



Board of Directors Meeting

Wednesday, April 20, 2022

5:00pm

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

Dial (for higher quality, dial a number based on your current location): 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 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

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) 906-0491 or cob@ebce.org.

If you have anything that you wish to be distributed to the Board of Directors, 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 two minutes per speaker and must complete an electronic speaker slip. The Board Chair may increase or decrease the time allotted to each speaker.

4. Closed Session

a) Conference with Labor Negotiations pursuant to Government Code 54957.6. (Labor negotiators: Dianne Martinez, Board Chair; Corina Lopez, Executive Committee Chair) (Unrepresented employees)

5. General Counsel Report Out of Closed Session

CONSENT AGENDA

6. Approval of Minutes from March 16, 2022

- 7. AB 361 - Finding for Continued Remote Meetings**
Find that conducting in person meetings of the Board would present imminent risks to attendees' health and authorize the Board to continue meeting via teleconferencing pursuant to Government Code Section 54953(e).
- 8. Contracts entered into (Informational Item)**
- 9. Treasurer's Report (Informational Item)**
Report on cash balances.
- 10. 2021 Supplier Diversity Report Overview (Informational Item)**
Overview of 2021 Supplier Diversity Report to CPUC
- 11. Amendment to CSA with Acterra (Action Item)**
Amend existing CSA with Acterra to correct errors in the CSA and add budget for local procurement of cooktops.

REGULAR AGENDA

- 12. CEO REPORT**
- 13. Community Advisory Committee Report**
- 14. Prepay Follow-on (Action Item)**
Present a follow-on prepay transaction and seek approval to be enabled with consultants to facilitate the transaction.
- 15. Legislative Update (Action Item)**
Update on recommended bill positions and EBCE's bill tracker
- 16. Approval of Default Product Change Requests: Emeryville and Dublin (Action Item)**
Request Board of Director approval for City of Emeryville to default residential (non-CARE) plus commercial customers to R100
- 17. Renewables Procurement (Action Item)**
Adopt a schedule with annual power procurement goals for renewable and Carbon-free electricity purchases as a path to reach zero emission electricity by 2030.
- 18. Board Member and Staff Announcements including requests to place items on future Board Agendas**
- 19. Adjournment to Wednesday, May 18, 2022 at 5:00pm**



Draft Agenda

Board of Directors Meeting

Wednesday, March 16, 2022

5:00 pm

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1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Kumagai (Dublin), Cox (Fremont), Marquez (Hayward), Bonnano (Livermore), Hannon (Newark) (6:05), Kalb (Oakland) (5:30), Cavanaugh (Piedmont), Narum (Pleasanton), Simon (San Leandro), and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County), Harrison (Berkeley), Hernandez (Dublin), Mei (Fremont), Munro (Livermore), McCarthy (Piedmont), Arriola (Tracy), Patino (Union City), and Vice-Chair Lopez (San Leandro)

Director Kumagai served as an Alternate for Director Hernandez (Dublin).

Director Cox served as an Alternate for Director Mei (Fremont).

Director Bonanno served as an Alternate for Director Munro (Livermore).

Director Cavanaugh served as an Alternate for Director McCarthy (Piedmont).

Director Simon served as an Alternate for Vice Chair Lopez (San Leandro).

Director Kalb joined the meeting at 5:30pm.

Director Hannon joined the meeting at 6:05pm.

2. Pledge of Allegiance

3. Public Comment

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

Tom Kelly stated that 25% of Bright Choice’s renewable energy is not carbon-free, which is equivalent of “system power,” but it appears EBCE buys renewable electricity in another state and papers over the system power and calls it renewable, in effect “greenwashing” the renewable content in Bright Choice. Tom Kelly stated PCIA charges have dropped significantly and it is time to adjust rates appropriately to give customers a break.

Vaughn believes long-duration storage will be a really big thing in five or ten years for residential, and necessary for completely decarbonizing the climate. Vaughn stated it is time to look at micro-grids, because it will happen to most of EBCE’s customers.

Jessica Tovar, on behalf of East Bay clean Power Alliance and Local Clean Energy Alliance, asked EBCE Board of Directors and staff for technical assistance in applying for a large grant to fund community-based micro-grids, solar, battery storage, and decarbonization projects. Jessica Tovar also hears from the community regarding the need for air filtration.

Aleta Dupree stated the CAISO website indicates that 400 million kilowatt hours have been curtailed this year to date, so storage and timing is essential. Aleta Dupree asked where are the curtailed kilowatt-hours, are they within easy reach of EBCE, and when can we use them?

Director Kalb joined the meeting at 5:30pm.

CONSENT AGENDA

4. Approval of Minutes from January 19, 2022 and February 16, 2022
5. **AB 361 Finding for Continued Remote Meetings**
Find that conducting in-person meetings of the Board would present imminent risks to attendees’ health and authorize the Board to continue meeting via teleconferencing pursuant to Government Code Section 54953(e).
6. **Contracts entered into (Informational Item)**
7. **Camus Energy Agreement**
Resolution to authorize CEO to negotiate SaaS agreement with Camus Energy.
8. **6th Dimension Contract Amendment**
Amend existing CSA to expand construction management services into design and construction phase.
9. **cQuant Contract Amendment**
Amend existing CSA to add on dedicated server services and increase compensation.

Director Narum motioned to approve the Consent Agenda. Director Marquez seconded the motion, which passed 10/0. Abstained from Item #4: Directors Cavanaugh and Simon. Excused: Directors Valle, Harrison, Hannon, Arriola, and Patino.

REGULAR AGENDA

10. CEO REPORT

- A. Executive Committee Meeting
- B. Finance, Administration and Procurement Subcommittee Meeting
- C. Marketing, Regulatory and Legislative Subcommittee Meeting
- D. Update on Renewable 100 Transition

The Board Discussed:

- The City of Fremont unanimously voted to switch to Renewable 100 on March 15, 2022.
- Keeping EBCE's rates pinned to PG&E's rates.
- Updates/time line on discussion regarding engaging with the City of Stockton.
- The City of Emeryville voted to go 100% to Renewable 100 on March 15, 2022.
- Cycles on which cities can opt-up.
- Categories, distinctions, and sub-accounts of customers.
- The City of Dublin voted to move forward with opting-in its non-residential accounts to Renewable 100 on March 1, 2022.

Tom Kelly stated the Clean Power Alliance in Southern California enables CARE and FERA customers to enroll in 100% Renewable without a rate increase by adding a slight charge to other customers. Tom Kelly wanted to hear more about the reduction in PCIA rates and delinking rates from PG&E's rates, as Central Coast Community Energy has recently done and saved their customers 10-12% over PG&E.

Jim Lutz spoke regarding Consent Item #6, SMUD task order management and call center services related to the disadvantaged communities and asked what it was about, as SMUD is not in any disadvantaged community in EBCE territory.

11. Community Advisory Committee Report

- Chair Eldred reported that CAC met March 14th and approved meeting minutes from October 2021 through February 2022.
- Chair Eldred reported she had received comments regarding stipends and requested to talk to FAP members to give input on CAC members' positions.
- Chair Eldred reported exceptionally robust discussion regarding the Local Development Business Plan at CAC's March 14th meeting, with members staying an hour longer than the two hours allotted to that discussion because it was so productive.

12. Local Development Update (Informational Item)

Staff update on Local Development programs and activities

Aleta Dupree supported induction cooking and stated food cooked with electricity tastes better. Aleta Dupree stated that transportation is important, especially buses and freight, and with the high cost of gas the case is better for electrically-powered vehicles.

Vaughn asked if it is legal to put more solar power on the roofs of low-income people than they actually use? Vaughn asked if strategic natural gas decommissioning could be combined with a strategy of where to put large batteries so the neighborhoods could be micro-grids? Vaughn stated that putting charging locations where where people live means they will

charge their vehicles at night and asked if it would be better to put the charging stations near where people work so their vehicles can charge while they are at work?

Jim Lutz asked if EBCE is exploring any vehicle-to-grid opportunities beyond the medium- to heavy-duty goods movement?

Jessica Tovar, East Bay Clean Power Alliance, stated there are several good programs coming out of the Local Development Business Plan requested to see an evaluation of these programs. Jessica Tovar stated the Community Innovation Grant program should be started back up annually as part of the Local Development Business Plan.

The Board Discussed:

- How electric vehicle chargers, particularly fast chargers, allow people in multi-family residences with no chargers to drive an electric vehicle.
- The effect of fast chargers on nearby businesses.
- Tracking the vehicle charger data to see who is using the charging infrastructure.
- Locations of EBCE DC fast charge hubs.
- Condensing the information in the presentation for the public.
- Low-income communities' perception of electric charging stations as preparing a place for other people to move into and kick them out and possible renter protections.
- Gathering data on the thousands of medium and heavy-duty trucks in the service area, look at where the trucks are going and where they need charging infrastructure.
- The possibility of EBCE revisiting the Community Innovation Grants next year, and EBCE's many grants to dozens of community-based organizations.
- How the supply chain impacts, rising prices, semi-conductor chip shortage, and truck driver shortage might affect EBCE's programs.

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

Director Marquez announced a new Subaru dealership will open in Hayward in a month, and she is on the waitlist to purchase an electric vehicle.

Chair Martinez announced that she had commissioned Korn Fairy to do an executive compensation study to be presented to the Executive Committee as its next meeting and eventually to the Board.

14. Adjournment to Wednesday, April 20, 2022



Consent Item 7

TO: East Bay Community Energy Board of Directors

FROM: Inder Khalsa, General Counsel

SUBJECT: Adoption of Imminent Risks Findings Pursuant to AB 361 and Authorization to Continue Meeting via Teleconferencing

DATE: April 20, 2022

Recommendation

Find that conducting in-person meetings of the Board would present imminent risks to attendees' health and authorize the Board to continue meeting via teleconferencing pursuant to Government Code Section 54953(e).

Background and Discussion

On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency related to COVID-19, pursuant to Government Code Section 8625, which is still in effect. On March 10, 2020, the Alameda County Board of Supervisors ratified the County Health Officer's declaration of a local health emergency due to COVID-19.

The Brown Act allows legislative bodies to meet by "teleconference," but only if the agenda listed the remote location of each member, the agenda was posted at all remote locations, and the public could access any of the remote locations. Additionally, a quorum of the legislative body had to be within the legislative body's jurisdiction. See Government Code Section 54953(b)(3)

Due to the COVID-19 pandemic, the Governor issued Executive Order N-29-20, suspending certain sections of the Brown Act. Pursuant to the Executive Order, legislative bodies no longer needed to list the location of each remote attendee, post agendas at each remote location, or allow the public to access each location. Further, a quorum of the legislative body does not need to be within the legislative body's

jurisdiction. After several extensions, Executive Order N-29-20 expired on September 30, 2021.

On September 16, 2021 Governor Newsom signed AB 361, new legislation that amends the Brown Act to allow local agencies to meet remotely during Governor declared emergencies under certain conditions. AB 361 took effect immediately as an urgency measure, but the Governor subsequently suspended application of the legislation – with limited exceptions – until October 1, 2021. The provisions of AB 361 relevant to local agencies are codified at Government Code Section 54953(e).

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The legislative body must make the required findings every 30 days, until the end of the state of emergency or recommended or required social distancing.

AB 361 also requires legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body, and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 adds new procedures and clarifies the requirements for conducting remote meetings. A legislative body that meets remotely must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time.

Due to the rise in COVID-19 cases caused by the Delta Variant, Alameda County is still impacted by the effects of the COVID-19 emergency. The Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. The CDC also recommends that people who live with unvaccinated people avoid activities that make physical distancing hard.

EBCE's public-meetings are held at indoor facilities not designed to ensure circulation of fresh or outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart. Additionally, holding in-person meetings may encourage community members to come to EBCE facilities to participate in EBCE meetings in-person, and some of them could be at high risk of getting very sick from COVID-19 and/or live with someone who is at high risk. At this point in time, there are few in-person locations available for the EBCE to meet in, since most of the agencies in Alameda County are still holding remote meetings.

In-person meetings could also tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to EBCE Board meetings to participate. Attendees may need to use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households.

For these reasons, staff recommends that the Board adopt findings that, as a result of the state of emergency caused by COVID-19, meeting in person would present imminent risks to the health and safety of attendees.

Staff will continue to monitor the situation and will return to the Board every 30 days or as needed with additional recommendations related to the conduct of public meetings.

Attachments

- Proclamation of Governor Newsom of a State of Emergency due to COVID-19
- Resolution No. R-2020-91 of the Alameda County Board of Supervisors Ratifying the Declaration of a Local Health Emergency due to COVID-19

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

PROCLAMATION OF A STATE OF EMERGENCY

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 the State of California has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS the California Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS as of March 4, 2020, across the globe, there are more than 94,000 confirmed cases of COVID-19, tragically resulting in more than 3,000 deaths worldwide; and

WHEREAS as of March 4, 2020, there are 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties are in home monitoring based on possible travel-based exposure to the virus, and officials expect the number of cases in California, the United States, and worldwide to increase; and

WHEREAS for more than a decade California has had a robust pandemic influenza plan, supported local governments in the development of local plans, and required that state and local plans be regularly updated and exercised; and

WHEREAS California has a strong federal, state and local public health and health care delivery system that has effectively responded to prior events including the H1N1 influenza virus in 2009, and most recently Ebola; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in California, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of California, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS personal protective equipment (PPE) is not necessary for use by the general population but appropriate PPE is one of the most effective ways to preserve and protect California's healthcare workforce at this critical time and to prevent the spread of COVID-19 broadly; and

WHEREAS state and local health departments must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS I find that conditions of Government Code section 8558(b), relating to the declaration of a State of Emergency, have been met; and

WHEREAS I find that the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid region or regions to appropriately respond; and

WHEREAS under the provisions of Government Code section 8625(c), I find that local authority is inadequate to cope with the threat posed by COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

IT IS HEREBY ORDERED THAT:

1. In preparing for and responding to COVID-19, all agencies of the state government use and employ state personnel, equipment, and facilities or perform any and all activities consistent with the direction of the Office of Emergency Services and the State Emergency Plan, as well as the California Department of Public Health and the Emergency Medical Services Authority. Also, all residents are to heed the advice of emergency officials with regard to this emergency in order to protect their safety.
2. As necessary to assist local governments and for the protection of public health, state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of COVID-19.
3. Any out-of-state personnel, including, but not limited to, medical personnel, entering California to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in Government Code section 179.5, with respect to licensing and certification. Permission for any such individual rendering service is subject to the approval of the Director of the Emergency Medical Services Authority for medical personnel and the Director of the Office of Emergency Services for non-medical personnel and shall be in effect for a period of time not to exceed the duration of this emergency.
4. The time limitation set forth in Penal Code section 396, subdivision (b), prohibiting price gouging in time of emergency is hereby waived as it relates to emergency supplies and medical supplies. These price gouging protections shall be in effect through September 4, 2020.
5. Any state-owned properties that the Office of Emergency Services determines are suitable for use to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services for this purpose, notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.
6. Any fairgrounds that the Office of Emergency Services determines are suitable to assist in preparing for, responding to, mitigating the effects of, or recovering from COVID-19 shall be made available to the Office of Emergency Services pursuant to the Emergency Services Act, Government Code section 8589. The Office of Emergency Services shall notify the fairgrounds of the intended use and can immediately use the fairgrounds without the fairground board of directors' approval, and

notwithstanding any state or local law that would restrict, delay, or otherwise inhibit such use.

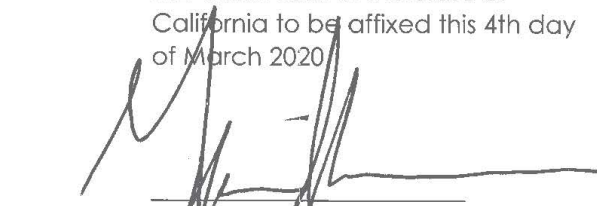
7. The 30-day time period in Health and Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local health emergency.
8. The 60-day time period in Government Code section 8630, within which local government authorities must renew a local emergency, is hereby waived for the duration of this statewide emergency. Any local emergency proclaimed will remain in effect until each local governing authority terminates its respective local emergency.
9. The Office of Emergency Services shall provide assistance to local governments that have demonstrated extraordinary or disproportionate impacts from COVID-19, if appropriate and necessary, under the authority of the California Disaster Assistance Act, Government Code section 8680 et seq., and California Code of Regulations, Title 19, section 2900 et seq.
10. To ensure hospitals and other health facilities are able to adequately treat patients legally isolated as a result of COVID-19, the Director of the California Department of Public Health may waive any of the licensing requirements of Chapter 2 of Division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to treat legally isolated patients while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with the facility's required disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
11. To support consistent practices across California, state departments, in coordination with the Office of Emergency Services, shall provide updated and specific guidance relating to preventing and mitigating COVID-19 to schools, employers, employees, first responders and community care facilities by no later than March 10, 2020.
12. To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care. The

notification requirement of Civil Code section 1798.24, subdivision (i), is suspended.

13. Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority. In order to carry out this order, to the extent that the provisions of Health and Safety Code sections 1797.52 and 1797.218 may prohibit EMT-P licensees from transporting patients to facilities other than acute care hospitals, those statutes are hereby suspended until the termination of this State of Emergency.
14. The Department of Social Services may, to the extent the Department deems necessary to respond to the threat of COVID-19, waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.

I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 4th day of March 2020



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



AGENDA _____ March 10, 2020

OFFICE OF THE AGENCY DIRECTOR

1000 San Leandro Boulevard, Suite 300
San Leandro, CA 94577
TEL (510) 618-3452
FAX (510) 351-1367

March 6, 2020

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: ADOPT A RESOLUTION RATIFYING THE DECLARATION OF A LOCAL HEALTH EMERGENCY BY THE COUNTY HEALTH OFFICER RELATED TO THE 2019 NOVEL CORONAVIRUS

Dear Board Members:

RECOMMENDATION

Adopt a Resolution ratifying the Declaration of a Local Health Emergency by the County Health Officer related to the 2019 Novel Coronavirus

DISCUSSION/SUMMARY

In December 2019, an outbreak of a respiratory illness due to a novel coronavirus (a disease known as 2019 Novel Coronavirus or COVID-19) was first identified in Wuhan City, Hubei Province, China. Since then, the outbreak has spread to more than 75 countries, including the United States. As of March 5, 14 California counties have had at least one citizen infected with the virus. The County of Alameda is among those counties, as are several Bay Area counties including Contra Costa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

The United States Centers for Disease Control and Prevention (CDC) considers COVID-19 to present a very serious threat to public health. On January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the United States. On January 31, 2020, the Secretary of the US Department of Health and Human Services declared a public health emergency in the United States.

