



## Consent Item 10

**TO:** East Bay Community Energy Board of Directors  
**FROM:** Marie Fontenot, Senior Director of Power Resources  
**SUBJECT:** OhmConnect Resource Adequacy Contract Authorization (Action Item)  
**DATE:** June 16, 2021

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### Recommendation

Adopt the Resolution authorizing the Chief Executive Officer to negotiate and execute an amended and restated agreement with OhmConnect, Inc. The 10-year, 15-17 MW agreement will deliver Resource Adequacy (RA) from demand response resources throughout California.

### Background

In 2019, the California Public Utilities Commission (CPUC) identified a need for new capacity to contribute to electric reliability. As a result, the CPUC released the “Decision Requiring Electric System Reliability Procurement for 2021-2023”<sup>1</sup> (the “Decision”). The Decision identified volumes of Resource Adequacy (“RA”) capacity each CPUC-jurisdictional load serving entity must procure and have online in the years 2021, 2022, and 2023, with a demonstration of compliance in August of each year.

Some of EBCE’s existing long-term power purchase agreements (PPAs) will contribute to meeting this requirement. EBCE also executed shorter-term transactions to contribute to meeting the requirement but due to project delays upstream of EBCE’s contracts, EBCE has a late need to procure additional RA capacity that meets the requirements of the Decision.

EBCE has an existing agreement with OhmConnect to procure 15 MW RA over a three-year term, which staff proposes to amend. An amendment to this agreement is the right choice to contribute to a portion of the RA capacity requirement, because it builds on an existing agreement between the two organizations and can be executed within the limited time available to ensure EBCE meets its reliability requirement.

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<sup>1</sup> <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M319/K825/319825388.PDF>

The amended agreement will have a term of 10 years, and the volume will increase to 17 MW for a portion of the term. EBCE will ensure that the terms of the amended agreement and associated product meet the requirements of the Decision.

### **Conclusion**

EBCE staff recommends authorizing the CEO to negotiate and execute an amended and restated contract with OhmConnect, to procure 15-17MW RA over a ten-year term. This agreement will help EBCE to satisfy its 2021-2023 Electric Reliability Requirements, as mandated by the CPUC.

### **Attachments:**

- A. Resolution Authorizing CEO to Negotiate and Execute an Amended and Restated 10-year Resource Adequacy Agreement with OhmConnect, Inc.

**RESOLUTION NO. \_\_**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO  
NEGOTIATE AND EXECUTE AN  
AMENDED AND RESTATED RESOURCE ADEQUACY AGREEMENT WITH OHMCONNECT,  
INC.**

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 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 joint powers agreement in March of 2020.

**WHEREAS**, EBCE is required to procure and demonstrate 49.5 MW of net qualifying capacity long-term resources in August of 2021 to comply with the California Public Utilities Commission’s (CPUC) “Decision Requiring Electric System Reliability Procurement for 2021-2023”; and

**WHEREAS**, an amended 10-year agreement to procure Resource Adequacy from OhmConnect, Inc. will contribute toward EBCE meeting this requirement.

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

Section 1. The CEO is hereby authorized to negotiate and execute an amended and restated agreement with OhmConnect, Inc. for 15-17MW of Resource Adequacy during a ten year term.

ADOPTED AND APPROVED this 16th day of June, 2021.

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Dan Kalb, Chair

ATTEST:

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Adrian Bankhead, Clerk of the Board