



Board of Directors Meeting

Wednesday, June 15, 2022

5:00pm

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

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Webinar ID: 870 2307 1843

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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 May 18, 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. Legal Services Agreements Approval for Fiscal Year 2022-2023

Adopt a Resolution authorizing the CEO or designee to negotiate and execute contracts with select legal vendors in accordance with the legal and other departmental budgets, for Fiscal Year 2022-2023.

10. Amendment to CSE with CALSTART

Amend existing CSA with CALSTART to add already Board approved budget to existing SOW; will enable additional M/HD Fleet technical assistance

11. Amendment to CSA with Stantec

Amend existing CSA with Stantec to add budget for additional services regarding EV charging projects

REGULAR AGENDA

12. CEO REPORT

- A. Executive Committee
- B. Marketing, Regulatory and Legislative Subcommittee
- C. Finance, Administration and Procurement Subcommittee
- D. New Staff

13. Community Advisory Committee Report

14. FY 22-23 Budget (Action Item)

Adopt a Resolution approving the presented budget for fiscal year 2022-2023.

15. Approval of the 5th Amendment to Employment Agreement with Nick Chaset, CEO (Action Item)

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

17. Adjournment to Wednesday, July 20, 2022 at 5:00pm



Draft Agenda

Board of Directors Meeting

Wednesday, May 18, 2022

5:00 pm

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

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

1. Welcome & Roll Call

Present: Directors: Tiedemann (Albany), Hahn (Berkeley), Hu (Dublin), Cox (Fremont), Marquez (Hayward), Munro (Livermore), Hannon (Newark), Kalb (Oakland), Cavanaugh (Piedmont), Narum (Pleasanton), Arriola (Tracy), Patino (Union City), Mutzenberg (CAC), Vice-Chair Lopez (San Leandro) and Chair Martinez (Emeryville)

Excused: Directors: Valle (Alameda County)

Director Hahn served as an Alternate for Director Harrison (Berkeley).

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

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

2. Pledge of Allegiance

3. Public Comment

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Blair Beekman stated there are important questions regarding the future of renewable energies versus nuclear energy and the future of solar and storage issues by 2023. Blair Beekman noted that EBCE has made modifications that have helped define how renewable energy is discussed at the state level, and that it is not being run by the fossil fuel industry at this point, which is needed for the future of renewables.

Tom Kelly spoke regarding EBCE's generation rates, which are 3.5% higher than PG&E, and said since the beginning of 2022 PG&E's bundle customers have been charged a PCIA charge, and it looks like EBCE has added the generation charge and the PCIA charge to both rates and discounted the Bright Choice based on a combination of those two rates, which is not the way it was intended to be done and costs rate payers considerable money. Tom Kelly also stated that Bright Choice is the dirtiest electricity in Northern California, so the rate payers are paying a premium for electricity that produces much more greenhouse gas emissions than the other CCAs and PG&E. Tom Kelly hopes most of the EBCE's anticipated windfall will be put into better rates and reducing greenhouse gas emissions.

Aleta Dupree asked how the value proposition could be improved, and as renewables get cheaper how could they take advantage of that, especially with storage? Aleta Dupree stated here is a lot of curtailment happening in the system in the non-peak seasons and it should be captured and delivered to EBCE users. Aleta Dupree is passionate about solar, storage, and conservation and practices ways to reduce heat production in the afternoons so the air conditioner does not have to work so hard.

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

No reportable actions were taken in closed session.

Director Hu did not return from closed session.

CONSENT AGENDA

6. Approval of Minutes from April 7, 2022 and April 20, 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. Amendment to Rate setting protocol (Action Item)

Present proposed amendment to rate setting protocol

10. Amendment to Procurement Policy (Action Item)

Present proposed Amendments to clarify parts of Procurement Policy

Jessica Tovar, on behalf of East Bay Clean Power Alliance, supported the idea of continuing to have the full amount of public meetings in regard to rates in order to have more dialogue with the community and in general around EBCE operations.

Director Narum (Pleasanton) motioned to approve Items 6, 7, 8, and 10 from the Consent Agenda, with Item 9 moved to the regular agenda. Director Hahn (Berkeley) seconded the motion, which passed 12/0. Excused: Director Valle (Alameda County), Director Hu (Dublin) and Director Cox (Fremont).