As of March 6, 2020, the CDC has identified 164 confirmed cases of COVID-19 infection, across 19 states, including 45 in California. The number of reported cases has escalated dramatically, with more than 94,000 confirmed cases and more than 3,300 deaths worldwide.

On March 1, 2020, the California Department of Public Health confirmed that an Oakland resident had become infected with COVID-19 after providing healthcare to the Solano County COVID-19 patient. Two days later, an individual in Berkeley also tested positive for COVID-19 Infection.

The Honorable Board of Supervisors

March 6, 2020

Page 2 of 2

California Health and Safety Code section 101080 allows a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, "whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent." On March 1, 2020, Alameda County Interim Health Officer Erica Pan, MD, MPH, FAAP declared a local health emergency. Dr. Pan found that with "multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda." Dr. Pan renewed this declaration of emergency on March 5, 2020.

The declaration of a local health emergency provides the following benefits: it allows other jurisdictions and state agencies to provide mutual aid; it allows the extraordinary costs of providing mutual aid to be a legal charge against the state; and it provides immunity to healthcare providers who render aid during the emergency. The declaration also provides the local Health Officer with the authority to exercise the full range of her power to protect the community's public health, which includes issuance and enforcement of orders for quarantine and isolation.

Under section 101080, your Board is required to ratify the Health Officer's declaration of emergency. Ordinarily, your Board would need to renew this ratification every thirty (30) days; however, on March 4, 2020, California Governor Gavin Newsom issued a Proclamation of a State of Emergency relating to the COVID-19 outbreak that included a waiver of the renewal requirement: "The 30-day time period in Health & Safety Code section 101080, within which a local governing authority must renew a local health emergency, is hereby waived for the duration of this statewide emergency. Any such local health emergency will remain in effect until each local governing authority terminates its respective local emergency." The Governor similarly waived the renewal requirement for a declaration of local emergency.

VISION 2026 GOAL

This Resolution meets the 10X goal pathway of **Healthcare for All** in support of our shared visions of **Safe and Livable Communities**, **Thriving and Resilient Population**, and **Healthy Environment**.

Sincerely,

DocuSigned by:

CB284AE84C50405...

Colleen Chawla, Director
Health Care Services Agency

RESOLUTION NUMBER R-2020- 91

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA RATIFYING THE DECLARATION OF LOCAL HEALTH EMERGENCY BY THE COUNTY HEALTH OFFICER RELATED TO THE 2019 NOVEL CORONAVIRUS

WHEREAS, California Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biological agent, toxin, or radioactive agent; and

WHEREAS, on March 1, 2020 and again on March 5, 2020, the County's Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a novel coronavirus (named COVID-19) in the County of Alameda; and

WHEREAS, under Health and Safety Code section 101080, the local health emergency shall not remain in effect for more than seven (7) days unless ratified by the Board of Supervisors; and

WHEREAS, the Board of Supervisors hereby finds that there continues to exist an imminent and proximate threat to public health from the introduction of COVID-19 in the County for reasons set forth in the declaration of local health emergency by the County's Health Officer, dated March 5, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Alameda as follows:

Section 1 – The local health emergency declared by the County's Health Officer on March 5, 2020 is hereby ratified. Under authority granted by California Governor Gavin Newsom in a Proclamation of a State of Emergency issued on March 4, 2020, this declaration of local emergency shall remain in effect until the Board of Supervisors determines that the emergency condition no longer exists.

Section 2 – The Board of Supervisors hereby delegates to the County's Health Officer authority to terminate the local health emergency, pursuant to Health & Safety Code section 101080 "at the earliest possible date that conditions warrant the termination."

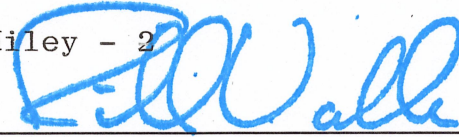
Section 3 – All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety, and welfare of County citizens and property, including requesting mutual aid to the extent such aid is necessary.

The foregoing Resolution was passed and adopted by the Board of Supervisors of the County of Alameda, State of California, at a regular meeting of the Board on the 10 day of March, 2020 by the following vote:

AYES: Supervisors Carson, Haggerty and President Valle - 3

NOES: None

EXCUSED: Supervisors Chan and Miley - 2

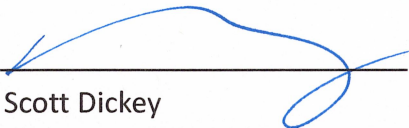


Richard Valle, President of the Board of Supervisors

ATTEST:
Clerk of the Board of Supervisors,
County of Alameda, State of California

By: 
Deputy

APPROVED AS TO FORM:
Donna R. Ziegler, County Counsel

By: 
K. Scott Dickey
Assistant County Counsel

DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent;

WHEREAS, COVID-19 is a contagious, infectious, or communicable disease;

WHEREAS, the Secretary of the United States Department of Health and Human Services declared a public health emergency on January 31, 2020, for the United States;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, the first confirmed case of COVID-19 has now been identified in the County of Alameda;

WHEREAS, the Governor Gavin Newsom issued a Proclamation of a State of Emergency on March 4, 2020 for California;

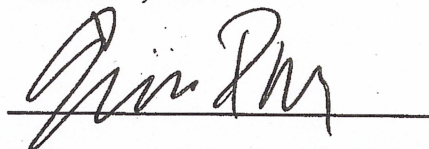
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda;

WHEREAS, based on the foregoing, the Health Officer of Alameda County does hereby find that there is an imminent and proximate threat of the introduction and spread of COVID-19 in the County of Alameda and a threat to the public health of the residents of the County of Alameda;

THEREFORE, the County Health Officer hereby declares a renewal of a local health emergency originally declared on March 1st, 2020 throughout the County of Alameda;

IT IS SO DECLARED, on this date: March 5th, 2020.

BY:



Name: Dr. Erica Pan

Title: Interim Health Officer

Public Health Department, County of Alameda

DECLARATION OF A LOCAL HEALTH EMERGENCY

WHEREAS, Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent;

WHEREAS, COVID-19 is a contagious, infectious, or communicable disease;

WHEREAS, the Secretary of the United States Department of Health and Human Services declared a public health emergency on January 31, 2020, for the United States;

WHEREAS, the Centers for Disease Control and Prevention announced on February 25, 2020, that community spread of COVID-19 is likely to occur in the United States;

WHEREAS, the first confirmed case of COVID-19 has now been identified in the County of Alameda;

WHEREAS, the Governor Gavin Newsom issued a Proclamation of a State of Emergency on March 4, 2020 for California;

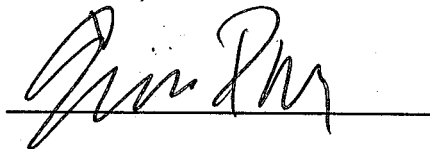
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive patients and community spread in the County of Alameda;

WHEREAS, based on the foregoing, the Health Officer of Alameda County does hereby find that there is an imminent and proximate threat of the introduction and spread of COVID-19 in the County of Alameda and a threat to the public health of the residents of the County of Alameda;

THEREFORE, the County Health Officer hereby declares a renewal of a local health emergency originally declared on March 1st, 2020 throughout the County of Alameda;

IT IS SO DECLARED, on this date: March 5th, 2020.

BY:



Name: Dr. Erica Pan

Title: Interim Health Officer

Public Health Department, County of Alameda



Consent Item 8

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, Chief Executive Officer

SUBJECT: Contracts Entered Into

DATE: March 16, 2022

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy. **Items executed between March 9, 2022 and April 14, 2022;**

C-2022-016 Stone Publishing dba Almaden (Santa Clara) Consulting Services Agreement for the purchase of matched demographic data to aid in Local Programs for an amount not to exceed \$42,000 through June 30, 2022.

C-2022-017 Langan Engineering and Environmental Services (Oakland) Consulting Services Agreement for technical environmental services through December 31, 2024, for an amount not to exceed \$250,000.

C-2022-018 Amerilist (Orangeburg, NY) Data Processing Insertion Order for the purchase of matched demographic data to aid in Local Programs for an amount not to exceed \$11,542.30 through June 30, 2022.

C-2022-019 BlocPower (Brooklyn, NY) Agreement for Services (Incentive Agreement) provides for \$400,000 in grants to support electrification and clean energy updates on low to moderate income homes in EBE's service area

C-2022-020 BlocPower (Brooklyn, NY) Loan Agreement provides for a \$1 million investment at the junior capital position to support electrification and clean energy updates on low to moderate income homes in EBE's service area

C-2022-021 Abbott, Stringham & Lynch (Campbell, CA) Consulting Services Agreement for the audit of EBCE's internal data privacy and security practices for an amount not to exceed \$18,000 through December 31, 2022.

C-2022-022 Camus Energy (San Francisco) Master Agreement Software as a Service, Consultant will configure and EBCE will subscribe to a software as service data platform for the geo-visualization of EBCE Data for an amount not to exceed \$170,000 for a 3 year term.

C-2022-023 Camus Energy (San Francisco) Camus Order Form, Consultant will configure and EBCE will subscribe to a software as service data platform for the geo-visualization of EBCE Data.

C-2022-024 SMUD Amendment 6 to Exhibit A, Task Order 2, covers the second tranche of development work to support DAC-GT at a cost of \$14,952, plus a monthly, on-going fee of \$2,600 for management. The ongoing management work is different from enrollment, which will appear in another amendment.

C-2022-025 SMUD Amendment 8 to Exhibit A, Task Order 2, covers the a revision to the Aging Report to support various financial policies at a cost of \$1,000 per year deducted from the Annual Change Order Budget

C-2022-026 Alan Comnes dba New Energy Works Consulting (Portland, OR) Consulting Services Agreement for power procurement technical services through June 30, 2023, for an amount not to exceed \$50,000.

C-2022-027 Center for Empowering Refugees and Immigrants (Oakland) 2022 Community Outreach Grant Agreement awarded in the amount of \$30,000 to outreach to support the enrollment of 175-300 residents in the AMP program and up to 75 residents in the CARE and FERA programs.

C-2022-028 Vietnamese American Community Center of the East Bay (Oakland) 2022 Community Outreach Grant Agreement awarded in the amount of \$30,000 to support outreach via the mobile meal program and to enroll up to 300 residents in the AMP program.

C-2202-029 Transport Software Solutions (GeoStamp) (Huntington Beach, CA) Consulting Services Agreement for transportations data in EBCE's service territory through July 30, 2022, for an amount not to exceed \$100,000.



Staff Report Item 9

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer & Treasurer
SUBJECT: Treasurer’s Report (Informational Item)
DATE: April 20, 2022

Recommendation

Receive report on EBCE’s cash position.

Background and Discussion

For quarter ending March 31, 2022, 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 3/31/2022

Account	Amount
Internal Operating	\$ 1,902,535
Operating Fund	\$ 65,452,040
Lockbox (Includes \$2,000,000 reserve)	\$ 11,966,793
Operating Reserve Fund	\$ 41,119,754
Money Market	\$ 1,006,734
Insured Cash Sweep	\$ 21,320,908
Total	\$ 142,768,764

Cash Received by Month into Lockbox Account

January	2022	\$ 37,856,512
February	2022	\$ 38,354,848
March	2022	\$ 37,003,734
Total		\$113,215,094

Outstanding Loan Balances:

Barclays Credit Facility: \$0.00

Customer Arrearages:

As of March 31, 2022

30 - 60 Days: \$ 4,236,901

60 - 90 Days: \$ 2,911,736

90 - 120 Days: \$ 2,176,427

120+ Days: \$ 19,302,382



Consent Item 10

TO: East Bay Community Energy Board of Directors

FROM: Joseph Sit, Finance & Operations Associate

SUBJECT: Supplier Diversity Overview & 2021 Report (Informational)

DATE: April 20, 2022

Recommendation

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

Background

The purpose of CPUC General Order 156 (GO 156), originally adopted in April 1988, is to promote and increase contracting opportunities for diverse suppliers with California utilities. GO 156 defines the Utility Supplier Diversity Program, its definitions, objectives, and reporting requirements. GO 156 requires utilities to "submit annual detailed and verifiable plans for increasing women-owned, minority-owned, disabled veteran-owned, and LGBT-owned business enterprises' (WMDVLGBTBEs) procurement in all categories." Until the 2020 reporting year, utilities with gross annual revenues exceeding \$25,000,000 were the only ones required to report. Now, pursuant to California Senate Bill 255 (2019, Bradford), Community Choice Aggregators (CCAs) are explicitly required to report to the California Public Utilities Commission on their procurements with certified diverse suppliers. The 2021 Annual Report and 2022 Annual Plan filing was due and submitted to the CPUC on March 1, 2022.

Analysis & Discussion

Prop 209

As a California local government entity bound by California Prop 209 (1996), EBCE is prohibited from considering race, sex, color, ethnicity, or national origin in its contracting. Accordingly, and in contrast to California's electrical corporations, EBCE does not consider Supplier Clearinghouse certification status, nor eligibility, in procurement decisions of any kind, nor does EBCE set supplier diversity targets or goals.

To comply with GO 156 and promote the statewide Supplier Diversity program, EBCE approaches our Supplier Diversity activities in an innovative way that drives the program forward, while staying within the legal bounds that constrain CCAs from setting targets and expressing preference for diverse suppliers. Staff engaged with numerous other CCAs in preparation for the report to ensure alignment on reporting requirements and narrative language surrounding the Prop 209 limitations. Staff also discussed opportunities to collaborate with other CCAs on programmatic outreach and education efforts on GO 156.

Local Procurement

EBCE holds a strong commitment to investing directly in our service territory to the greatest degree possible. This takes the form of maximizing our direct purchasing from companies and organizations based in Alameda County and/or the City of Tracy, as well as through deploying clean energy assets and customer programs that create local jobs and provide economic benefit to our customers. These are the types of actions CCAs can directly take relative to GO 156 objectives and were highlighted in EBCE's report.

2021 Results

In calendar year 2021, EBCE made procurements from seven certified suppliers for a total of \$390,057, a 28% increase from 2020. In a change from the 2020 CPUC reporting requirements, annual Net Procurement¹ no longer includes power procurement. As power procurement amounts to >95% of EBCE's annual spend, this reporting change shows a much more relevant view of our diverse supplier spend within our Net Procurement. EBCE's total procurement with certified vendors captures spend with small and local business services within our community and bespoke technical consulting services. These services supported our innovative, new clean energy programs and power portfolio management. Their certification status is coincidental and is realized after contracting. All seven certified vendors supported in 2021 are California-based businesses. One is based in EBCE's service territory, an additional five are in other Bay Area counties, and the final vendor is in Orange County.

¹ Net Procurement number as defined by the CPUC GO 156 table templates (i.e. includes purchase order, non-purchase order, and credit card dollars) and CPUC guidance not to include staff salaries and benefits. Net Procurement also excludes all power procurement spend, which is reported on in the Power Procurement Annual Report section of the Supplier Diversity 2021 Annual Report.

2022 Plan and Next Steps

EBCE's 2022 Annual Plan highlights continued commitment to local procurement, grants and sponsorships, and workforce development, as well as details expanded supplier outreach and education efforts. EBCE's report will be made public on the CPUC Utility Supplier Diversity Program website (<https://www.cpuc.ca.gov/supplierdiversity/>) for full details.

Financial Impact

There is no financial impact associated with this item.

Attachments

- A. Supplier Diversity Overview & 2021 Report to CPUC Presentation

APRIL 20, 2022

Supplier Diversity Overview & 2021 Report to CPUC



Overview of General Order 156 (GO 156)

CPUC Utility Supplier Diversity Program

- **History:** compliance requirement, first adopted April 1988
- **Purpose:** increasing procurements *by* utilities, *from* diverse suppliers in all categories
- **Diverse Suppliers:** woman, minority, disabled veteran, and/or LGBT-owned business entities (WMDVLGBTBEs) that are certified in the Supplier Clearinghouse
- **Requirement:**
 - Backward-looking annual report regarding procurement from WMDVLGBTBEs
 - Forward-looking annual plan to achieve program purpose

Expanding to CCAs

- **History:** CA SB 255 (2019) expands GO 156 to additional entities, including explicitly to CCAs
- **Purpose:** CCAs to “increas[e] procurement from small, local, and diverse business enterprises”
- **Requirement:** Same reporting requirement, some sections not applicable to CCAs

What is Prop 209?

- Prop 209 (1996) prohibits California public agencies and institutions from considering race, sex, color, ethnicity, or national origin in selections for contracting, employment, or education.

Influence on GO 156 Reporting Sections

- Multiple sections of the Annual Report and Annual Plan are not applicable to CCAs as they pertain to diverse spend targets and goal-setting.

Influence on EBCE Supplier Diversity Efforts and Reporting

- Certified Supplier spend is a small portion of our annual net procurement. However, it's important to note that due to a CPUC reporting change, net procurement increased from less than 0.5% to nearly 7%.
- Supplier certification status is coincidental and realized by EBCE after contracting.

Convening and Aligning with CCAs

- CalCCA Compliance Committee formed informal ad hoc working group to ensure alignment across CCAs on GO 156 reporting requirements
- Opportunities for multi-CCA collaboration for GO 156 outreach, education efforts

2021 Supplier Diversity Report

Attachment Consent Item 10A

2021 WMDVLGBTBE Spend

- 7 certified suppliers
- \$390k



**LAW OFFICES OF
JOSEPH F. WIEDMAN**

2021 Program Activities

- Board of Directors engagement
- CCA Collaboration
- Solicitation Language
- Local Purchasing
- Labor & Workforce Development
- Community Grants & Scholarships
- Supplier Diversity Questionnaire
- Certification Support to Small and Diverse Businesses

Local Purchasing

Utilizing Alameda County Small, Local, Emerging Business (“SLEB”) Directory to procure goods, services from small, local businesses.

Community Grants & Sponsorships

Investment in Community Innovation Grants, local sponsorships.

Labor & Workforce Development

In addition to local and Union labor requirements, continue growing local partnerships for workforce development and job creation opportunities.

CCA Collaboration & Diversified Outreach

Outreach and education efforts to our supplier ecosystems re: GO 156 and Supplier Clearinghouse certification. Plan to participate in MCE’s 2021 “Certify & Amplify” workshop.

