air and water pollution, presence of hazardous wastes as well as high incidence of asthma and heart disease.
- **Can I find a map of DACs?**
 - Yes!
 - CalEPA maintains a map at this website: <https://oehha.ca.gov/calenviroscreen/sb535>
 - EBCE has developed this Google Maps-based tool for our service area: <https://www.google.com/maps/d/u/0/edit?mid=1jC7HCRCop-xGM9wlgiYYX18Sdq9ENZDD&usp=sharing>



How was the “CBO Outreach List” compiled?

- **The Outreach List was compiled from the following sources of information:**
 - Prior recipients of EBCE Community Sponsorships and Innovation Grants
 - Participants in related CPUC proceedings (DAC-GT/CSGT, Disconnections, COVID-19 Customer Debt Relief) that are based in EBCE’s service area
 - CPUC Community Help and Awareness of Natural Gas and Electric Services (“CHANGES”) organizations: provide services to Limited English Proficient consumers who need help with energy issues
 - Solar on Multifamily Affordable Housing (“SOMAH”) community partners
 - Relief for Energy Assistance through Community Help (“REACH”) program county contact organizations
 - Contact lists maintained internally by EBCE’s outreach team