REGULAR AGENDA

9. Amendment to Rate setting protocol (Action Item)

Present proposed amendment to rate setting protocol

The Board Discussed:

- Transparency in public meetings and the eventual return of in-person meetings.
- EBCE's broad service territory and a potential situation where if there is a significant proposal or need to change the value proposition or rates, EBCE would need to have meetings in three different parts of its service territory.
- Concerns regarding the number of people attending meetings and opportunities for education, and EBCE's efforts to promote and communicate with the community.
- Unique ways EBCE engages with its customers, such as in-person at non-energy related events, which allow EBCE to encourage customers to follow them on social media.

Director Tiedemann (Albany) motioned to move the item. Director Cox (Fremont) seconded the motion, which passed 12/0. Excused: Director Valle (Alameda County) and Director Hu (Dublin). Abstain: Director Kalb (Oakland).

11. CEO REPORT

12. Community Advisory Committee Report

- Vice Chair Mutzenberg asked for prayers for Reverend Ken Chambers as he undergoes transplant surgery.
- Vice Chair Mutzenberg reported that in the legislative update the CAC unanimously voted to support staff recommended positions for SB 1020 and AB 2070, but to keep a neutral position on AB 2765.

13. Legislative Update (Action Item)

Update on recommended bill positions and EBCE's bill tracker

Blair Beekman was interested in the future of EBCE's funding program that has a public oversight component and said renewable energy allows a proactive position on positive community sustainability. Blair Beekman stated that EBCE is making such a good effort with renewable energy, but it must sure it focuses on renewable energy and not the fossil fuel end of it.

The Board Discussed:

- Status of SB 881.
- Bills' fiscal impact or impact on local governments.
- CAC advises the Board maintain a neutral position on AB 2765 due to concerns regarding the stop and go of bill funding.

Director Kalb moved to approve the recommended bill positions as presented. Director Munro seconded the motion, which passed 13/0. Excused: Director Valle (Alameda County) and Director Hu (Dublin).

14. FY 2022-2023 Budget (Informational Item)

Present draft FY 2022-2023 Budget

Aleta Dupree supported EBCE's 2022-2023 budget, wants to see investments in buildings, cooking, and trucking go forward, and hopes energy prices will stay at a level to achieve all these things. Aleta Dupree supports the idea of being forward thinking and investing in and building new renewables, rather than just buying a product from someone else.

Amos White, on behalf of 100K Trees for Humanity, asked for EBCE's support to allocate \$9 million of the budget surplus to a Cooler Communities plan that would plant trees at scale in three frontline East Bay communities, West Oakland, San Leandro, and the Eden area, as a climate investment for reduced energy cost and increase savings. Amos White stated that planting 100K trees at scale over two years at a \$3 million investment in each one of those areas would reduce energy costs, provide over \$1.1 million in annual energy savings, sequester 2,000 tons of CO₂, cool communities, and improve the public's health overall.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, appreciated that the Community Innovation Grants are now back in the budget, but noticed there is a huge disparity between \$750,000 per year towards the Community Innovation Grants versus the \$15 million grant to the UCSF Benioff Children's Hospital, and stated that \$15 million could fund 60 resilience hub micro-grids of solar and battery storage, which would address the root causes of asthma triggers as well as adult onset asthma; or fully subsidize 395 low- to moderate-income electrification and energy efficiency projects; or electrify more public transit. Jessica Tovar echoed the CAC in stating that the Benioff Children's Hospital grant actually veers EBCE off its course.

Jennifer West, on behalf of StopWaste, commented on the \$15 million grant to the UCSF Benioff Children's Hospital and stated that StopWaste is part of Bay Area Regional Energy Network (BayREN), who is the lead for the Bay Area Multi-Family Building Enhancement Program (BAMBE). Jennifer West stated that BayREN is collaborating with Asthma Start in doing energy efficiency and electrification upgrades in multi-family buildings, which addresses some of the root causes for asthma and poor indoor air quality. Jennifer West is happy to see another opportunity for collaboration and partnership as these programs continue.

Blair Beekman spoke regarding the importance of tree canopies and stated that San Jose worked with the State of California Emergency Services Department and that potential emergencies in 2023 have to be considered in the future of tree canopy building.

Chair Martinez disclosed that she had met with representatives from UCSF Benioff Children's Hospital and had received their full presentation.