Data Capture and Improved Processes

NEW: Identified opportunities to improve internal processes and data capture to make future reports even more thorough and robust.

Solicitations

NEW: Continue to provide standard information on GO 156 in all solicitations, but solicitations also now include procurement preferences for DVBEs and businesses located in DACs

Questions?

Attachment Consent Item 10A



Consent Item 11

TO: East Bay Community Energy Board of Directors

FROM: Eryn Kim, Energy Fellow & Beckie Menten, Program Manager, Building Electrification and Energy Efficiency

SUBJECT: First Amendment to Consulting Services Agreement with Acterra for the Administration of the Induction Cooktop Lending Program

DATE: April 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a First Amendment to the Consulting Services Agreement between EBCE and Acterra to administer an induction cooktop lending program (ICLP) for EBCE's residential customers, to extend the term, increase the compensation amount by \$6,375 for a total amount not to exceed \$141,375, correct clerical errors, and to update the Scope of Work.

Background and Discussion

Acterra was selected as EBCE's 3rd party induction cooktop lending program vendor, through a competitive selection process. Acterra was selected for the following reasons: close alignment of Acterra's proposal to EBCE's organizational goals; Acterra's expertise, network, and reach that will allow EBCE to expand its marketing, education, and outreach objectives; and a clear, detailed outline—both breadth and depth—in response to the instructions as stated in the Request for Proposal. In December of 2021, the EBCE Board of Directors approved a Resolution authorizing EBCE's CEO to negotiate and execute a Consulting Services Agreement with Acterra to administer the ICLP. The Agreement was finalized and executed December 23, 2021.

The proposed First Amendment to the CSA with Acterra will correct for clerical errors, extend the term, update the Scope of Work, and increase the compensation amount to account for an increased cost in procurement of induction hobs. EBCE staff worked

with Acterra to identify a local procurement option for the induction hobs, ensuring that EBCE funds will continue to support local businesses. However, the hobs found locally cost \$85 more per unit than Acterra's existing procurement source; thus, EBCE staff seek to increase the not to exceed amount of this agreement by \$6,375 to account for the additional cost due to local procurement.

Fiscal Impact

All program costs will be funded through budgets already authorized for this fiscal year.

Attachment

1. Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute a First Amendment to the Consulting Services Agreement with Acterra.

RESOLUTION NO. R-2022-XX ____

A RESOLUTION OF THE BOARD OF DIRECTORS

OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO NEGOTIATE AND EXECUTE A FIRST AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH ACTERRA TO ADMINISTER AN INDUCTION COOKTOP LENDING PROGRAM

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, Acterra was selected through a competitive selection process among the submissions received in response to a Request for Proposal, as the most qualified vendor to administer EBCE’s induction cooktop lending program.

WHEREAS, in December 2021 the CEO executed Consulting Services Agreement with Acterra to administer an induction cooktop lending program for an amount not to exceed \$135,000.

WHEREAS, The cost of procurement for induction hobs increased from the original proposal based on direction from EBCE staff to identify a local business from which to procure the hobs, requiring an increase in the compensation.

WHEREAS, EBCE staff desires to extend the termination date to March 31, 2023, update the Scope of Work, and correct clerical errors.

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 First Amendment to the Consulting Services Agreement with Acterra to administer an induction cooktop lending program for EBCE’s residential customers, to amend the termination date to March 31, 2023, correct clerical errors, update the Scope of Work, and to increase the total compensation by \$6,375, for a total amount not to exceed \$141,375.

ADOPTED AND APPROVED this 20th day of April 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



CEO Report Item 12

TO: East Bay Community Energy Board of Directors

FROM: Nick Chaset, Chief Executive Officer

SUBJECT: CEO Report (Informational Item)

DATE: April 20, 2022

Recommendation

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

Executive Committee Meeting

An Executive Committee Meeting was held on Friday, March 25 at 12 pm. Members reviewed a potential second energy prepay transaction. The next meeting is scheduled for Friday, April 29, 2022 at 12 pm.

Finance, Administration and Procurement Subcommittee Meeting

The March 11, 2022 meeting for the Finance, Administration and Procurement Subcommittee was re-scheduled for Friday, April 15, 2022. At the April 15 meeting, members received an overview of the PPA permitting process and reviewed a potential second energy prepay transaction. Members also received feedback in consideration of an increase in Board and CAC stipends. The next meeting is scheduled for Friday, June 10, 2022 at 10 am.

Marketing Regulatory and Legislative Subcommittee Meeting

The Marketing, Regulatory and Legislative subcommittee met on April 1, 2022. Members received updates on regulatory and legislative efforts, as well as proposals on a brand refresh and changes to the public comment process associated with rate setting. The next meeting is scheduled for Wednesday, June 1, 2022 at 12 pm.

Update on Renewable 100 product transitions

The Renewable 100 product transition for most residential customers in Berkeley and San Leandro was completed in March. Below are the enrollment statistics from these two cities, as well as the cities which went through this transition in January 2022. The percentages of customers opting to return to PG&E service remain low.

Current as of 4/12/22			Change from November 2021		
Jurisdiction	Total Eligible	Total % Opt Out	Total % Move to/ Stay on BC	% Opt Out	% Move to/ Stay on BC
Albany	7,389	3.05%	12.22%	0.25%	11.10%
Dublin	27,641	5.35%	3.85%	0.51%	3.84%
Hayward	58,100	6.51%	11.03%	0.34%	10.17%
Pleasanton	32,084	5.31%	5.55%	1.09%	4.81%
San Leandro	35,827	6.63%	1.94%	0.31%	1.93%
Berkeley	55,104	2.67%	2.42%	0.20%	2.40%
All EBCE	675,194	5.62%	2.26%	0.27%	2.11%

Update on inclusion of Stockton and San Joaquin County

City of Stockton:

EBCE staff have been in touch with Stockton’s City staff since January 2021 and have been holding monthly check-ins with City staff since December 2021. City staff authorized EBCE to review Stockton’s citywide load data and conduct an analysis regarding the City’s potential membership within EBCE’s Joint Powers Authority (JPA) and service area. EBCE staff provided [an update regarding the inclusion of new communities](#) (i.e., Stockton) at the February 16, 2022, Board meeting.

EBCE staff is currently conducting Stockton’s EBCE membership analysis, despite ongoing delays in receiving complete load data from PG&E. Pending a favorable analysis, the soonest Stockton’s City Council could consider a vote on prospective EBCE membership would be May 2022; As discussed at the February EBCE Board meeting, serving the City of Stockton would increase EBCE’s overall annual load by approximately 22.6% and the number of accounts served by approximately 14%.

Other San Joaquin jurisdictions

Unincorporated San Joaquin County - EBCE staff have been in touch with County officials since May of 2021. At that time, the County wanted to observe the progress of the City of Tracy before taking further action. EBCE and County officials are now resuming communications.

City of Manteca - Last month, EBCE staff met with City officials at their invitation. The City expressed its interest in public power generally, but is currently prioritizing [the possibility of municipalization](#) through the South San Joaquin Irrigation District (SSJID).

City of Lathrop - Aside from one housing development that is served by an irrigation district, Lathrop is eligible for CCA service. To date, there has been no communications with the City by EBCE staff.

Cities of Escalon, Lodi, and Ripon - All three incorporated jurisdictions are currently served by municipal utilities (e.g. Modesto Irrigation District; Lodi Electric Utility) and/or are planning to do so.



Staff Report Item 14

TO: East Bay Community Energy Board of Directors

FROM: Howard Chang, Chief Operating Officer

SUBJECT: Prepay Overview and Approval of Counsel, Financial Advisor, and Rating Agency (Action Item)

DATE: April 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute Agreements with the following firms for legal representation, financial advisory services, and rating agency services on EBCE's second energy prepayment transaction. The expected total costs are \$975,000 and we are requesting authorization for up to \$1,125,000 for the four Agreements, which includes an additional \$150,000 for contingency that could be used to increase the cost(s) for one or more of the Agreements above the amounts listed below.

- A. Orrick, Herrington & Sutcliffe - Bond Counsel and Tax Counsel for a total amount of \$300,000
- B. Chapman & Cutler LLP - Disclosure Counsel, Issuer's Counsel, and to prepare the Official Statement for a total amount of \$200,000
- C. PFM Financial Advisors LLC & PFM Swap Advisors LLC – Financial Advisor for a total amount of \$200,000
- D. Moody's Investor Service Inc - Credit rating of the prepay bond transaction for a total amount of \$275,000

Background and Discussion

EBCE is preparing to execute a second energy prepay transaction in light of favorable market conditions. EBCE has a sizeable energy procurement portfolio needed to serve our load and expects to execute multiple prepay transactions over the next several years to realize procurement savings by utilizing its tax-exempt status. Staff is seeking to get enabled with the set of legal counsel, advisors, and other counterparties to replicate the initial transaction as efficiently as possible. EBCE plans to have documentation prepared in the May timeframe and seek board approval to move forward and go to market soon after. Depending on market conditions, EBCE could close on a transaction in the June to July timeframe.

Previous Energy Prepay Transaction:

EBCE and Silicon Valley Clean Energy (SVCE) jointly executed the first energy prepay transaction by a CCA on September 23, 2021, with a notional size of \$1.48BN. EBCE has 59MW around the clock that is assigned into the Prepay transaction and currently generates approximately \$2MM in annual savings to EBCE.

For this transaction, EBCE and SVCE jointly performed due diligence and negotiated the initial transaction over a 1.5yr period and issued a number of solicitations to select a number of counterparties and advisors. Included was a solicitation in November 2019 to identify potential Prepay Suppliers, through which Morgan Stanley (MS) was shortlisted and selected. MS is one of a small number of large financial institutions that is experienced in executing on the bond underwriting and prepay structuring aspects of this transaction.

The CCAs jointly issued a solicitation in June 2020, for the counsel roles, through which Orrick, Herrington & Sutcliffe and Chapman & Cutler LLP were selected. Both firms have significant experience representing parties on prepay transactions since the market inception in the 1990s, and both firms are industry leaders in serving the roles for which they've been selected.

The CCAs also jointly issued a solicitation in September 2020, to identify 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 Swap Advisors LLC (PFM).

Moody's Investor Service Inc. was selected due to their unique experience in rating prepayment type transactions and alternative rating agencies are not suitable to complete such work.

Prepay Parties:

The prepay transaction requires the selection and involvement of multiple parties. Names and functions are as follows:

Prepay Buyer: East Bay Community Energy

- Role: Provide energy contracts to flow through prepay

Prepay Seller: Morgan Stanley

- Role: Structure transaction and pay contract price to PPA provider
- *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.*

Municipal Advisor: PFM

- Role: Advise Prepay Buyer in negotiations; required by Municipal Securities Rulemaking Board (MSRB)

Bond Counsel: Orrick, Herrington & Sutcliffe

- Role: Represent bondholders

Tax Counsel: Orrick, Herrington & Sutcliffe

- Role: Provide tax opinion on transaction

Issuer's Counsel (also known as Prepay Counsel or Prepaid Counsel): Chapman & Cutler LLP

- Role: Represent issuer's interests, supporting drafting and negotiating terms of prepay agreement and associated energy supply agreements

Disclosure Counsel: Chapman & Cutler LLP

- Role: Prepare Official Statement / Prospectus

Bond Issuer: CCCFA

- Role: Issue municipal bonds for prepay

Timeline:

With this approval, staff will begin prepay structuring and document negotiations with Morgan Stanley. Draft documents should be prepared for a deal execution in the May timeframe.

Prepay Structure Overview:

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. Utilizing the municipal bond market, a tax-exempt Load Serving Entity (LSE, also called "Prepay Buyer") and a taxable financial counterparty (bank, called "Prepay Supplier") enter into a 30-year agreement through which the LSE assigns existing power supply contracts to the Prepay Supplier. The Prepay Supplier pays the contract price to the PPA provider, while the LSE pays the Prepay Supplier at a discounted rate. The discounted rate is agreed upon in the prepay documents for the initial term of the bond and is based in part on the spread between the taxable and tax-exempt bond interest rates. The market availability of this interest rate spread is critical to the savings opportunity available to an LSE through a prepay. At future bond repricing periods, this discount rate will be reset.

Tax-exempt bonds are issued by a third-party conduit to raise funds for the prepay transaction, which flow to the Prepay Supplier. The LSE does a limited assignment of the PPA to the Prepay Supplier. The LSE is required to continue to perform under the contract, while maintaining rights to the electricity and attributes under the PPA. The Prepay Supplier utilizes the bond funds and provides a discount on the PPA to the LSE based on the spread between the taxable and tax-exempt rates. The discount is estimated at 8-12% but is subject to change based on market conditions.

The total combined present notional value of the assigned contracts flowing through the prepay over the 30 years is anticipated to be in the range of \$500MM-1BN; these contracts can be long-term renewables PPAs or short-term commodity supply contracts. While the contracts are assigned to the Prepay Supplier, the LSE continues to ultimately take and pay for all the energy and attributes delivered through the contract; all other terms of the PPA remain unchanged. If the prepay program terminates early for any reason - either the Prepay Supplier or the LSE fail to perform - the LSE forgoes future savings and the assigned PPA is put back completely to the LSE.

Two key features of the municipal bonds utilized in a prepay greatly reduce risk to the LSE. First, the bonds are non-recourse to the LSE, meaning they are neither secured nor guaranteed by the LSE and EBCE will at no point be responsible for repaying the bonds. Secondly, prepays are off balance sheet for the LSE as the bonds are issued by a third-party conduit.

Ultimately, prepays are employed to save ratepayers money while maintaining both (a) the economics for the PPA provider and (b) the terms of the energy supply contract. They have

been used for natural gas transactions in the US since the early 1990s, with over 90 transactions completed nationwide (\$50+ Billion) and 11 transactions completed in California (\$5.7 Billion). The same tax law¹ and similar transaction structure that enables the natural gas prepays enables the program for electricity, and specifically renewables contracts, creating an opportunity for CCAs to provide renewable energy at a lower cost than the IOU competition.

Financial Impacts

The financial impacts of this item pertain only to the counsel, financial advisor, and Moody's fees outlined below. 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 fee structure, which is subject to further negotiation. In all cases, the total counsel, financial advisor, and rating agency fees total an amount not to exceed \$1,125,000, which reflects the estimated total of \$975,000 and \$150,000 of contingency.

- Bond and Tax Counsel: \$300,000
 - Contingent on a successful prepay execution
- Issuer's Counsel and Disclosure Counsel: \$200,000
 - Contingent on a successful prepay execution. If the deal does not materialize fees will be assessed on an hourly rate of \$750/hr up to a max out of pocket of \$30,000
- Financial Advisor: \$200,000
 - Contingent on a successful prepay execution
- Transaction Credit Rating Services: \$275,000
 - Contingent on a successful prepay execution

It is important to also note the financial benefit available through the prepay. It is estimated to achieve an 8-12% discount per year on power quantities delivered under the prepay, compared to the assigned contracts. However, the exact discount will be dependent on the spread between taxable and tax-exempt debt rates. While savings are not guaranteed in the structure, there is no negative financial impact associated if the deal does not produce targeted savings levels.

Attachments

- A. Resolution authorizing the CEO to negotiate and execute agreements for legal representation, financial advisory, and Moody's credit rating services on EBCE's energy prepayment transaction; and
- B. Prepay Presentation

¹ 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).

RESOLUTION NO. R-2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH ORRICK, HERRINGTON & SUTCLIFFE, CHAPMAN & CUTLER LLP, PFM FINANCIAL ADVISORS LLC & PFM SWAP ADVISORS LLC, AND MOODY'S INVESTOR SERVICE INC. TO SERVE AS COUNSEL, FINANCIAL ADVISOR, AND CREDIT RATING AGENCY 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 a second 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 Orrick, Herrington & Sutcliffe and Chapman & Cutler LLP were respectively selected for the respective counsel roles through a solicitation issued in June 2020,

WHEREAS PFM Financial Advisors LLC & PFM Swap Advisors LLC were selected for the financial advisor roles through a solicitation issued in September 2020,

WHEREAS Moody's Investor Service Inc. was selected for the Bond credit rating service due to its unique experience evaluating similar prepayment transactions, and

WHEREAS The combined fees for counsel services provided by the firms identified above shall not exceed \$1,125,000.

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

Section 1. Authorize the CEO to negotiate and execute Agreements with the following firms for legal representation on EBCE's energy prepayment transaction: Orrick, Herrington & Sutcliffe - roles of Bond Counsel and Tax Counsel, and Chapman & Cutler LLP - roles of Disclosure Counsel, Issuer's Counsel, and to prepare the Official Statement; PFM Financial Advisors LLC & PFM Swap Advisors LLC - role of Financial Advisor; Moody's Investor Service Inc. - role of bond transaction credit rating agency. The total combined costs to EBCE for the four

Agreements will not exceed \$1,125,000 and the Agreements shall be approved as to form by the General Counsel.