The Board Discussed:

- Community Advisory Committee discussion regarding UCSF Benioff Children's Hospital grants.
- The benefits of Benioff Children's Hospital three-year grant, and that the grant money be additional, not supplanted by other money.
- Requiring statements from the UCSF Benioff regarding how the grant dollars were spent and allowing more prevention calculated in terms of patients served.
- EBCE changing the premium for going 100% renewable, and extending the proposal down to be at parity relative to PG&E.
- Finding a path forward to get all 15 of EBCE's jurisdictions online with Renewable 100, and getting the participation of the most economically vulnerable.
- Whether the staff's recommended Bright Choice discount rate would be sustainable.
- Future mechanism to get EBCE grant money trickling down to community health centers, which are the first line of care before kids end up in the hospital.
- Spending the budget surplus on expenses that are time limited, rather than on necessary ongoing expenses, or finding a balance between the two.
- Ramping up the Community Innovation Grants to \$3 million for three years instead of \$2.25 million for that period, and the grants to different organizations being meaningful amounts, such as \$100,000 each year over two or three years.
- Spending surplus budget funds on planting trees, as suggested by Amos White of 100K Trees for Humanity, which would address CAC comments regarding how to prevent asthma in the first place, and as a way to address pollution and heat deserts.
- EBCE using its budget surplus funds for purposes more directly related to its mission and uses, such as helping people transition to clean energy.
- How the selection process will come about.
- Programs to get low-income people into electric vehicles by getting DC fast charging into communities where multi-family housing is most dense.
- The amount of current reserve funds.
- Factors involved in childhood asthma and how the \$15 million grant to UCSF Benioff Children's Hospital would fund science and studies that would inform EBCE programs that directly affects people in their homes.

15. Energy Prepay Transaction #2 Approval (Action Item)

Seek approval to enter into a second energy prepay transaction

There were no speakers for public comment.

The Board Discussed:

- Anticipated cost to be shared with Morgan Stanley if the transaction does not go through.
- Clause to protect EBCE by holding the price for the next ten years.

Director Hannon (Newark) motioned to approve Energy Prepay Transaction #2. Director Cox (Fremont) seconded the motion, which passed 10/0. Excused: Director Valle (Alameda County), Director Hahn (Berkeley), Director Hu (Dublin), Director Cavanaugh (Piedmont), Vice-Chair Lopez (San Leandro).

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

There were no announcements or future agenda requests.

17. Adjournment to Wednesday, June 15, 2022 at 5:00pm



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



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

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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."

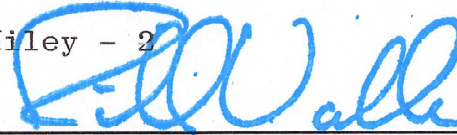
Section 3 – All County departments and agencies take those actions, measures, and steps deemed necessary to assure the health, safety, and welfare of County citizens and property, including requesting mutual aid to the extent such aid is necessary.

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

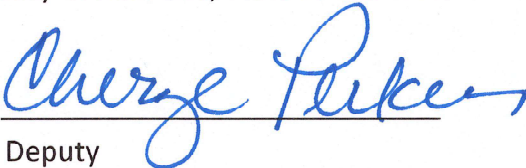
NOES: None

EXCUSED: Supervisors Chan and Miley - 2

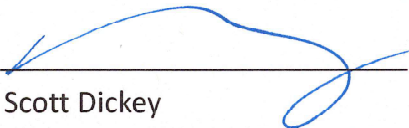


Richard Valle, President of the Board of Supervisors

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;

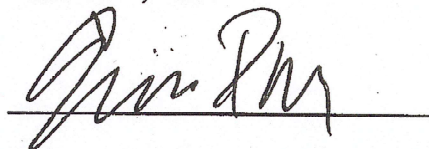
WHEREAS, based on the United States Department of Health and Human Services declaration and the Centers for Disease Control and Prevention statements, and multiple cases of COVID-19 and evidence of community transmission in the region, there is an ongoing risk and likelihood of additional COVID-19 positive 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: June 15, 2022

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy. **Items executed between May 10 and June 9, 2022;**

C-2022-042 Building Opportunities for Self-Sufficiency (Berkeley) 2022 Community Outreach Grant Agreement awarded in the amount of \$15,000 to support the AMP outreach program through September 1, 2022.

C-2022-043 Stantec Consulting Services (Sacramento) Third Amendment to CSA adds additional electrical engineering services to the Scope of Work, increases compensation for a total amount not to exceed \$99,999, and extends the termination date to June 30, 2023.

C-2022-044 San Francisco Elevator Standard Preventive Maintenance Agreement provides for maintenance services at a cost of \$150 per month, and allows for repairs as needed, which will be compensation on an hourly basis.

C-2022-045 CalStart (Berkeley) First Amendment to CSA increases the total compensation to not exceed \$200,000.

C-2022-046 Granicus (Denver, CO) Third Amendment to the Granicus Service Agreement extends the term through June 30, 2023, compensation is increased to a total amount not to exceed \$50,089.38 for the FY 22-23, through June 30, 2023.

C-2022-047 San Jose Clean Energy Cost Sharing and Reimbursement Agreement for the purposes of cost-sharing and reimbursement of costs in connection with professional services related to joint development, review, and negotiation of long-term renewable energy contracts to fulfill each organizations energy goals, and additional professional services that may be desired in the future.

C-2022-048 San Jose Clean Energy (Los Angeles) SJCE and EBCE will split the costs evenly for cQuant.io analysis (compensation not to exceed \$10,000), New Energy Works Consulting services (compensation not to exceed \$24,420), and Fractal Business Analytics commercial reviews (compensation not to exceed \$20,000).

C-2022-049 PFM Financial Advisors & PFM Swap Advisors (Los Angeles) Agreement & Work Orders #1 & #2
services related to Municipal Advisor and Swap Advisor connected to proposed issuance of bonds by CCCFA as part of a prepay transaction, compensation not to exceed \$175,000.

C-2022-050 Meyers Nave (Oakland) Engagement Letter to advise on Power Purchase Agreement with Edwards Solar and Terr-Gen, and Power Purchase Agreement with EDPR CA Solar Park, for a total amount not to exceed \$50,000.



Consent Item 9

TO: East Bay Community Energy Board of Directors

FROM: Howard Chang, Chief Operating Officer

SUBJECT: Legal Services Agreements Approval for Fiscal Year 2022-2023

DATE: June 15, 2022

Recommendation

Adopt a Resolution authorizing the CEO or designee to negotiate and execute contracts with select legal vendors in accordance with the legal and other departmental budgets, up to \$2,235,000 for Fiscal Year 2022-2023.

Background and Discussion

The budget staff presented to the Board of Directors tonight includes a total of \$2,235,000 for legal vendors across the Legal, Power Resources, Policy, and Local Development, & Finance budgets. Staff is seeking approval to contract with the following law firms:

- Nixon Peabody - Finance
- Braun Blaising Smith Wynne - Policy
- Davis Wright Tremaine - Power Procurement/ Local Development
- Hall Energy Law - Power Procurement
- Keyes and Fox - Policy/Compliance/Power Procurement
- Richards, Watson and Gershon - General Counsel Services
- The Law Offices of Joseph F. Wiedman - Policy
- Wilson Sonsini Goodrich Rosati - Power Procurement/ Local Development
- Meyers Nave - Power Resources

All firms except Meyers Nave were utilized in fiscal years 2020-2021, 2019-2020, and all except three were utilized in fiscal year 2018-2019. Staff is pleased with the prior services and is interested in maintaining strong working relationships as it seeks to extend the current Agreements with the vendors for fiscal year 2022-2023. EBCE recently initiated a new relationship with Meyers Nave for legal services related to power procurement contracts.

The budget breakdown across these functions is anticipated to be:

Outside General Counsel: \$450,000
Regulatory & Policy \$200,000
Power Procurement \$985,000
Local Development \$100,000
General Legal \$500,000

Fiscal Impact

Staff anticipates contract amounts with the selected legal vendors in varying amounts that may exceed \$100,000. Staff is seeking approval of a Resolution that would authorize staff to negotiate and execute Agreements with the identified legal vendors for a total amount not to exceed \$2,235,000, as budgeted.

It is likely that the spend for all legal vendors will be less than \$2,235,000, but it would be in EBCE's best interest to have those funds available to increase the spend of critical contracts for legal services if necessary.