ADOPTED AND APPROVED this 20th day of April, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

APRIL 2022

Prepay Energy Update



Existing Prepay Overview

Recap:

- Closed: Sept. 23, 2021
- Total Bond Proceeds: \$1.48 Billion
- Rating: A1, “Green Bond” Certified
- Volume to EBCE: 59 MW Around-the-Clock Carbon-Free Energy
- Power Supply Start: January 1, 2022
- Savings, Years 1-10: \$2 Million / year

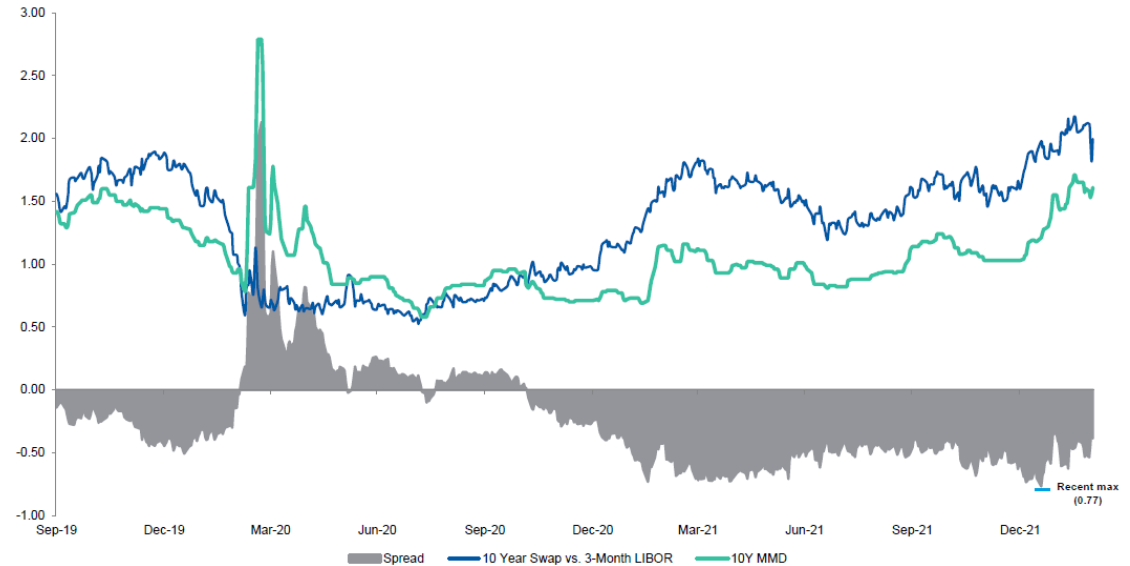
In progress / Ongoing:

- Settlements and invoicing were initiated on January 1, 2022
- Assessing future PPAs to be put through prepay structure

Current Market Conditions

- Conditions are suitable for prepays when the taxable and tax-exempt spreads are wide
- Spreads have been volatile in recent years and conditions have been suitable for the last 9-12 months
- With an expectation for increasing interest rates, this may improve spreads in the near term
- 8 prepay deals have priced since EBCE's transaction in September - primarily gas deals

10-Year LIBOR Swap vs. 10 Year MMD (%)



Proposed Prepay Transaction

- Standalone EBCE Prepay transaction issuing through CA Community Choice Financing Authority (CCCFA), the JPA in which EBCE is a member
- Anticipate utilizing the prior RFPs issued/awarded in 2020 and 2021 to renew various counsel and advisory roles to gain efficiencies
- Prior transactions required >1.5yrs to complete and targeting 3 to 6 months for the second transaction
- Anticipate \$500M to \$1bn total size

Next Steps:

- April: Seek board approval to be enabled with legal counsel and advisors
- May/June: Seek EBCE board and CCCFA board approval to transact
- June onwards: Go out to market and determine optimal timing to price

Adopt a Resolution authorizing the CEO to negotiate and execute Agreements with the following firms for legal representation, financial advisory services, and rating agency services on EBCE's second energy prepayment transaction. The expected total costs are \$975,000 and we are requesting authorization for up to \$1,125,000 for the four Agreements, which includes an additional \$150,000 for contingency that could be used to increase the cost(s) for one or more of the Agreements above the amounts listed below.

- Orrick, Herrington & Sutcliffe – Bond Counsel and Tax Counsel for a total amount of \$300,000
- Chapman & Cutler LLP – Disclosure Counsel, Issuer's Counsel, and to prepare the Official Statement for a total amount of \$200,000
- PFM Financial Advisors LLC & PFM Swap Advisors LLC – Financial Advisor for a total amount of \$200,000
- Moody's Investor Service Inc – Credit rating of the prepay bond transaction for a total amount of \$275,000

Appendix - Prepay Overview

- 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.
- Typically 30-year term, LSE committing ~\$350MM-\$850MM of energy supply contracts (combined contract notional values)
- LSE utilizes in order to lower customer energy costs
- Prepay Supplier is assigned an existing energy supply contract, pays the contract price to PPA Seller and immediately transfers all electricity and attributes to LSE. LSE pays the Prepay Supplier.
- 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 1990’s, the IRS issued rules allowing tax-exempt prepayments and Congress enacted legislation specifically allowing the transactions (National Energy Policy Act of 2005; Section 1327)

Appendix - 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, prepaid 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
- Active Suppliers: Goldman Sachs, Morgan Stanley, Royal Bank of Canada, Citi, Bank of America are all investment grade rated financial institutions

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 (i.e. the bank receiving the prepayment). 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 and arranged by the Prepay Supplier

Thank You!



Questions? Give us a call:
1-833-699-EBCE (3223)



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Staff Report Item 15

TO: East Bay Community Energy Board of Directors

FROM: Melissa Brandt, Vice President of Public Policy & Deputy General Counsel

SUBJECT: Approval of Legislative Positions (Action Item)

DATE: April 20, 2022

Recommendation

Receive an update on EBCE's Legislative Program and take a "support" position on Assembly Bill ("AB") 1960 (Villapudua), AB 2070 (Bauer-Kahan), AB 2667 (Friedman), AB 2765 (Santiago), and Senate Bill ("SB") 1112 (Becker), and an "oppose" position on SB 1393 (Archuleta).

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 Legislative Program, last updated in 2021, has again been updated with a few clarifications and edits to names/addresses, however the principles and positions are the same. EBCE's updated Legislative Program is provided for reference as an attachment to this item.

At the February 16, 2022 EBCE Board Meeting, the Board approved taking a "support" position on AB 1814 (Grayson). AB 1814 has recently been withdrawn by the author and will not be moving forward due to general lack of support from members on the Assembly Utilities and Energy Committee.

Recommended EBCE Bill Positions:

- **SUPPORT:** AB 1960 (Villapudua), would attempt to provide more regional diversity when selecting California Public Utilities Commission ("CPUC") commissioners, by encouraging, not requiring, the Senate and the Governor to consider permanent residents of northern, southern and the central valley regions of the state. A regionally diverse CPUC is more likely to be attuned to

the various concerns of EBCE's diverse communities. Villapudua is a member of EBCE's legislative delegation.

- **SUPPORT: AB 2070 (Bauer-Kahan)** would require electrical corporations to notify fire protection districts at least 24 hours before initiating deenergization events. Receiving advance notice will allow our fire protection districts to adequately prepare for the deenergization event and enable notice to other local government entities including cities and EBCE, to help provide needed services to mitigate some of the ill effects of the deenergization event on the residents of the affected areas. Bauer-Kahan is a member of EBCE's legislative delegation.
- **SUPPORT: AB 2667 (Friedman)** would require the California Energy Commission ("CEC") to establish in the state Treasury and administer an Integrated Distributed Energy Resources Fund to incentivize eligible resources to support statewide consumer adoption of clean distributed energy resources ("DERs"). Resources eligible for incentives under the fund would include customer demand management, managed charging of electric vehicles, clean backup power, and other DERs that would achieve greenhouse gas emissions reductions. The CEC would be required to establish a system to equitably award incentives. Furthermore, the CEC would be required to establish a process to allow a load-serving entity ("LSE") such as EBCE to apply for incentives on behalf of a customer(s) as part of that LSE's customer program to reduce its resource adequacy ("RA") obligations. EBCE has current programs underway such as the Resilient Home program to manage our load and reduce our RA obligations, and under this bill we would be able to apply for incentives from the fund, which could lower the costs of our load management programs and enable us to undertake more load management in the future.
- **SUPPORT: AB 2765 (Santiago)** would establish a taxpayer-funded Public Utilities Public Purpose Programs Fund, and would require the CPUC to use the fund to pay for the Family Electric Rate Assistance (FERA) program, programs currently funded through an electrical corporation's public purpose program rate component including the California Alternate Rates for Energy (CARE) program, and other programs determined by the CPUC to provide public benefits. If the fund does not have sufficient moneys for those purposes, the bill would authorize the CPUC to permit electrical corporations to recover the costs of those programs from ratepayers, as they do today through a charge on electric service, which is collected through customer delivery rates. This bill would lower the electric delivery rates for all customers including EBCE customers, helping both with customer bill affordability and service disconnection rates, and supporting the growth of electrification by keeping electricity costs competitive.

- **SUPPORT:** SB 1112 (Becker) would encourage the creation of Tariffed On-Bill (“TOB”) investment programs to make low-cost capital widely available for climate-beneficial building upgrades so that upfront costs or lack of access to credit do not get in the way of upgrading buildings. The bill would address a technical fix that might otherwise impede the creation of TOB programs - ensuring proper notification for renters and home buyers - and further direct the CEC to explore how the state and LSEs can leverage existing and future federal funds and existing state programs to make low-cost financing available to TOB investment programs. EBCE is exploring how to use TOB financing to increase energy efficiency and building electrification in our jurisdiction. EBCE customers would also benefit from any federal or state funds identified and made available to support low-cost financing for TOB investment.
- **OPPOSE:** SB 1393 (Archuleta) would require local governments to obtain approval from the CEC for local requirements that mandate the replacement of fossil fuel appliances with electric appliances in existing buildings. This bill would prohibit the CEC from approving a local government’s retrofit requirement if the CEC finds that the requirement, or a portion of the requirement, is not technically feasible, is not cost effective, disproportionately impacts low and median income consumers, adversely impacts a skilled and trained workforce, or increases costs for ratepayers of a local publicly owned electric utility or electrical corporation. This bill would discourage local governments from adopting ordinances aimed at electrifying communities, and could restrict the authority of EBCE’s cities to support reach codes including efforts to mandate certain retrofits.

Fiscal Impact

AB 2667 may result in additional funding for load management through the CEC.

AB 2765 may result in lower customer utility delivery charges.

SB 1112 may result in additional funding for lowering TOB financing costs.

Attachments:

- A. April 20, 2022 Legislative Update
- B. EBCE Legislative Program
- C. Author Fact Sheets

APRIL 20, 2022

Legislative Update



Legislative Highlights

Attachment Staff Report Item 15A

- Update from Weideman Group on the 2022 Legislative Year
- Update on AB 1814
- New Recommended Bill Positions: AB 1960, AB 2070, AB 2667, AB 2765, SB 1112, SB 1393

Key Deadlines for the 2022 Legislative Year

Attachment Staff Report Item 15A

- 1/3: Legislature reconvened
- 1/10: Governor submitted budget
- 1/31: Deadline to move 2-year bills out of 1st house
- 2/18: Bill introduction deadline
- 4/29: Policy cmtes to move fiscal bills to fiscal cmtes (1st house)
- 5/6: Policy cmtes to move nonfiscal bills to floor (1st house)
- 5/20: Fiscal cmtes must move bills to floor (1st house)
- 5/27: Last day for bills to be passed out of 1st house
- 6/15: Budget bill must be passed
- 7/1: Policy cmtes to meet and report bills (2nd house)
- 8/12: Fiscal cmtes to move bills to floor (2nd house)
- 8/31: Last day for each house to pass bills
- 9/30: Last day for Governor to sign/veto bills

Legislature – State of Play

Attachment Staff Report Item 15A

- Democratic super majorities
- Redistricting not expected to change dynamics
- High levels of turnover now and expected
- Election year, but Governor in strong position
- Budget surpluses driving agenda
- Energy likely to be a policy theme in Senate, Assembly

2022 Legislative Themes

Attachment Staff Report Item 15A

- Clean energy – near-term, long-term
- Climate change and impacts
 - Wildfire, extreme heat, corporate disclosures
- Zero emission vehicles, infrastructure
- Green hydrogen
- Carbon capture and sequestration
- Jobs and labor
- Equity

Gov's Proposed Budget: \$22B in New Climate Funding

Attachment Staff Report Item 15A

- \$6.1B – Zero emission vehicles (ZEVs), esp. “big ZEVs”
- \$9.1B – Transit and other transportation projects
- \$2B – Clean energy package
 - Long duration storage (\$380 M), green hydrogen (\$100 M), industrial decarbonization (\$210 M), food processing facilities (\$85 M), offshore wind (\$45 M), Orville dam pumped hydro (\$240 M), equitable building decarbonization (\$962 M)
- \$1B – Sustainable communities/housing
- \$1B – Energy Innovation Headquarters and green energy tax credits
- \$1.2B – Wildfire and forest resilience
- \$750M – Drought resilience and response
- \$2.5B – Nature-based solutions, climate resilience, climate smart ag, circular economy

Recommended Bill Positions

Attachment Staff Report Item 15A

Bill #	Author	Description	Sponsor	Status	Recommended EBCE Position
AB 1960	Villapudua	Encourages the Senate and the Governor to consider permanent residents of northern, southern and the central valley regions of the state to provide more regional diversity among CPUC commissioners.		Asm Consent Calendar	SUPPORT
AB 2070	Bauer-Kahan	Requires an electrical corporation to notify the fire protection district 24+ hours before deenergization or else face penalties.		Asm U&E Cmte 4/20	SUPPORT
AB 2667	Friedman	Establishes and requires CEC to administer state IDER Fund to incentivize eligible resources to support consumer adoption of clean DERs, creates a system to equitably award incentives, and establishes a process to allow an LSE to apply for incentives on behalf of a customer as part of that LSE's program to reduce its RA obligations.	NRG / EDF	Asm U&E Cmte 4/6	SUPPORT
AB 2765	Santiago	Creates a new fund to cover the costs of CPUC Public Purpose Programs including energy efficiency, conservation, CARE, and FERA, instead of continuing to rely on customer delivery rates.		Asm U&E Cmte 4/20	SUPPORT
SB 1112	Becker	Requires energy suppliers (including CCAs) offering decarb programs to record a decarb charge notice, then notice of full cost recovery, then notice of charge removal with the project's county.		Sen EUC Cmte	SUPPORT
SB 1393	Archuleta	Requires local jurisdictions to apply for CEC approval before mandating that retrofits to a bldg. must upgrade fossil appliances to electric.		Sen Gov & F Cmte 4/21	OPPOSE

Bill Tracker - Assembly

Attachment Staff Report Item 15A

Bill #	Author	Description	Sponsor	Status	EBCE Position
AB 1814	Grayson	Authorizes CCAs to file applications for PUC programs and investments to accelerate widespread transportation electrification.	CalCCA	Author withdrawn	SUPPORT
AB 2061	Ting	Requires data disclosure on EV charging station availability for stations using public or ratepayer money and requires the CEC to assess reliability and equitable access issues.		Asm Transp Cmte 3/28	
AB 2587	E.Garcia	Requires the CPUC to open a proceeding related to procurement of firm zero-carbon resources, based on the findings of the CEC's report to the Legislature on CA policy that customers are served by 100% renewable and zero-carbon resources by 2045.		Asm U&E Cmte 4/6	
AB 2700	McCarty	Requires IOUs and POUs to ensure that their distribution systems are upgraded to support the state's anticipated level of EV charging; requires the CPUC to develop an expedited process to ensure that IOUs can meet the requirements to upgrade, and to direct IOUs to expedite interconnection; requires CARB to share fleet data to inform electrical grid planning and requires CEC to forecast distribution needs for DERs.		Asm U&E Cmte	
AB 2703	Muratsuchi	Establishes reliability standards for ZEV refueling/charging stations.		Asm Transp Cmte 4/18	

Bill Tracker - Senate Attachment Staff Report Item 15A

Bill #	Author	Description	Sponsor	Status	EBCE Position
SB 45	Portantino	Requires Dept of Res Recycling and Recovery to analyze progress in achieving organic waste reduction goals and assist local jurisdictions with funding to comply.		Asm pending cmte referral	
SB 833	Dodd	Community Energy Resiliency Act of 2022: requires the CEC to develop and implement a grant program for local govts to develop community energy resilience plans and expedite permit review of DERs.	The Climate Center	Sen Approps suspense file	
SB 881	Min	Gives CPUC authority to monitor compliance with LSE's IRP GHG emission reductions and penalties/CPUC-ordered procurement for non-compliance.	UCS	Sen Approps Cmte 4/18	
SB 1158	Becker	Changes the Power Source Disclosure rules to require utilities and CCAs to report comparisons of their energy and capacity purchases with their electricity demand on an hourly basis including the associated GHG emissions.		Sen EUC Cmte 4/18	
SB 1287	Bradford	Requires the CPUC to update the financial security requirements for ESPs and CCAs to include costs for no less than 12 months of incremental procurement incurred by the provider of last resort, upon the customers' involuntary return.		Sen EUC Cmte	
SB 1482	Allen	Requires mandatory building standards for installation of EV charging infrastructure for parking spaces in new multifamily units.	Acterra	Sen Transp Cmte 4/26	

Next Steps

Attachment Staff Report Item 15A

- Review and analyze new amendments
- Monitor bills on our watch list; determine when EBCE should formally take a position
- Send position letters for bills once EBCE formally takes a position
- Monitor Governor's Budget request, which includes \$6.1B over 5 years for Zero Emission Vehicles (ZEV)
- Engage with CalCCA on legislative efforts

Legislative Program

State and Federal Policy Priorities



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Introduction

The East Bay Community Energy Legislative Program outlines the legislative priorities and stances of East Bay Community Energy (“EBCE”) with the intent to inform customers, representatives, and policymakers of EBCE’s stances on the myriad of public policies that intersect with EBCE’s priorities, programs, and services. These priorities are applicable to legislation, statewide referenda, grant funding opportunities, and local ballot initiatives.

EBCE has three major legislative priorities: Accelerating Decarbonization, Promoting Local Development, and Stabilizing Community Choice. EBCE support of legislation will be contingent upon that legislation adhering to these priorities as well as EBCE’s priorities.

Moreover, EBCE supports any and all policies that will preserve or enhance the ability of EBCE to promote these priorities at the local level.

This document provides direction to EBCE’s legislative advocates in Sacramento. Additionally, this document serves as the foundation for any EBCE Board action regarding Federal or State legislation or funding opportunity. Staff may draft letters, direct our legislative advocates, or speak on behalf of EBCE regarding the legislative priorities this document outlines.

Any correspondence signifying EBCE’s support or opposition of a given bill must be approved by the EBCE Board of Directors, the Board’s Executive Committee, or the CEO in accordance with the delegation of authority provided by the Board to the CEO on time-sensitive matters.

Any questions regarding this Legislative Program can be directed to Melissa Brandt, Vice President of Public Policy and Deputy General Counsel, at 510-570-5110 or mbrandt@ebce.org.

Sincerely,
Nick Chaset

Chief Executive Officer, EBCE



EBCE Board of Directors

Alameda County

Supervisor Richard Valle

Albany

Council Member Aaron Tiedmann

Berkeley

Vice Mayor Kate Harrison

Dublin

Council Member Shawn Kumagai

Emeryville

Mayor Dianne Martinez, Chair

Fremont

Mayor Lily Mei

Hayward

Council Member Elisa Marquez

Livermore

Vice Mayor Patricia Munro

Newark

Council Member Mike Hannon

Oakland

Council Member Dan Kalb

Piedmont

Council Member Conna McCarthy

Pleasanton

Council Member Kathy Narum

San Leandro

Council Member Corina Lopez, Vice Chair

Tracy

Council Member Dan Arriola

Union City

Council Member Jaime Patino

Community Advisory Committee (non-voting)

Anne Olivia Eldred, Chair



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Legislative Advocates

State Legislative Advocate

Weideman Group

Mark Weideman

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General Legislative Principles

EBCE has three general legislative principles. These priorities serve as the foundation for all actions EBCE will take, including the lobbying for policies that promote those same guiding priorities.