Attachments

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute Agreements with Selected Law Firms for Fiscal Year 2022-2023

RESOLUTION NO. R-2022-xx

A RESOLUTION OF THE BOARD OF DIRECTORS

OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE AN AGREEMENTS WITH SELECTED LEGAL VENDORS FOR FISCAL YEAR 2022-2023

WHEREAS The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS in June 2018, EBCE issued a broad legal services RFP to select law firms to provide legal expertise across various staff functions, including legislative and regulatory policy, power procurement, general counsel services, local development, finance, and other areas; and

WHEREAS EBCE has previously utilized the following firms to secure such legal expertise: Nixon Peabody, Braun Blasing Smith Wynne, Davis Wright Tremaine, Hall Energy Law, Keyes and Fox, Richards, Watson and Gershon, The Law Office of Joseph F. Weidman, and Wilson Sonsini Goodrich Rosati; and

WHEREAS EBCE is pleased with the prior services by these law firms; and

WHEREAS EBCE has entered into Consulting Services Agreements with the aforementioned law firms as well as the law firm Meyers Nave, and desires to amend certain Agreements in varying amounts that may exceed \$100,000 for Fiscal Year 2022-2023.

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

Section 1. The CEO or a designee is hereby authorized to negotiate and execute Consulting Services Agreements and necessary Amendments for one-year terms with firms providing legal services. These firms may include Nixon Peabody; Braun Blasing Smith Wynne; Davis Wright Tremaine; Hall Energy Law; Keyes and Fox; Richards, Watson and Gershon; The Law Office of Joseph F. Weidman; Wilson Sonsini Goodrich Rosati; and Meyers Nave.

Section 2. The Consulting Services Agreements and necessary Amendments may be for varying amounts that exceed \$100,000 but the total spend on legal services shall not exceed \$2,235,000 through June 30, 2023.

ADOPTED AND APPROVED this 15th day of June, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 10

TO: East Bay Community Energy Board of Directors

FROM: Jessie Denver, Senior Program Manager - Transportation Electrification

SUBJECT: Amendment to Consulting Services Agreement with CALSTART for Medium and Heavy-Duty Commercial Fleet Electrification Technical Assistance Services

DATE: June 15, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a First Amendment to the August 15, 2020 Consulting Services Agreement (“CSA”) between EBCE and CALSTART to conduct services necessary to assist with medium and heavy-duty commercial fleet electrification pilot program implementation, to extend the term, to update the Compensation section and increase the compensation amount by \$150,000, for a total amount not to exceed \$350,000, to make necessary adjustments to hourly rates, and to update the Scope of Work.

Background and Discussion

In 2019 EBCE joined the *Global Commercial Vehicle Drive to Zero Program* (“Drive to Zero”). Drive to Zero is a first-of-its-kind initiative led by CALSTART, a nonprofit organization recognized nationally and internationally for its industry leading medium and heavy-duty (“M/HD”) market and zero-emission vehicle technology expertise.

Drive to Zero is accelerating the growth of zero-emission commercial vehicles and is built upon a technology strategy that identifies the market segments where these technologies will succeed and help drive growth in other commercial vehicle segments. Together with CALSTART, EBCE aims to establish its service area as a first mover market for M/HD commercial fleet electrification.

CALSTART is also the administrator of California's M/HD incentive programs: The Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project ("HVIP"), the Clean Off-Road Equipment Voucher Incentive Project ("CORE") and the Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles Program ("EnerglIZE"). EBCE's technical assistance pilot program also offers participants who decide to procure a zero-emission M/HD vehicle a concierge service, provided by CALSTART, that makes applying for these incentives simple.

This proposed Amendment to the CSA with CALSTART will allow EBCE to expand implementation of technical assistance to additional fleets and independent owner operators including but not limited to school districts and shuttle bus operators. The proposed Amendment will also extend the term, update the Scope of Work and Compensation section, and increase the compensation amount to account for an increased number of pilot program fleet participants. Thus, EBCE staff seeks to increase the compensation amount by \$150,000, for a total amount not to exceed \$350,000, to account for the additional cost of these services.

Fiscal Impact

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

Attachment

1. Resolution of the Board of Directors Authorizing the CEO to Negotiate and Execute an Amendment to the Consulting Services Agreement with CALSTART.

RESOLUTION NO. R-2022-__

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF
EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE AN AMENDMENT WITH CALSTART TO
PROVIDE TECHNICAL ASSISTANCE THAT WILL ACCELERATE MEDIUM AND HEAVY-DUTY
COMMERCIAL FLEET ELECTRIFICATION

WHEREAS, The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020.

WHEREAS, On July 18, 2018, the Board approved the Local Development Business Plan (“LDBP”). The LDBP identifies a series of local development early actions, including electrifying medium and heavy-duty commercial vehicles in EBCE’s service area,

WHEREAS, supporting market transformation of medium and heavy-duty zero-emission commercial vehicles and charging infrastructure is critical to achieving the state’s goals, improving local air quality and the economy, and increasing EBCE’s load,

WHEREAS, in August 2020 the CEO executed a Consulting Services Agreement with CALSTART to assist with the development and implementation of a technical assistance pilot project offered to target commercial fleet operators,

WHEREAS, EBCE is aiming to offer this technical assistance to additional commercial fleets and independent owner operators of medium and heavy-duty vehicles including, but not limited to, school and shuttle buses. Thus, EBCE staff seeks to increase the not to exceed amount of this agreement by \$150,000 to account for the additional cost of these services,

WHEREAS, EBCE also desires to extend the termination date to January 31, 2024, and to update the Scope of Work.

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 CALSTART dated August 15, 2020 to assist with the ongoing implementation of a medium and heavy-duty commercial fleet technical assistance pilot, to amend the termination date to January 31, 2024, to update the Scope of Work, to amend the Compensation section by increasing the total compensation by \$150,000, for a total amount not to exceed \$350,000, and by making and necessary adjustments to hourly rates. The Amendment must be approved by General Counsel.

ADOPTED AND APPROVED this 15th day of June, 2022.

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 11

TO: East Bay Community Energy Board of Directors

FROM: Zac Thompson, Distributed Energy Resources Program Associate

SUBJECT: Amendment to Consulting Services Agreement with Stantec for EV Charging Design Engineering Services

DATE: June 15, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a Fourth Amendment to the Consulting Services Agreement between East Bay Community Energy (“EBCE”) and Stantec for EV charging design engineering services, to increase the compensation amount by \$150,001 for a total amount not to exceed \$250,000, and to update and expand the Scope of Work to include Electric Vehicle (“EV”) Design Engineering services for additional cities within EBCE’s service territory.

Background and Discussion

Stantec was selected as EBCE’s EV charging design engineering consultant through a competitive selection process. Stantec has provided services related to EV Design Engineering services to EBCE for the cities of Oakland, Piedmont, and Livermore, California. Stantec was selected for their expertise, history of completing similar projects for other public agencies, a clear and detailed outline—both in breadth and depth—in response to the instructions as stated in the solicitation for written quotes, and cost estimate for completing the Scope of Work. In February of 2021, EBCE’s CEO executed a Consulting Services Agreement (“CSA”) with Stantec for EV charging design engineering services. The CSA was amended three times: In June 2021, January 2022, and May 2022, all for the purposes of increasing the total compensation, expanding the scope of work, and to extend the termination date.

This proposed Fourth Amendment to the CSA with Stantec will update the Scope of Work to include EV Design Engineering services for additional cities within EBCE's service territory, and will increase the compensation amount to account for an increased number of EV charging projects. EBCE is aiming to develop several more EV fast charging hubs, which will require Design Engineering services; thus, EBCE staff seek to increase the not to exceed amount of this CSA by \$150,001 to account for the additional cost of these services.

Fiscal Impact

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

Attachment

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

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 FOURTH AMENDMENT TO THE CONSULTING SERVICES
AGREEMENT WITH STANTEC**

WHEREAS, The East Bay Community Energy Authority (“EBCE”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, Under the Joint Exercise of Power Act, California Government Code sections 6500 *et seq.*, among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the Joint Powers Authority in March of 2020;

WHEREAS, Stantec was selected through a competitive selection process among the submissions received in response to a solicitation of written quotes, as the most qualified consultant to provide EV design engineering services to EBCE;

WHEREAS, in February 2021 the CEO executed Consulting Services Agreement with Stantec for EV charging design engineering services for an amount not to exceed \$8,900 (“Agreement”). The Agreement was amended June 2021, January 2022, and May 2022, all to add additional compensation, expand the Scope of Work, and extend the termination date; and

WHEREAS, EBCE seeks to develop several more EV fast charging hubs, which will require updating the Agreement’s Scope of Work to include additional cities in EBCE service territory, thus, EBCE staff seek to increase the total amount of compensation of the Agreement by \$150,001 to account for the additional cost of these services.