Public policy encompasses a myriad of subject and topic areas. However, as these policies intersect at the local level, they have the ability to impact EBCE revenues, programs, and/or administrative discretion and control. EBCE will support policies that accelerate decarbonization, promote local development, stabilize community choice, or any combination thereof. If a given policy does not meet these criteria, EBCE will oppose, support with amendments, or in some cases take no stance on that policy or legislation.

The General Legislative Principles for EBCE are:

Accelerating Decarbonization

- Support the creation or expansion of federal, state, and local policies and programs that enable EBCE to contribute to the State's efforts to reduce greenhouse gas emissions.
- Oppose any legislation, policies, programs, referenda, unfunded mandates and budgets that would have an adverse impact on EBCE's ability to advance decarbonization through its procurement, programs, projects, and services.

Promoting Local Development

- Support any legislation, policy, referenda, and budgets that enhance community choice energy providers' ability to invest in local clean energy, distributed energy resources, and zero-emission transportation, and promote equity in the communities that it serves.
- Oppose any legislation, policy, referenda, and budgets that limit or undermine EBCE's ability to invest in local clean energy, distributed energy resources, and zero-emission transportation, and promote equity in the communities that it serves.

Stabilizing Community Choice

- Support any legislation, policies, referenda, and budgets that maintain or improve the stability of community choice energy providers by ensuring regulatory structure is equitable and enables CCE to meet its mission and goals.
- Oppose any legislation, policies, referenda, and budgets that undermine or circumvent community choice energy and impede the ability of the agency to achieve its mission and goals or its value proposition.

EBCE Public Policy Positions

The General Legislative Priorities help identify which public policy positions EBCE will take.

The list of policy positions below is by no means exhaustive. In addition to the general legislative priorities, EBCE takes the following more specific public policy positions:

1.1 Nonbypassable Charges

- A. Oppose legislation that restricts or limits EBCE's ability to procure its own energy products to meet state policy goals.
- B. Oppose legislation that increases or is likely to lead to an increase in nonbypassable charges.
- C. Support legislation that promotes a level playing field between community choice aggregators and other market participants.
- D. Support legislation that enhances the flexibility of community choice energy providers to support statewide procurement policy and develop and expand programs, local options, and rate design to support EBCE's community and customers.

1.2 Disadvantaged Communities

- A. Support legislation and initiatives that boost funding for new energy projects that support disadvantaged communities and low-income customers within EBCE's service territory.
- B. Support legislation and initiatives that increase access and funding for energy-related programs serving disadvantaged communities.
- C. Support legislation and initiatives that would reduce local air pollution, reduce other negative local impacts associated with energy production, and boost adoption of distributed energy resources within disadvantaged communities.
- D. Oppose legislation and initiatives that have the potential to disproportionately and negatively impact EBCE's disadvantaged communities and/or low-income customers.

1.3 Environmental Sustainability

- A. Support legislation and initiatives that increase funding for the creation of sustainable and stable energy supply infrastructure.
- B. Support legislation and initiatives that encourage the conservation of energy resources as well as the development of dynamic load-shifting capabilities.
- C. Support legislation and funding for renewable and advanced energy technology that increase efficient consumption.
- D. Support legislation and funding for pilot energy and resource efficiency programs.
- E. Support legislation and initiatives with the goal of reducing and mitigating the effects of climate change and building local resiliency.



1.4 Finance

- A. Support legislation that enhances the financial standing of community choice aggregators and their ability to receive a positive credit rating.
- B. Oppose legislation that reduces or removes the tax-exempt status of municipal bonds.
- C. Oppose any legislation that would divert community choice energy revenues to the State or other governmental entities.

1.5 Educational, Neighborhood and Social Services

- A. Support legislation that aids or helps to fund EBCE to provide energy support services, education, and opportunities for reducing energy costs to people who are low-income, seniors, veterans, and/or people with disabilities.
- B. Support legislation and initiatives that increase funding for energy efficiency, demand response, solar plus storage, and transportation electrification programs, and energy literacy services.

Legislative Program Coordination

Legislation can be brought to the attention of EBCE through a variety of channels:

- State Legislative Advocates
- Elected Representatives
- CalCCA
- EBCE Board Members
- EBCE Staff
- EBCE Community Advisory Committee
- EBCE Customers and Community Members
- Other Governmental Associations

All legislative requests for support or opposition will be directed toward EBCE's Public Policy department. EBCE staff will then review the legislation in coordination with any relevant departments to analyze whether or not the legislation aligns with EBCE's general legislative priorities. Staff will then monitor and track the legislation, providing updates when necessary.

Concurrent with this evaluation, EBCE's Public Policy department will recommend a position and course of action. There are six main levels of action, which may be taken independently or in combination, but all of which are coordinated by the Vice President of Public Policy or their designee:

- 1. Direction to lobbyists to advocate in support, support with changes, or opposition to legislation**
 - Pursuant to direction from the EBCE Board of Directors, the Board's Executive Committee, or the CEO in accordance with the delegation of authority provided by the Board to the CEO on time-sensitive matters, EBCE staff will notify lobbyists of EBCE's stance on legislation and direct them to take appropriate action with legislators. EBCE may remain neutral on a given piece of legislation.
- 2. EBCE correspondence with relevant legislators**
 - In conjunction with providing direction to lobbyists once EBCE has determined its stance on legislation, EBCE staff will send a support or opposition letter to the appropriate legislators.
- 3. EBCE Board-approved resolution**
 - EBCE staff will draft a staff report and resolution for consideration by the full EBCE Board of Directors. Approved resolutions will be forwarded along with a letter signed by the Chief Executive Officer or his/her designee to the appropriate legislators.
- 4. EBCE Board outreach**
 - EBCE staff will draft talking points and other relevant information for individual Board Members to personally contact appropriate legislators to advocate on behalf of EBCE.
- 5. Travel to Sacramento or Washington, D.C**
 - EBCE staff and/or Board Members may decide to advocate in person. Staff will coordinate with the appropriate lobbyists to organize meetings or attendance at other lobbying events.
- 6. Draft or Sponsor Specific Legislation**
 - EBCE staff and legislative advocates will work with EBCE's legislative representatives to articulate EBCE's stance on a policy and to ensure said stance is codified in statute.



AB 1960

CA Public Utilities Reform (Diversity of Thought)

SUMMARY

Assembly Bill 1960 will advance a more geographically diverse perspective at the California Public Utilities Commission (CPUC) to guarantee that proper energy infrastructure investments meet the needs of every community across the state.

BACKGROUND

The decisions the CPUC makes has an impact on every Californian. Contrary to other regulatory commissions, the CPUC is the only one that lacks the requirement for the Governor to appoint commissioners based on specific background experience or regional perspective leading to a true lack of diversity of thought.

An estimated 68% of commissioners spanning almost two decades have not been representative of regions like the Central Valley or any other underrepresented communities. While three of the commissioners currently reside in Sacramento, Sacramento's municipal electric utility is not overseen by the CPUC. This means that without a variety of regional diverse thoughts, the commission's decisions often only reflect a one-size fits all view leading to higher energy costs.

Similarly, the CPUC's actions often do not align with legislative and gubernatorial direction. Often, the CPUC has either been slow to act on or acted contrary to legislative requirements intended by the State Legislature. These decisions have far-reaching consequences for the majority of Californians and without the perspective of different regions with varied climate zones, the Commission remains blind to the needs and impacts of millions of ratepayers in hotter climate zones that are often the state's most vulnerable populations.

To illustrate, AB 2672 (Perea; Chapter 616, Statutes of 2014) was created with the motive to make gas extensions in San Joaquin Valley more affordable. After years of consideration, the CPUC interpreted "other alternatives" and "deemed it appropriate by the CPUC" to take away choice from propane consumers to switch to natural gas energy and instead promoted electrical service which resulted in higher electric bills and increased greenhouse gas (GHG) emissions in disenfranchised communities.

PROBLEM

The California Public Utilities Commission (CPUC) is a constitutionally created entity that promulgates rules and regulates transportation, communications, and utility industries, but in the last 17 years, there has not been a single Commissioner appointed from the San Joaquin or Central Valley, a rural town, or low-income or disadvantaged community.

We are living in a time of significant innovation and transition in the energy industry as the state urgently seeks to mitigate the impact of climate change. In this context, now more than ever, it is imperative that the CPUC reflect every Californian so that a deeper awareness is central as they set energy policy.

SOLUTION

Similar to current background and regional requirements for the California Energy Commission, State Water Resources Control Board, Board Of Equalization and California Air Resources Board, AB 1960 will increase perspectives among the CPUC commissioners by requiring future Governor



AB 1960

CA Public Utilities Reform (Diversity of Thought)

Appointees to reside in each of the following areas: Northern California, Central Valley, and Southern California. By doing so, California can achieve better regional representation, provide diversity of thought, a more expansive knowledge of utility and energy experiences, and ultimately make better informed decisions about the different energy needs of every community across the state.

SUPPORT

Sempra Energy Utilities
San Diego Gas and Electric (SDG&E)
Southern California Gas (SoCal Gas)

STAFF CONTACT

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(916) 319-2013



REBECCA BAUER-KAHAN
Assemblymember, District 16

AB 2070 – Utility Notification

Summary

AB 2070 will require all electrical utilities to notify local fire districts at least 24 hours before conducting mitigation or planned burns in a high fire risk area.

Background

2020 was California's worst fire season in modern history¹. By the end of the year, over 10,000 wildfires had burned more than 4.2 million acres of land in California. Additionally, an exceeding 4 percent of all land in the state was burned by wildfires². Climate change has made our fire season much less predictable, and has contributed to both the intensity and duration of wildfires that our state faces. Over 2.7 million people in California live in a Fire Hazard Severity Zone. The Camp Fire of 2018, killed 85 people and was the most damaging fire in our state's history as well as the most expensive natural disaster in the world of that year. It is clear that wildfires and other related natural disasters are a way of life in California and only growing in intensity.

Utility companies manage vegetation and repair infrastructure in order to help prevent future fires. However, much of this work is done in high fire areas next to and around businesses and family homes, and the work risks causing fires itself. A common method of fire prevention is a "controlled burn". This is when a team will set a fire intentionally, in order to make that area less susceptible to wildfires in the future.

Problem

Currently, controlled burns and dangerous work is being conducted in areas with a designated high fire risk **without** the collaboration of the local fire district to protect the local area.

Solution

Utilities must provide clear communication and collaboration with fire districts locally. Cities of San Ramon and Orinda have passed local ordinances which require electrical utilities to notify the fire district during maintenance in a fire risk zone. This bill would take that model statewide for high-risk fire zones.

What this bill does

AB 2070 requires that electrical utilities notify local fire districts 24 hours before any fire safety or mitigation services within a high fire risk area.

To prevent fires, collaboration and coordination of resources is paramount, and this is a commonsense practical measure to ensure that occurs.

Support:

San Ramon Valley Fire Protection District

Contact

Estefani Avila
Senior Legislative Aide
estefani.avila@asm.ca.gov
916-319-2016

¹ <https://www.theguardian.com/us-news/2020/dec/30/california-wildfires-north-complex-record>

² <https://www.fire.ca.gov/incidents/2020/#:~:text=As%20of%20the%20end%20of,gigafire%22%20as%20the%20area%20burned>



ASSEMBLY MEMBER

Laura Friedman

DISTRICT 43

AB 2667 – Integrated Distributed Energy Resources Fund

Summary

AB 2667 would create an Integrated Distributed Energy Resources incentive program at the California Energy Commission to support statewide customer adoption of clean distributed energy resources with a technology-neutral approach to further the State's collective goals on reliability, resiliency, decarbonization, and equity. The bill would allow all customers to deploy more clean distributed energy resources options to meet the customer's needs and better align customer value with collective policy goals.

Background

Distributed Energy Resources (DER) refer to a class of decentralized customer energy products, services, and technologies. DERs can provide a superior quality of energy service when compared to the electric grid. DERs include customer demand management, small-scale renewable generation, energy storage, smart charging of electric vehicles, clean backup power, and even mobile power stations to meet emergency management needs.

California supports the deployment of clean distributed energy resources. Customers buy these resources for a variety of reasons, including to have greater electric reliability and to achieve their clean energy objectives, the resources are cost-effective over the life of the asset, but incentives are needed to overcome the upfront purchasing costs. Access and availability of incentive support for customer adoption can vary across different parts of the state, depending on the retail provider, the need of the customer segment, and technology-based eligibility guidelines.

Certain distributed generation and storage technologies are designed to be interconnected to the grid and can feed power back onto the grid. Still others are designed to support solely on-site needs or provide backup power as needed. With a wider variety of options, customers and their retail providers can customize different solutions, including product content, reliability, and other services.

As the state moves to electrify more of its economy, including its zero emission vehicles, integrating DER deployment to meet the increased electric vehicle charging needs will enhance our ability to reduce greenhouse gas emissions and mobile-source pollutants in environmentally impacted communities.

Furthermore, as California faces an increased frequency of extreme weather events, wildfire-triggered outages, and global geopolitical instability with cyber intrusion risks of critical sectors, it is time innovate the adoption of clean DERs across all customer segments.

AB 2667 (as amended on March 15, 2022):

- Creates an Integrated Distributed Energy incentive program at California Energy Commission with a set of prioritized functional attributes to support reliability, decarbonization, resiliency, and equity goals.
- Allows retail providers to directly apply for funding on behalf of customers and use DER resources in an integrative manner to support both customer and grid needs.

Support

Environmental Defense Fund
Mainspring Energy
NRG Energy

Contact

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Office of Assemblymember Laura Friedman
916.319.2043
jim.metropulos@asm.ca.gov



Bill Summary

[AB 2765](#) would sunset the Public Purpose Program (PPP) surcharge on utility customers and continue the programs with funding from the State's General Fund to continue helping low-income consumers and help meet California's climate goals.

Existing Law

Establishes energy efficiency, cost saving, and rate assistance programs to help reduce energy costs for consumers (Public Utilities Code Section 381, 399.4, 739.1, 739.3; Public Resources Code Section 25710).

Background

Electric rates continue to increase dramatically in California. Inflation is hitting goods across the board, and the economic impacts of the pandemic and the Russian invasion of Ukraine are causing financial challenges for many Californians, especially at the gas pump and on their utility bills.

California's PPP includes cost-effective energy efficiency, conservation, and rate assistance programs to help meet the state's climate goals and subsidize energy costs for low-income consumers. Electric customers in investor-owned utility (IOU) territories pay for these state-mandated public benefits programs through a surcharge on their utility bill.

Although the PPP is meant to provide discounts on utility bills for low-income households, these same low-income beneficiaries effectively have to pay into the programs through a monthly surcharge on their utility bill. For example, the California Alternate Rates for Energy (CARE) program provides a monthly discount of up to 35% on electricity for low-income folks and public assistance recipients. A recipient with an electric utility bill of \$121 would receive about \$42 in CARE assistance, a total savings of 35% on their utility bill. However, that same ratepayer forgoes 3% of their 35% CARE savings by paying a utility surcharge into the PPP. This surcharge takes away savings from the population the CARE program is meant to serve.

Need for AB 2765

In California, high electric bills are hitting low-income households hard. Their utility bills are saturated with various add-on costs that don't actually reflect the cost of supplying electricity. These add-ons include low-income support programs, subsidies for clean energy and EV charging stations, climate change adaptation costs, and more.

One of the best ways to help the working poor is by reducing their utility bills and taking some of these costs out of electricity prices to make them more closely reflect their true social cost.

Since the PPP benefits accrue to everyone in California, it is more appropriate for all taxpayers to fund these programs, not just a subset of electrical and gas customers. Furthermore, if all taxpayers paid for the PPP, then electric customers would pay lower utility bills, especially low-income households. For example, as of January 1, 2022, if public purpose program costs were removed from San Diego Gas & Electric's electric rates, system average rates would be 6% lower. Removing just the low-income portion of the PPP costs would lower system average rates by 3.5%.

To ensure that the cost of the PPP is equitably distributed, AB 2765 would sunset the PPP surcharge on utility customers and continue the programs with funding from the State's General Fund, thus reducing the cost of utility bills for low-income utility customers experiencing rising energy costs and equitably distributing the costs of achieving California's climate goals.

Support

Coalition of California Utility Employees
California State Association of Electrical Workers
San Diego Gas & Electric Company

Opposition

The Utility Reform Network (Unless Amended)

For More Information

Tom Steel, Legislative Aide
Office of Assembly Member Santiago
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**SB 1112 – Tariffed On-Bill Investment Enablement****IN BRIEF**

SB 1112 encourages the creation of Tariffed On-Bill (TOB) investment programs as a way to make low-cost capital for climate-beneficial building upgrades widely available so that upfront costs or lack of access to credit do not get in the way of improving our buildings and advancing our climate goals. It does this by addressing a technical fix that might impede the creation of TOB programs (ensuring proper notification for renters and home buyers) and by directing the CEC to explore how the state and its utilities can leverage existing and future federal funds and existing state programs to make low-cost financing available to TOB investment programs.

THE PROBLEM

According to a report by the Building Decarbonization Coalition, approximately 6 million households, 4 million of which are low-income, lack ready access to private capital for upgrading their homes with climate-beneficial appliances.¹

While financial incentives are helpful in lowering upfront investment costs, customers still need access to capital to fund the balance, and they can often be disqualified due to high debt-to-income ratios, poor credit, low home equity, or renter status. Utility TOB investment is a proven, scalable model that is currently being used to accelerate customer adoption of energy and water efficiency measures in utility programs operating across the county. This model allows ratepayers to make upgrades in their homes, not through a loan, but through utility investment, for which cost recovery is tied to the utility meter, according to terms set forth in a utility tariff. The tariff charge remains attached to the meter at the improved home, regardless of who occupies the property, until utility cost recovery is complete. This investment model thus enables the sponsoring utility to offer nearly universal access to capital to its customers.