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

Section 1. The CEO is hereby authorized to negotiate and execute a Fourth Amendment to the Consulting Services Agreement with Stantec for EV charging design engineering services, to update the Scope of Work within the Agreement to include additional cities within EBCE’s service territory, and to increase the total compensation by \$150,001, for a total amount not to exceed \$250,000.

ADOPTED AND APPROVED this 15th day of June, 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: June 15, 2022

Recommendation

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

Executive Committee Meeting

An Executive Committee Meeting was held on Friday, May 27, 2022 at 12pm. Members received an update on the Voluntary Allocation and Market Offer (VAMO). The next Executive Committee meeting is scheduled for Friday, June 24, 2022 at 12pm.

Marketing Regulatory and Legislative Subcommittee Meeting

A Marketing, Regulatory and Legislative meeting was held on Friday, June 3, 2022 at 12pm. Members received an update on Regulatory and Legislative matters. The next Marketing, Regulatory and Legislative Subcommittee meeting is scheduled for Friday, September 9, 2022 at 12pm.

Finance, Administration and Procurement Subcommittee Meeting

A Financial, Administration and Procurement Subcommittee meeting was held on Friday, June 10 at 10am. Members received a review of Board and CAC stipends. The next Finance, Administration and Procurement Subcommittee meeting is scheduled for Friday, September 16, 2022 at 10am.

New Staff

Matthew Chiodo, Power Resource Contracts and Settlements Analyst

Matthew Chiodo joined EBCE's Power Resources team in May 2022 as a Settlements and Contracts Analyst. Matt supports the financial settlement of procurement from third party generation facilities and power resources compliance obligations.

Prior to joining EBCE, Matt gained extensive experience in the utility and regulatory compliance world working as a Senior Program Consultant for Frontier Energy and Regulatory Case Manager for PG&E, respectively.

Matt earned a Master of Arts in Urban and Public Affairs from the University of San Francisco.



Staff Report Item 14

TO: East Bay Community Energy Board of Supervisors
FROM: Nick Chaset, CEO
SUBJECT: EBCE Budget Fiscal Year 2022-2023 (Action Item)
DATE: June 15, 2022

Recommendation

Adopt a Resolution approving the presented budget for fiscal year 2022-2023.

Background and Discussion

EBCE's fiscal year is from July 1 through June 30. Staff is presenting a proposed draft budget for fiscal year 2022-2023.

This budget presents changes to EBCE's value proposition by recommending an increase from 1% to 3% discount relative to PG&E rates for EBCE's Bright Choice product and decreasing the premium of the Renewable 100 product from \$0.01 to \$0.0075.

This budget also presents a large net position surplus as a base-case scenario. Staff is recommending a method to manage this surplus to increase EBCE's value to the community through four processes:

1. Significant contributions to working capital and reserves to ensure agency solvency in the event of possible risk contingencies
2. Increase value proposition customer discount and establish on-bill credits as levels of net position surplus are realized through the year
3. Increase renewable procurement with short and long-term investments
4. Meaningful increases to Local Development and donation of a local public health grant

This presented budget is based on feedback from a draft version presented at the Finance, Administrative, and Procurement Committee on April 15, 2022, the Board of Directors on May 18, 2022, and the Executive Committee on May 27, 2022. The budget outlines staff's best expected estimates for costs and revenues anticipated for the next fiscal year based on load, market prices, and PCIA charges.

Summary of EBCE Budget FY 2022-2023

	FY 2022-23 FINAL BUDGET
OPERATING ACTIVITY	
REVENUE & OTHER SOURCES	
GASB 62 Unrecognized Revenue Balance	15,814,000
Operating Revenue	
Electricity Sales	792,008,000
Uncollectables	(15,841,000)
Other Operations Revenue	(6,229,000)
Total Operating Revenue	769,938,000
EXPENSES & OTHER USES	
Energy Operating Expenses	
Cost of Energy	523,996,000
Data Management/Customer Service	7,834,000
PG&E Service Fees (Billing/Metering)	2,715,000
CAISO Scheduling Coordinator	696,000
Total Energy Operating Expenses	535,241,000
Overhead Operating Expenses	
Personnel	15,712,000
Marketing & Communications	2,876,000
Legal, Policy, & Regulatory Affairs	2,488,000
Other Professional Services	2,292,000
General & Administrative	3,884,000
Depreciation	180,000
Total Overhead Operating Expenses	27,432,000
Total Operating Expenses	562,673,000
NON-OPERATING ACTIVITY	
NON-OPERATING REVENUE	
Interest Income	262,000
Grants	0
Other Non-Operating Revenue	15,000
Total Non-Operating Revenue	277,000
NON-OPERATING EXPENSES	
Borrowing Interest	1,440,000
Local Development Funding	21,350,000
Grant	15,000,000
Capital Expenditures	7,000,000
Total Non-Operating Expenses	44,790,000
NET NON-OPERATING ACTIVITY	(44,513,000)
TOTAL REVENUES	770,215,000
TOTAL EXPENSES	607,463,000
NET INCREASE(DECREASE) IN POSITION	162,752,000