Currently, utilities in California do not offer TOB investment programs to customers, but there are proceedings underway to establish creative solutions to financing clean energy investments in California households. The Public Utility Commission has begun an open proceeding (R 20-08-022), related to Clean Energy Finance, which may allow for customers to have access to TOB investment for climate-beneficial building upgrades. This proceeding will likely lead to establishing a program that benefits utility and CCA customers by providing clear guidance on decarbonization installations and authority to

attach payback to the meter and allowing payback to occur over a longer period of time than is currently offered in the private market.

If the proceeding concludes expeditiously, California could deploy TOB programs to access billions of dollars from the federal government for decarbonization projects throughout the state.

However, for the PUC to be successful, there needs to be authority in the law to address the issue of ensuring proper notification to successor customers about bill charges when there is a change in home ownership or tenancy. Specifically, decarbonization upgrades must be added to the list of authorized home improvements that may be recorded on the title documentation for a residence by the county recorder. The same requirement exists for a similar TOB program that was enacted by SB 564 (McGuire, 2017) to fund water conservation improvements.

THE SOLUTION

SB 1112 will address the issue of notifying successor customers of TOB investment by requiring that utilities and CCAs give a notice of a decarbonization charge, associated with a decarbonization upgrade, to their county recorder within 10 days of funding the upgrade. This bill also requires that when a property is not owner-occupied, the property owner must disclose the terms of the decarbonization charge to new tenants as part of the information provided prior to leasing or licensing the property.

SB 1112 also directs the CEC to identify federal funding and existing state programs that could be used to provide low-cost financing via TOB programs, such as loan guarantees offered by the U.S. Department of Energy under the Infrastructure Investment and Jobs Act. It also directs the CEC to provide technical assistance to utilities to apply for available low-cost financing.

¹https://www.buildingdecarb.org/uploads/3/0/7/3/30734489/bdc_whitepaper_final_small.pdf

SUPPORT

350 Sacramento

Acterra

Benisol LLC

Carbon Free Palo Alto

Carbon Free Silicon Valley

CEDMC

Foundation for Climate Restoration

Menlo Spark

Project Green Home

Silicon Valley Clean Energy

Silicon Valley Youth Climate Action Team

Sonoma Clean Power

FOR MORE INFORMATION

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Staff Report Item 16

TO: East Bay Community Energy Board of Directors

FROM: Alex DiGiorgio, Public Engagement Manager

SUBJECT: Request to Change the Default Rate Product for Certain Customers in the Cities of Emeryville and Dublin to *Renewable 100* (Action Item)

DATE: April 20, 2022

Recommendation

Adopt a Resolution directing staff to make the necessary arrangements to change the default service to *Renewable 100* for certain customers in the cities of Emeryville and Dublin consistent with the requests of their City Councils and in accordance with the adopted Default Rate Product Change Policy.

Background

The EBCE Board of Directors established three levels of service or products for its customers in 2018 and subsequently set the value proposition for each product as follows:

- ***Bright Choice*** - basic service level at a 1% discount to PG&E rates with a minimum of 5% more renewable energy than PG&E's annual forecast;
- ***Brilliant 100*** - 100% carbon-free service set at the same rate as PG&E, closed to new customers in original service territory as of August 1, 2020; and retired entirely on January 1, 2022; and
- ***Renewable 100*** - 100% California wind and solar power set at \$0.01 per kWh over PG&E rates.

Many member jurisdictions have Climate Action Plans ("CAP") with specific greenhouse gas ("GHG") emission reduction goals to be achieved by specific dates. Customers receiving *Brilliant 100* or *Renewable 100* service (i.e., EBCE's 100% renewable energy product) achieve additional GHG emissions savings that contribute to cities meeting their CAP goals. Three city councils (Albany, Hayward, and Piedmont) passed resolutions in 2018 requesting the EBCE Board of Directors enroll residential customers within their jurisdictions in *Brilliant 100* or *Renewable 100* service as the

default option at the time of initial program launch, which increased GHG savings at no or little additional cost to customers.

On November 18, 2020, EBCE’s Board voted to close the *Brilliant 100* product option effective January 1, 2022. At that time, the Board also voted to immediately close *Brilliant 100* to new account enrollments, except for those within the newly enrolling cities of Newark, Pleasanton, and Tracy.

To continue making progress towards the greenhouse gas reduction goals of their respective Climate Action Plans, and in light of EBCE’s closure of the *Brilliant 100* product, the City Councils of Albany, Berkeley, Hayward, Pleasanton, and San Leandro adopted Resolutions in June, July, and September of 2021 requesting EBCE to 1) set *Renewable 100* as the default electricity product for most residential and commercial customers; and 2) set *Bright Choice* as the default electricity product for customers on discount programs such as CARE, FERA, and/or Medical Baseline. The dates of these Council votes and the timing of their proposed implementation for default transitions are as follows:

City	Date of Council vote	Proposed timing of implementation
Albany	June 7, 2021	January 2022 (residential and commercial customers)
Berkeley	June 29, 2021	March 2022 (residential customers) October 2022 (commercial customers)
Hayward	July 6, 2021	January 2022 (residential and commercial customers)
Pleasanton	July 20, 2021	January 2022 (residential and commercial customers)
San Leandro	September 7, 2021	March 2022 (residential customers) October 2022 (commercial customers)

At the time of their initial EBCE enrollments in 2018, the cities of Albany and Hayward chose *Brilliant 100* to be the default product for all customers. The City of Pleasanton similarly did so at the time of its initial EBCE enrollment in 2021. Due to the closure of *Brilliant 100* at the end of 2021, the implementation of default product transitions in Albany, Hayward, and Pleasanton will occur in January 2022.

In Berkeley and San Leandro, by contrast, *Bright Choice* has been the default service option for all customers. As such, the implementation of Berkeley and San Leandro’s default product transitions are subject to the timeline enumerated in EBCE’s [Default Rate Product Change Policy](#).¹ According to this Policy, requests by EBCE member-jurisdictions to change their default product(s) must be approved by the Board six (6) months in advance of implementation. In addition, the implementation of approved

¹ EBCE’s Default Rate Product Change Policy was approved by the Board of Directors on March 17, 2021.

requests will occur only in March or October of a given year (i.e., Board approval in September for March implementation, and April for October implementation). This timeline provides EBCE staff sufficient time to plan for additional renewable energy procurement and other operational adjustments, as well as to notify customers and conduct community outreach.

At its meeting on June 29, 2021, Berkeley's City Council voted to request separate enrollment timelines for residential and commercial customers. As such, the proposed timing of implementation for these customers has been staggered to comply with EBCE's Default Rate Product Change Policy (i.e., implementation of residential customer account transitions to occur by March 31, 2022; and implementation of commercial customer account transitions to occur by October 31, 2022). On September 7, 2021, the San Leandro City Council adopted a Resolution to set *Renewable 100* as the default service for residential and commercial customers. Their Resolution requested that its default rate transition occur along the same timeline as the City of Berkeley's.

On March 15, 2022, the City of Emeryville's City Council adopted a Resolution requesting EBCE to 1) set *Renewable 100* as the default electricity product for most residential and commercial customers; and 2) set *Bright Choice* as the default electricity product for customers on discount programs such as CARE, FERA, and/or Medical Baseline. *Bright Choice* has been the default rate product for both residential and commercial customers in Emeryville. If the proposed resolution is adopted by the Board, the implementation of the *Renewable 100* default rate product transition will occur by October 31, 2022.

More recently, at its meeting on April 5, 2022, the City of Dublin's City Council adopted a Resolution requesting EBCE to set *Renewable 100* as the default electricity product for commercial customers. *Renewable 100* has been the default product for residential customers since January 2022 (except for those on CARE/FERA and/or Medical Baseline programs) and *Bright Choice* has been the default rate for commercial accounts. If the proposed resolution is adopted by the Board, the implementation of the default rate product transition for commercial customers will occur by October 31, 2022.

As is the case in Albany, Berkeley, Hayward, Pleasanton, and San Leandro, electricity customers in Emeryville and Dublin that have previously opted out of EBCE service will not be enrolled in *Renewable 100* and will remain with PG&E for their electric generation service.

Additionally, customers may still choose to opt down to *Bright Choice* (Albany/Hayward/Pleasanton) or remain on *Bright Choice* (Berkeley/Dublin/San Leandro/ Emeryville). Staff has already worked with EBCE's data services vendor to create functionality that will allow a customer to confirm their current selection of *Bright Choice* and therefore be exempted from the default transition to *Renewable 100*.

EBCE’s Board of Directors approved the default rate product change requests of Albany, Berkeley, Hayward, and Pleasanton at its meeting on July 21, 2021, and San Leandro’s on September 22, 2021. Assuming the Board approves Emeryville and Dublin’s requests, the approved default rate transitions are summarized as follows:

Jurisdiction	Customer Type	Initial Default	New Default	Date of Implementation
Albany	Residential	Brilliant 100	Renewable 100	1/22
	CARE/FERA/MB	Brilliant 100	Bright Choice	1/22
	Commercial	Brilliant 100	Renewable 100	1/22
Berkeley	Residential	Bright Choice	Renewable 100	3/22
	CARE/FERA/MB	Bright Choice	N/A	N/A
	Commercial	Bright Choice	Renewable 100	10/22
Dublin	Residential	Bright Choice	Renewable 100	1/22
	CARE/FERA/MB	Bright Choice	N/A	N/A
	Commercial	Bright Choice	Renewable 100	10/22
Emeryville	Residential	Bright Choice	Renewable 100	10/22
	CARE/FERA/MB	Bright Choice	N/A	N/A
	Commercial	Bright Choice	Renewable 100	10/22
Hayward	Residential	Brilliant 100	Renewable 100	1/22
	CARE/FERA/MB	Brilliant 100	Bright Choice	1/22
	Commercial	Brilliant 100	Renewable 100	1/22
Pleasanton	Residential	Brilliant 100	Renewable 100	1/22
	CARE/FERA/MB	Bright Choice	N/A	N/A
	Commercial	Brilliant 100	Renewable 100	1/22
San Leandro	Residential	Bright Choice	Renewable 100	3/22
	CARE/FERA/MB	Bright Choice	N/A	N/A
	Commercial	Bright Choice	Renewable 100	10/22

Analysis & Discussion

As with Albany, Berkeley, Hayward, Pleasanton, and San Leandro, successfully implementing Emeryville and Dublin’s default rate product transitions will require updates to technology systems, specifically the billing engine and customer relationship management (CRM) system, as well as customer communications.

The customer communications plans will include the two customer notifications as required by the Default Rate Product Change Policy. Additional outreach and communications will be determined based on coordination with City staff in Emeryville and Dublin, as well as with those of the other two cities (Berkeley and San Leandro) undertaking default rate product transitions for commercial accounts in October 2022.

Financial Impact

There will be an additional cost to EBCE from SMUD to implement operational adjustments and for the cost of customer notification mailers. These costs will be absorbed by EBCE, per EBCE's Default Rate Product Change Policy.

Attachments

- A. Resolution Directing Staff to Make Necessary Arrangements to Change the Default Rate Product to Renewable 100 for Certain Customers in the Cities of Emeryville and Dublin.
- B. Resolution No. 22-31 of the Emeryville City Council Requesting East Bay Community Energy to Enroll All Residential, Commercial, and Industrial Accounts in Renewable 100.
- C. Resolution No. 28-22 of the Dublin City Council requesting East Bay Community Energy To Enroll all Commercial Accounts in Renewable 100

RESOLUTION NO. R-2022-xx

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DIRECTING STAFF TO MAKE NECESSARY
ARRANGEMENTS TO CHANGE THE DEFAULT RATE PRODUCT TO RENEWABLE 100 FOR
CERTAIN RESIDENTIAL AND COMMERCIAL CUSTOMERS IN THE CITY OF EMERYVILLE AND
COMMERCIAL CUSTOMERS IN THE CITY OF DUBLIN**

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, Castro Valley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City, to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all 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 2018, the Board of Directors approved three product offerings—a default product called Bright Choice offered at a discounted price, a product called Brilliant 100 that is 100% carbon-free at price parity with PG&E rates, and a 100% renewable energy product called Renewable 100 offered at a premium cost;

WHEREAS, in 2020, the Board of Directors directed that the Brilliant 100 product would not be available as of 2022;

WHEREAS, the Board of Directors approved a Default Rate Product Change Policy on March 17, 2021;

WHEREAS, on March 15, 2022, the City Council for the City of Emeryville adopted a Resolution requesting the EBCE Board of Directors change the default product for all electric service accounts within Emeryville, with the exceptions noted below, to Renewable 100;

WHEREAS, the Resolution adopted by the City Council of the City of Emeryville requests that the change in the default product exempt residential accounts on California Alternate Rates for Energy (CARE), Family Electric Rate Assistance (FERA), medical baseline accounts, those enrolled in Direct Access Service, those who have made a service level election with EBCE, and those who have opted out of EBCE;

WHEREAS, on April 5, 2022, the City Council for the City of Dublin adopted a Resolution requesting the EBCE Board of Directors change the default product for its non-residential customers to Renewable 100; and

WHEREAS, residential and commercial customers in the cities of Emeryville and Dublin would retain the option to “opt down” from Renewable 100 to a service without a cost premium and a lower percentage of carbon-free electricity, or “opt out” to PG&E’s electricity.

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

Section 1. The Board of Directors hereby desires to accommodate the requests from the cities of Emeryville and Dublin; and therefore, directs the EBCE Chief Executive Officer or his/her designee to take any and all necessary actions to change the default rate product for residential and commercial accounts in Emeryville and commercial accounts in Dublin to Renewable 100, per the Default Rate Product Change Policy.

Section 2. Customers in Emeryville participating in CARE, FERA, and the Medical Baseline Allowance programs will remain on the Bright Choice service.

Section 3. All customers in Emeryville and Dublin are to be given an option to opt down to Bright Choice or to opt out as provided by law.

ADOPTED AND APPROVED this 20th day of April 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

RESOLUTION NO. 22-31

Resolution Of The City Council Of The City Of Emeryville Requesting East Bay Community Energy To Enroll All Residential, Commercial And Industrial Accounts In Renewable 100 (100% California-Based Wind And Solar) Service, With The Exception Of Those Participating In A) Medical Baseline, B) California Alternate Rates For Energy (CARE), C) Family Electric Rate Assistance (FERA), Or D) Direct Access Electric Service Programs Or E) Those Who Have Previously Opted To A Specific EBCE Service Level, And F) Those Who Have Opted Out Of EBCE Service; CEQA Determination: Exempt Pursuant To CEQA Guideline 15061(b)(3)

WHEREAS, the City of Emeryville has been a leader in the fight against climate change, having adopted its first Climate Action Plan in 2008 with a goal of reducing greenhouse gas (GHG) emissions by 25% below 2004 baseline emission levels by 2020 and updating its Climate Action Plan in 2016 with goals of reducing GHG emissions 40% by 2030 and 80% by 2050; and

WHEREAS, Emeryville's community GHG emissions have been reduced by approximately 38% over 2005 baseline levels; and

WHEREAS, Emeryville's Climate Action Plan identifies participation in a Community Choice Aggregation (CCA) program, which allows public agencies to procure a greater percentage of electrical power from renewable and greenhouse gas-free sources on behalf of electricity customers, as a key strategy to meet GHG reduction targets; and

WHEREAS, the Emeryville City Council voted to join the East Bay Community Energy (EBCE) CCA on November 1, 2016 and subsequently appointed representatives to its Board of Directors; and

WHEREAS, in 2018, the Emeryville City Council set the default electric service for Emeryville customers at the "Bright Choice" level, which in 2018 had GHG emissions 5% lower than PG&E's service, at a 1% price discount; and

WHEREAS, changes in the electricity market, along with the decision by the EBCE Board to exclude nuclear power from its service, have led to substantial increases of over 200% in the GHG emissions associated with the "Bright Choice" service; and

WHEREAS, EBCE's "Renewable 100" service offers 100% California-based wind and solar-generated power at a price premium of one cent per kWh used as compared to "Bright Choice" service; and

WHEREAS, customers have the option to switch back to "Bright Choice" or out to PG&E service; and

WHEREAS, this change will exempt customers taking advantage of income-qualified programs (California Alternate Rates for Energy/CARE and Family Energy Rate Assistance/FERA), those on Medical Baseline service, those enrolled in Direct Access

Resolution No. 22-31
EBCE Community Default Service Level
City Council Meeting | March 15, 2022
Page 2 of 2

Service, those who have made a service level election with EBCE, and those who have opted out of EBCE, and

WHEREAS, a GHG-free default electricity product would enable Emeryville to stay on track to achieve the goals in the General Plan and the Climate Action Plan; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that this action is exempt from CEQA pursuant to Guideline 15061(b)(3), as it can be seen with certainty that there is no possibility that the action will have an effect on the environment; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City of Emeryville hereby requests that East Bay Community Energy enroll all electric service accounts within Emeryville, with the exceptions noted above, in "Renewable 100" as the default electricity product.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 15, 2022, by the following vote:

AYES:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez and Welch
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

DocuSigned by:

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 MAYOR


ATTEST:

DocuSigned by:

FB7B5D8EAB6A4BE...

 CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

2C934D02DB55467...

 CITY ATTORNEY

RESOLUTION NO. 28 – 22

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**REQUESTING EAST BAY COMMUNITY ENERGY ENROLL CITY OF DUBLIN
NON-RESIDENTIAL ACCOUNTS IN RENEWABLE 100 AS THE DEFAULT
ELECTRICITY PRODUCT**

WHEREAS, the City of Dublin has been a leader in the fight against climate change, having adopted its first Climate Action Plan in 2010 with an update in 2013, with the goal to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020; and

WHEREAS, on September 15, 2020, the City Council adopted the City of Dublin Climate Action Plan 2030 and Beyond (CAP 2030) which includes goals to reduce GHG emissions by 40% below 1990 levels by 2030 and to put the City on a path to reach carbon neutrality by 2045; and

WHEREAS, CAP 2030 identifies renewable and carbon-free electricity as the biggest opportunity to reduce GHG emissions within the City of Dublin; and

WHEREAS, the City's electricity provider, East Bay Community Energy (EBCE), offers a 100% carbon-free and 100% renewable electricity product called Renewable 100; and

WHEREAS, residential accounts were enrolled in Renewable 100 beginning January 1, 2022, reducing GHG emissions in Dublin by approximately 28%; and

WHEREAS, enrolling non-residential accounts in Renewable 100 has the potential to reduce GHG emissions in Dublin by an additional 25%; and

WHEREAS, non-residential accountholders in the City would retain the option to opt down to EBCE's discounted power portfolio, Bright Choice, which offers a lower percentage of carbon-free electricity, or opt out to electricity provided by Pacific Gas & Electric; and

WHEREAS, establishing Renewable 100 as the default electricity for both residential and non-residential accounts would allow Dublin to showcase its continued environmental leadership and demonstrate efforts to create a sustainable community in line with the goals of CAP 2030.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Dublin does request that EBCE hereby enroll the City of Dublin in the Renewable 100 electric power portfolio as the default electricity product for all non-residential accounts in the City.

BE IT FURTHER RESOLVED that the City Council of the City of Dublin requests that the EBCE Board consider Dublin's Renewable 100 default power portfolio request at the earliest possible upcoming EBCE Board Meeting.

{Signatures on the following page}

PASSED, APPROVED AND ADOPTED this 5th day of April 2022, by the following vote:

AYES: Councilmembers Hu, Josey, Kumagai, McCorriston, and Mayor Hernandez

NOES:

ABSENT:

ABSTAIN:

ATTEST:

DocuSigned by:
M. Hernandez
97C94F7A46A8461...
iVidyaUI _____

DocuSigned by:
Marsha Moore
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City Clerk _____



Staff Report Item 17

TO: East Bay Community Energy Board of Directors

FROM: Jim Dorrance, Power Resources Manager

SUBJECT: Path to Zero Emission Electricity, 2030 (Action Item)

DATE: April 20, 2022

Recommendation

Adopt the schedule with annual power procurement goals for renewable and Carbon-free electricity purchases as a path to reach zero emission electricity by 2030.

- The schedule for adoption would be for the Bright Choice plan's renewable and Carbon-free annual percentages that are included in Table 1
- Total renewable and Carbon-free annual percentages for all plans are largely dictated by the jurisdictional enrolment in either the Bright Choice or Renewable 100 plans

Background and Discussion

Background

At the December 16th, 2020, Board meeting, the Board adopted a clean energy goal by Resolution setting a goal for all electricity within EBCE's portfolio to have zero net emissions by 2030. This target was supported by EBCE's 2020 Integrated Resource Plan (IRP) analysis and the associated cost modeling that was performed. This ambitious goal set EBCE's zero emission timeline 15 year's ahead of California's (CA) goal of state-wide zero emission electricity by 2045, as mandated in Senate Bill 100 (SB100).

At the February 26th, 2022, Board meeting, a schedule with annual procurement goals was presented as an informational item to describe staff's approach to meeting the Board adopted clean energy goal. The purpose of this staff report is to present the schedule with annual goals for renewable and other Carbon-free electricity purchases for Bright Choice as a path to achieve zero emission electricity by 2030 for adoption by the Board. Additionally, this report will describe in more detail EBCE's current renewable resource contracts and provide details on the process for determining future procurement to reach the goals set forth herein.

Path to Zero Emissions in 2030

The schedule described in this report details a path to reach the zero emissions target with each year's renewable and Carbon-free percentages as steps to reach that goal. Staff will continue to work to meet or exceed the annual goals of this schedule but understands that there is yearly uncertainty with the generation from EBCE's contracted long-term renewable sources and the dynamic availability of generation from large hydroelectric facilities.

The schedule includes a year-over-year reduction in emissions for Bright Choice and EBCE's entire portfolio. EBCE has used multiple systems for the purpose of calculating and reporting emissions from electricity. In 2018-2019 EBCE used The Climate Registry (TCR); starting in 2020 EBCE reported emissions through the Power Source Disclosure Report (PSDR) and on the Power Content Label (PCL), using the associated regulations for calculating and reporting emissions. The PSDR regulations, which EBCE is now required to use, include reporting emissions associated with power content from any emitting generation source (Unspecified Power, Natural Gas, etc.) and emissions for purchases of Portfolio Content Category 2 (PCC2) RECs when the associated energy is not specific by source.

EBCE seeks to establish a formal annual schedule of power content through 2030 to provide some level of certainty on annual procurement targets and to use in the modeling as part of the 2022 IRP analysis. Of course, this schedule will be further refined in future years based on market intel from ongoing renewable energy solicitations that EBCE issues, progress of contracted PPAs, and future IRP analysis and brought forward to the board for review.

Existing Portfolio of Resources

In presenting the schedule towards zero emission electricity by 2030 we can examine the current long-term resources that are under contract for EBCE customers and the additional renewable electricity that will be required to reach the 2030 clean energy goal. The below chart represents contracted renewable and large hydroelectric electricity as a percent of total electricity sales with the yellow line showing the Carbon-free percent from the schedule.

Chart 1: Contracted Renewable and Carbon-free as a Percent of Total Sales

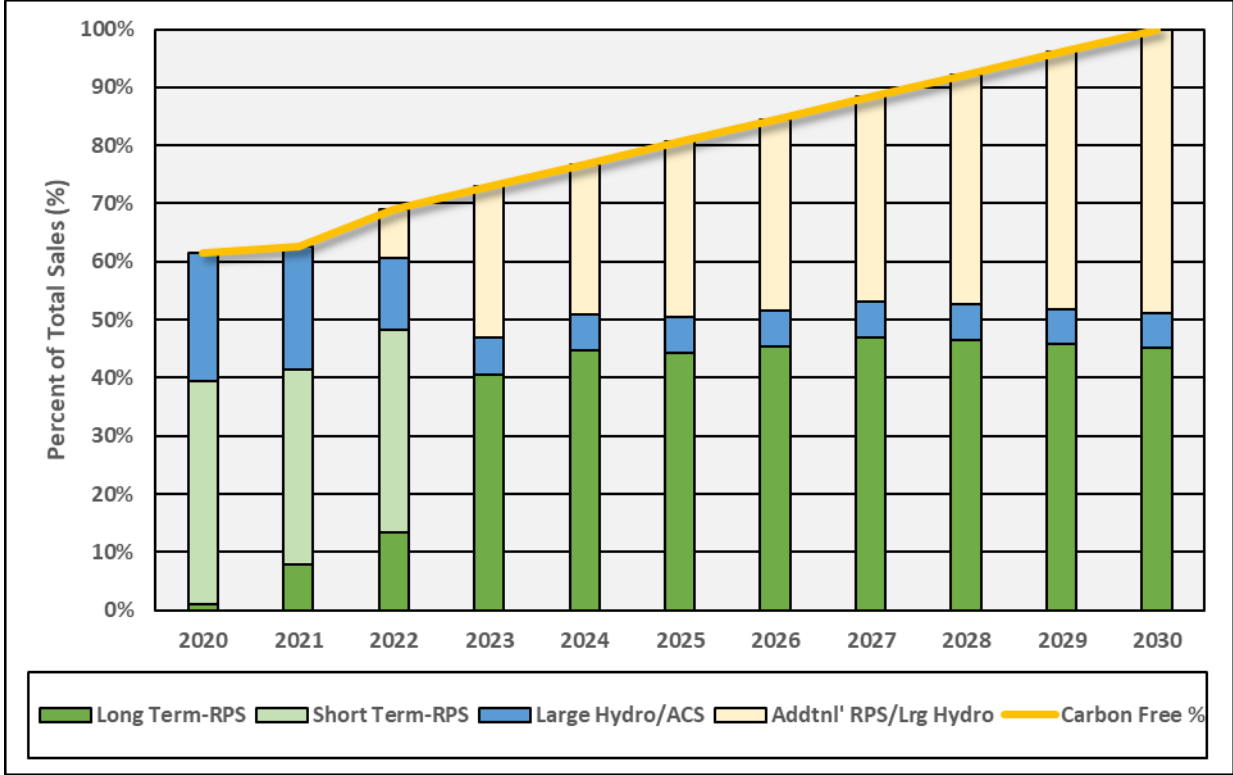


Chart 1 shows how EBCE’s contracted long-term renewables are being used to meet the near-term renewable goals and the open position in need of contracting across the planning horizon to reach the annual goals of EBCE’s emission reduction schedule. The details and the makeup of the renewable and other Carbon-free resources that will be contracted to meet the annual renewable goals will be described and analyzed during the 2022 IRP which will be submitted later in 2022 and is discussed in further detail below.

Schedule for Annual Renewable and Carbon-free Electricity

In asking the Board to adopt the schedule for annual renewable and Carbon-free electricity purchases as a path to zero emission electricity by 2030, staff is asking the Board to specifically approve the annual targets for the Bright Choice plan which are included below as Table 1. The total renewable and Carbon-free annual percentages for all plans, which are discussed later, are largely influenced by customer enrollment in either of the Bright Choice or the Renewable 100 plan. This means that the default enrolment at the jurisdictional level will impact the total renewable and Carbon-free percentages for a given year. Included below is the proposed schedule of annual targets for Bright Choice (Table 1) and the proposed and resulting schedules for all the plans combined (Table 2 and Chart 2) based on the current planned jurisdictional enrollments into the Bright Choice and Renewable 100 plans. The action staff is requesting from the Board is the adoption of the schedule for Bright Choice and the associated annual renewable and Carbon-free electricity purchases.

Table 1, below, presents the proposed schedule for Bright Choice through 2030 for renewable and other Carbon-free electricity as a percent of total sales. Additionally, the table includes estimates for the Bright Choice emission factor for each year showing an annual reduction in plan-wide emissions with a zero emissions portfolio achieved in 2030. Please note that these

numbers are not additive; the percent of Carbon-free is inclusive of purchased renewable electricity.

Table 1: Schedule, Bright Choice: Renewable, Carbon-free Percentages by Year and Emissions Factor for All Plans

Year	Bright Choice				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	41%	87%	101	n/a	29%
2019	60%	85%	135	n/a	31%
2020	40%	54%	n/a	580	33%
2021	41%	55%	n/a	577	36%
2022	45%	63%	n/a	566	39%
2023	49%	66%	n/a	521	41%
2024	52%	71%	n/a	455	44%
2025	56%	76%	n/a	387	47%
2026	60%	81%	n/a	315	49%
2027	64%	85%	n/a	241	52%
2028	67%	90%	n/a	163	55%
2029	71%	95%	n/a	83	57%
2030	75%	100%	n/a	-	60%

* The Climate Registry (TCR) was used for emissions calculation and reporting for 2018-2019, beginning in 2020, EBCE no longer uses the TCR for emissions reporting and currently only uses the Power Source Disclosure (PSDR) methodology for emissions calculating and reporting as required by regulations.

Table 1 above represents renewable and Carbon-free content targets through 2030 for Bright Choice. The totals for 2018 through 2020 represent actual sales and electricity purchases; 2021 represents forecast data as we continue to finalize the Bright Choice content from last year. The above table includes estimates for emission factors in future years calculated using the PSDR method and the CA RPS percentages for comparison. The above schedule includes annual increases in the renewable and Carbon-free electricity content, resulting in annual reductions in the emission factor for Bright Choice. The schedule demonstrates that renewable energy procured for Bright Choice customers will exceed the CA RPS requirements by at least five percent each year and increases to 15 percent over the CA RPS requirements by 2030 when Bright Choice will achieve zero emissions. Not shown in the above table but reflected in the estimates for emission factors is an annual reduction in the purchase of PCC2 RECs for the Bright Choice plan; by 2030 all renewable electricity for Bright Choice customers will come from PCC1 RECs.

In EBCE’s portfolio, Carbon-free energy comes from either renewable or from large hydroelectric generating resources. Hydroelectric generation’s availability is based on weather and market conditions. EBCE is one of many load serving entities in the western United States that values this resource; our ability to purchase large hydroelectric generation at competitive prices is not guaranteed in any given year. As a result, there may be situations where a greater amount of the Carbon-free generation showed in the schedule will come from renewable sources instead of large hydroelectric, increasing the renewable percent for a given year but having the same percentage of Carbon-free electricity in EBCE’s portfolio. Table 2 has the schedule for electricity purchases from all the plans combined for each year through 2030 for renewable and other Carbon-free electricity as a percent of total sales.

Table 2: Schedule, All Plans: Renewable, Carbon-free Percentages by Year and Emissions Factor for All Plans

Year	All Plans				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	42%	88%	82	n/a	29%
2019	65%	88%	113	n/a	31%
2020	39%	61%	n/a	488	33%
2021	41%	63%	n/a	483	36%
2022	56%	69%	n/a	450	39%
2023	59%	73%	n/a	417	41%
2024	62%	77%	n/a	364	44%
2025	65%	81%	n/a	309	47%
2026	68%	85%	n/a	252	49%
2027	71%	88%	n/a	193	52%
2028	74%	92%	n/a	131	55%
2029	77%	96%	n/a	67	57%
2030	80%	100%	n/a	-	60%

* The Climate Registry (TCR) was used for emissions calculation and reporting for 2018-2019, beginning in 2020 EBCE no longer used the TCR for emissions reporting and currently only uses the Power Source Disclosure (PSDR) methodology for emissions calculating and reporting as required by the regulations

Chart 2: Renewable, Carbon-free Percentages, RPS percent, Emissions Factor for All Plans through 2030

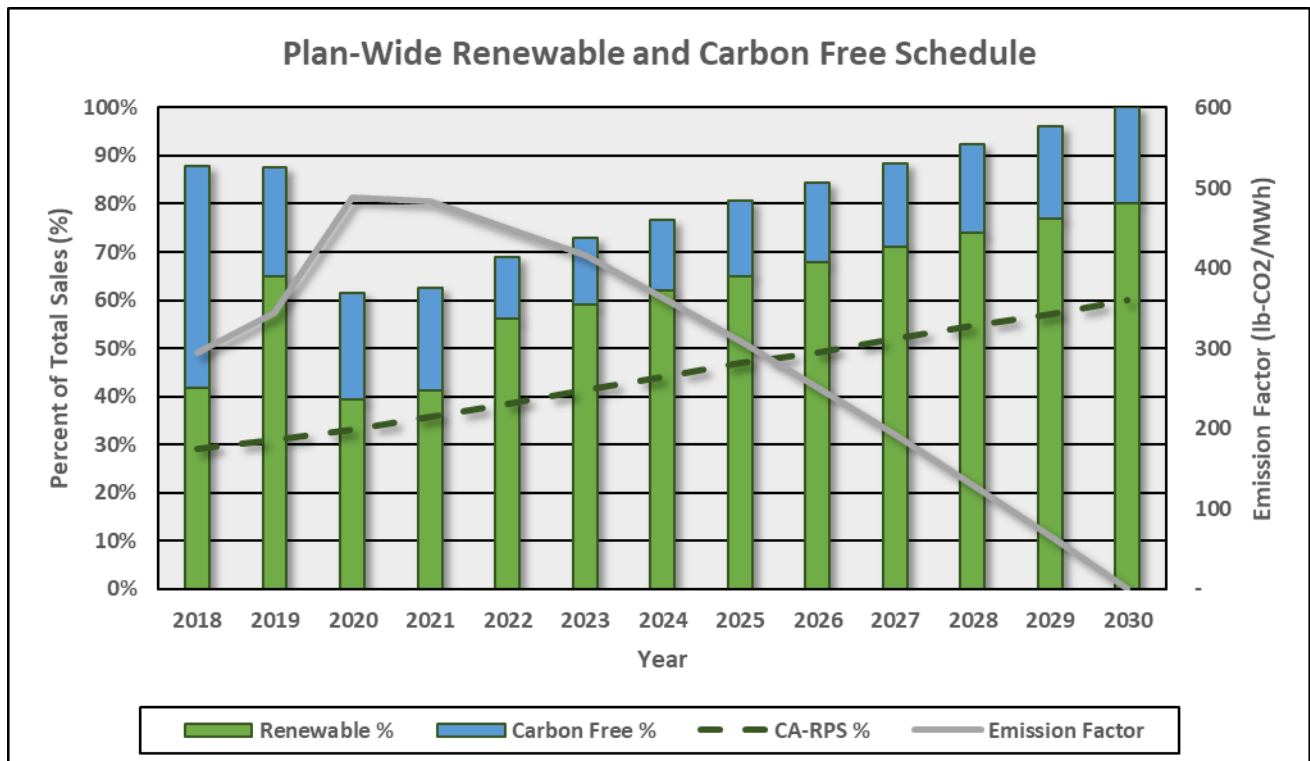


Table 2 and Chart 2 reflect the schedules for all of EBCE’s customer plans combined. These annual totals are largely influenced by the renewable and Carbon-free content of Bright Choice, and the plan enrollment in both Bright Choice and Renewable 100. There are two primary factors influencing the plan-wide emissions. The largest source of emissions in EBCE’s portfolio is from unspecified power in Bright Choice customer’s power content. Unspecified electricity is not purchased for Bright Choice customers for the purpose of achieving a power content target, it is reflective of the total Bright Choice sales net of carbon-free content. The second factor influencing emissions is renewable content from PCC2 RECs for Bright Choice customers. The PSDR emissions reporting regulations require EBCE to report emissions for these renewable purchases when the source of the energy is not specified. Bright Choice is EBCE’s largest customer plan and currently has the largest impact on emissions, since Renewable 100 by its nature is always both emission-free and 100 percent renewable.

The proposed schedules incorporate EBCE’s existing contracted PPAs and a projection of additional short and long-term renewable contracts that EBCE anticipates executing based on the modeling and cost analysis from the IRP cycles. The renewables procurement is informed by our existing IRP analysis and aims to take a disciplined approach towards cost averaging our procurement portfolio through multiple market cycles and realize technology developments. Furthermore, regulatory changes are dynamic, and a number of compliance requirements are not yet established related to Resource Adequacy, storage integration, import energy, among other areas. Therefore, it is important to allow our contract structures and terms to address the evolving regulatory landscape and compliance requirements.

In presenting the above schedule to reach zero emission electricity in 2030, EBCE would be moving away from using PG&E’s renewable content forecast as the basis for the annual procurement floor for Bright Choice. The below table reviews Bright Choice and plan-wide content compared to PG&E’s base product. Included are the annual renewable and Carbon-free electricity as reported on the PCL. In addition to PG&E’s renewable electricity, the table shows PG&E’s Carbon-free electricity from both renewable and large hydro sources combined. This is the equivalent for comparison purposes to the Carbon-free content in EBCE’s plans since EBCE does not have nuclear electricity as content from specific sources and only has transient amounts from purchased Asset Controlling Supplier electricity (ACS). Additionally, the Carbon-free electricity from PG&E’s nuclear sources is displayed. The percentages from PG&E are displayed in this manner to create an accurate comparison for the Carbon-free content from EBCE and PG&E.

Table 3: Comparison of EBCE’s Bright Choice, and Plan-Wide Renewable and Carbon-Free Content Compared to the content PG&E base plan

Year	All Plans		Bright Choice		PG&E-Base Plan			CA-RPS %
	Renewable %	Carbon Free %	Renewable %	Carbon Free %	Renewable %	Renewable + Lrg. Hydro, %	Nuclear	Renewable %
2018	42%	88%	41%*	87%	39%	52%	34%	29%
2019	65%	88%	60%*	85%	29%	56%	44%	31%
2020	39%	61%	40%*	54%	31%	41%	43%	33%
2021	41%	63%	41%*	55%				36%
2022	56%	69%	45%	63%				39%
2023	59%	73%	49%	66%				41%
2024	62%	77%	52%	71%				44%
2025	65%	81%	56%	76%				47%
2026	68%	85%	60%	81%				49%
2027	71%	88%	64%	85%				52%
2028	74%	92%	67%	90%				55%
2029	77%	96%	71%	95%				57%
2030	80%	100%	75%	100%				60%

** Board Adopted targets for Bright Choice renewable percentage are 38% for 2018-2019, 39.5% for 2020 and 41.2% for 2021*

Long-Term Planning, Portfolio Optimization, and the Integrated Resource Planning analysis (IRP)

The schedule presented in this report demonstrates annual targets to achieve the Board adopted clean energy goal of zero emission electricity by 2030. Identifying the specific resources and contract tenors needed to achieve EBCE's renewable and other Carbon-free purchases for the future years of the schedule is an ongoing process. Staff will evaluate generation resources, contract tenors and the costs and risks associated with them through the 2022 IRP, which is currently active, future biennial IRP filings, through portfolio optimization using our current portfolio of resources and solicitations for new long-term renewable generation.

EBCE conducted solicitations for long-term renewable generating resources during both the 2018 Request for Offers (RFO) and the 2020 RPS and Storage RFO. These solicitations added over 800 MW of renewable energy and over 450 MW of energy storage as long-term hedges to meet EBCE's customer needs. When the currently contracted projects are all online, they will supply renewable power to meet approximately 25 percent of forecasted annual load, with changes based on annual generation variability and project related risks.

In optimizing EBCE's portfolio of resources, staff evaluates the cost, location, and shape of generation from our contracted resources alongside regulatory requirements, how new projects can fit in with our load shape and their associated costs. New renewable and other Carbon-free projects are typically evaluated as part of formal solicitations where EBCE request offers from a number of developers for a variety of project types, and then performs a forward-looking analysis to forecast each resource's cost and potential value within our existing portfolio. EBCE is currently working on the analysis of projects from our third long-term project RFO that was released in February.

In addition to staff's cycle of RFOs, EBCE performs a biennial IRP analysis; the most recent IRP was completed and presented to the Board in 2020. The IRP is a compliance requirement but also a tool for resource planning that includes robust modeling and analysis for an optimized resource portfolio over time to reach scenario-based emissions goals. This includes cost and generation modeling that simulate hourly performance and evaluates a range of the potential incremental costs to achieve emissions goals. The modeling and the associated findings of the 2020 IRP provided the analysis that was presented to the Board's and aided the decision to adopt and choose the clean energy goal of zero emission electricity in 2030. The purpose of this report is to provide the schedule for reaching that goal based on the renewable and Carbon-Free portfolio for Bright Choice. The IRP Analysis will typically incorporate a California Public Utilities Commission (CPUC) required conforming analysis. In 2020, this analysis reflected 46MMT and 38MMT emissions by 2030 scenarios in order to comply with the CPUC requirements. Following the IRP submission to the CPUC, EBCE completed additional optional analysis to reflect 30MMT and 0 MMT emissions scenarios by 2030, which was the basis of the Dec 2020 Board approval of the goal for zero emissions by 2030.

The IRP analysis, which is currently underway for 2022, is the next biannual modeling requirement as required by the IRP, where EBCE staff and a third-party consultant model different emissions and resource scenarios with our existing contracted generation resources

over a ten-year planning horizon to develop detailed plans to reach EBCE defined goals while evaluating benefits and risks of those plans under different energy market conditions. This includes the resource type and forecasts for associated costs and annual emissions and evaluates EBCE capacity and regulatory obligations required in California. The IRP analysis, which will be presented to the Board for informational purposes prior to seeking Board approval later this year will fill in the details related to forecasted costs to achieve the emissions schedule provided in this report and will inform the Board on risks to meet EBCE's emissions goals by 2030.

Staff is presenting the schedule for Bright Choice within this report to the Board as a path to zero emissions in 2030 as was adopted by the Board in 2020. At the same time EBCE will continue to add long-term renewable projects to our portfolio with a focus on projects within our jurisdictions and target annual reductions in plan-wide emissions. The schedule outlined here includes year over increases in renewable electricity for Bright Choice, a continuation of Bright Choice's renewable percentage exceeding the CA RPS and plan-wide, year over year reduction in emissions resulting in zero emission electricity in 2030.

Fiscal Impact

The fiscal impacts of this item will be evaluated as part of the 2022 IRP process although the above schedule would include annual increases in renewable and Carbon-free electricity purchased and will likely result in increased costs for purchased electricity if adopted.

Attachments

- A. Presentation

APRIL 20TH, 2022

Path to Zero Emissions in 2030



Recommendation: Adopt the Bright Choice schedule for renewable and Carbon-free electricity purchases linked to the Board adopted clean energy goal of zero emission electricity by 2030.

- Background
 - 2020 IRP
 - Relevant Board Items and Actions
- Long-term Renewable Purchased Power
- Schedule for the Path to Zero emission Electricity
 - Bright Choice and All Plans
 - Next Steps



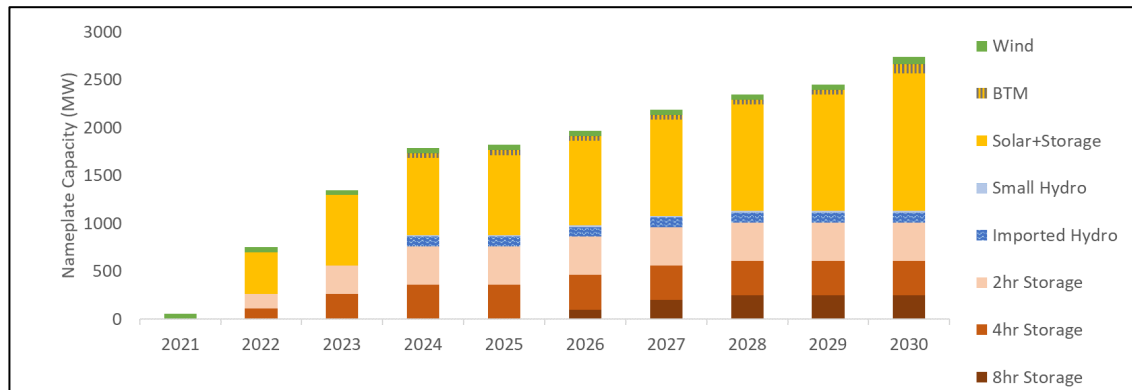
The Integrated Resource Planning (IRP): Is modeled analysis that is conducted every other year and looks 10-years forward to evaluate long-term compliance with CPUC policies and programs for electrical supply, reliability and emissions reductions

- Requires submission of resource planning for distinct electricity portfolios that achieve a proportional share of two electric sector GHG targets: **46 MMT and 36 MMT of emissions by 2030, the required targets for the 2020 filing**
- Modeling was conducted for supplemental emissions targets for 2030

Key Evaluation Metrics	Scenario 1: EBCE 46 MMT i.e. 1.22 MMT	Scenario 2: EBCE 38 MMT i.e. 0.98 MMT	Scenario 3: EBCE 30 MMT i.e. 0.73 MMT	Scenario 4: EBCE net 0 MMT
Carbon Free (by 2030)	64%	72%	80%	100%
Affordability (2030 cost in 2020\$)	\$608 MM (2020\$)	+3% (+\$17 MM)	+6% (+\$34 MM)	+14% (+\$85 MM)
Resource Mix (2030) (incl. New build vs existing)	1.2 GW new RE PPAs (includes 100 MW BTM S+S) 1.5 GW/ 6 GWh new energy storage 100 MW existing NW hydro			
Risk Mgmt: Short-term vs Long-term Contracts	62% long-term in 2030 (~50% by 2025; ~55% avg. 2021-2030), remaining short-term			
Reliability	~70% of RA need met by long-term portfolio			

Background - 2020 IRP

- Analysis includes robust modeling for an optimized build-out of resources over time that can reach the 2030 emissions goals
- Includes renewable resources currently under contract for EBCE customers and forecasted resources aligned with EBCE's procurement and risk management strategies
- Performs cost modeling to simulate hourly performance evaluate the range of incremental costs to achieve the defined emissions goals



Background - Board Items, Clean Energy Goal

Attachment: Staff Report Item 17A

June-July 2020: An IRP update was presented to the Board in June, in July the required GHG targets and modeling assumptions were presented for the two 2030 emissions goals and the Board approved

Additional, and more aggressive emissions reductions targets for 2030 would be modeled with results presented later in the year

December 2020 Board Meeting: In addition to the analysis required by the IRP, staff conducted additional emissions reduction scenario analysis

Provided analysis of Resource Mix, Risk, Reliability, and Costs for four different 2030 emissions scenarios

Presented scenarios for discussion and, requesting adoption of a clean energy goal for 2030, supported by the 2020 IRP analysis

Background - Clean Energy Goal, 2030

Attachment Staff Report Item 17A

December 2020 Board Meeting, continued: The Board elected to adopt a resolution approving Clean Energy Goal supported by the 2020 IRP that would set a goal of zero emissions electricity in 2030 (Scenario 4)

The goal was established to reduce emissions from electricity for EBCE customers and guide EBCE's future procurement decisions

February 2021 Board Meeting: Based on the adopted 2030 goal, a schedule with annual targets for reaching zero emissions by 2030 were presented as informational

These included annual goals for both renewable and other Carbon-free electricity based on the renewable and Carbon-free content of Bright Choice

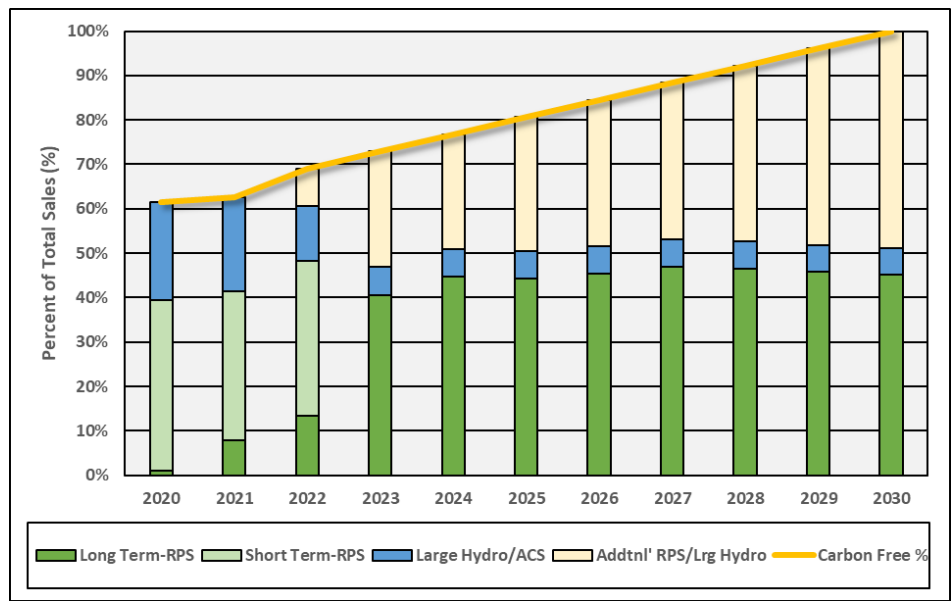
- The 2030 Clean Energy Goal was adopted in 2020 and supported by IRP analysis and modeling
- Staff is asking the Board to adopt the annual schedule to reach this goal
- The specific ask is to adopt the schedule for Bright Choice through 2030
- The schedule contains annual goals for renewable and Carbon-free purchases as a path to zero emission electricity by 2030
- The following is a discussion of currently contracted long-term renewable resources and how these will contribute to the annual targets for the schedule to a zero-emission portfolio by 2030

Discussion - Long-Term Renewable Procurement

- Three long-term renewable RFOs: 2018, 2020, and current one in 2022
- Contracted 800 MW of renewable energy and 450 MW of battery storage
- Contract Term length from 10-20 years
- Contracted generation from these is roughly 25% of annual sales when online
- First contracted project was online in 2020; currently there are 3 renewable projects and 1 stand-alone storage project online
- The rest of the contracted renewable projects have CODs starting in 2022 and through 2026

Discussion - Long-Term Renewable Procurement

- The chart below is renewables plus large hydro as a percent of sales through 2030
- Shows long- and short-term renewables, Large Hydro contracted to date with the additional Carbon-free or renewable purchases need to reach annual goals



Path to Zero Emissions electricity, 2030

Schedule for **Bright Choice** including renewable and Carbon-free as percent, forecasted emissions and CA RPS annual percent

Year	Bright Choice				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	41%	87%	101	<i>n/a</i>	29%
2019	60%	85%	135	<i>n/a</i>	31%
2020	40%	54%	<i>n/a</i>	580	33%
2021	41%	55%	<i>n/a</i>	577	36%
2022	45%	63%	<i>n/a</i>	566	39%
2023	49%	66%	<i>n/a</i>	521	41%
2024	52%	71%	<i>n/a</i>	455	44%
2025	56%	76%	<i>n/a</i>	387	47%
2026	60%	81%	<i>n/a</i>	315	49%
2027	64%	85%	<i>n/a</i>	241	52%
2028	67%	90%	<i>n/a</i>	163	55%
2029	71%	95%	<i>n/a</i>	83	57%
2030	75%	100%	<i>n/a</i>	-	60%

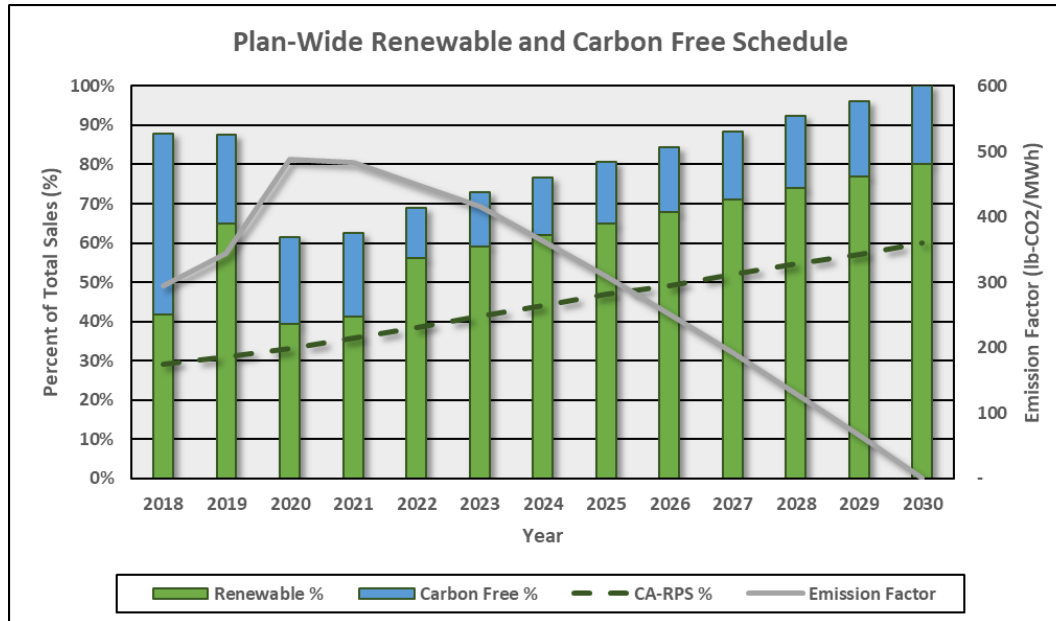
Path to Zero Emissions electricity, 2030

Schedule for **All Plans** including renewable and Carbon-free as percent, forecasted emissions and CA RPS annual percent

Year	All Plans				CA-RPS %
	Renewable %	Carbon Free %	TCR*-Emission Factor	PSDR-Emission Factor	Renewable %
2018	42%	88%	82	<i>n/a</i>	29%
2019	65%	88%	113	<i>n/a</i>	31%
2020	39%	61%	<i>n/a</i>	488	33%
2021	41%	63%	<i>n/a</i>	483	36%
2022	56%	69%	<i>n/a</i>	450	39%
2023	59%	73%	<i>n/a</i>	417	41%
2024	62%	77%	<i>n/a</i>	364	44%
2025	65%	81%	<i>n/a</i>	309	47%
2026	68%	85%	<i>n/a</i>	252	49%
2027	71%	88%	<i>n/a</i>	193	52%
2028	74%	92%	<i>n/a</i>	131	55%
2029	77%	96%	<i>n/a</i>	67	57%
2030	80%	100%	<i>n/a</i>	-	60%

Path to Zero Emissions electricity, 2030

Chart for **All Plans** including renewable and Carbon-free as percent, forecasted emissions and CA RPS annual percent



2022 IRP and Portfolio Optimization

- **2022 IRP:** Currently on-going
 - Progress from IRP analysis will be presented to the Board this year
 - Will evaluate and model current profile over 10-year planning horizon
 - Assists in the development of detailed plans for resource planning to reach 2030 goal and beyond
- **Portfolio Optimization**
 - Cost, location and shape of contracted generation is modeled to evaluate new projects and how they fit with our load
 - Forecasts projects value within our existing portfolio of resources and regulatory requirements

Next Steps

- **2022 Long Term RPS and Storage RFO**
 - Third long-term project RFO
 - Currently evaluating project submissions from developers
 - Will short list and report to Board as informational
- **Future power purchasing**
 - Continue to add long-term renewable projects through RFOs with a focus on projects within EBCE jurisdictions
 - Balance remaining open position with renewable and other Carbon-free market purchases
 - Emphasis on projects located in EBCE service territory

Thank You!



Questions? Give us a call:
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