Fiscal Impact

This establishes the forecast of EBCE's fiscal position for the next 12 months with a positive net position.

Attachments

- A. Presentation of EBCE Budget FY 2022-2023
- B. Resolution to approve the budget for the 2022-2023 fiscal year as presented
- C. Public Health Grant Overview
- D. Public comment report to proposed FY 2022-2023 value proposition

JUNE 15, 2022

Budget Proposal for Fiscal Year 2022-2023

PRESENTED BY:
NICK CHASET, CEO



- In the face of rising energy costs, EBCE is able to continue to serve our local community and customers with cost competitive & cleaner energy while providing local jobs and equitable programs.
- Rates are up and PCIA is down, driven by a historic increase in market energy prices starting in 2021 and forecasted to persist in 2022-2023.
- With EBCE rates indexed to PG&E rates, we are forecasting significant headroom to operate and a strong financial surplus, helping to offset calendar 2021, which operated at a loss.
- Budget includes the following:
 - Significant contributions to working capital and reserves
 - Improvements to the Value Proposition (increased discount and bill credits)
 - Increased renewables procurement (short-term and new long-term investments)
 - Meaningful increase to local development budget and local public health grant
 - Expand on staff expertise, build more depth, and scale operations further
 - Investment in EBCE's new headquarters in a downtown Oakland DAC

Summary Budget for Fiscal Year 2021-2022

Attachment Staff Report Item 14A

Notes:

YTD* reflects actuals through April 30, 2022

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
OPERATING ACTIVITY			
REVENUE & OTHER SOURCES			
GASB 62 Unrecognized Revenue Balance	15,814,000	15,814,000	15,814,000
Total Operating Revenue	769,938,000	499,697,000	561,702,000
EXPENSES & OTHER USES			
Total Energy Operating Expenses	535,241,000	454,577,000	477,372,000
Total Overhead Operating Expenses	27,432,000	17,320,000	13,842,000
Total Operating Expenses	562,673,000	471,897,000	491,214,000
NON-OPERATING ACTIVITY			
Total Non-Operating Revenue	277,000	1,692,000	2,996,000
Total Non-Operating Expenses	44,790,000	14,873,000	17,911,000
NET NON-OPERATING ACTIVITY	(44,513,000)	(13,181,000)	(14,915,000)
TOTAL REVENUES	770,215,000	501,389,000	564,698,000
TOTAL EXPENSES	607,463,000	486,770,000	509,125,000
NET INCREASE(DECREASE) IN POSITION	162,752,000	14,619,000	55,573,000
RESERVE BALANCE			
Beginning Reserve Balance	TBD	90,218,000	90,218,000
Operating Target (50%)	281,337,000	235,949,000	245,607,000

Methodology Change of Base Case

- On June 3, 2022 PG&E released its June 2023 PCIA and rate forecast filing update
- Methodology used for PCIA filing assumes lower energy market price benchmarks (MPB's) than previous ppt
 - Exact MPB prices are redacted in the June report and the rate index used by PG&E is proprietary
 - EBCE has calculated the implied price curve and has derived an updated budget base case using PG&Es filed values as a point of comparison
- In our May 2022 Presentation, our PCIA and Rate forecast relied on energy forward prices from Bloomberg as derived by various sources—NYMEX, S&P, market surveys—then processed with cQuant software
 - Generally reliable process with back-testing – this is EBCE's standard approach for price forecasts
 - Current highly volatile market conditions add large variances between different price assumptions

Base-Case Scenario Comparison		
Revenue Price Curve:	MPB	cQuant P50
Cost Price Curve:	MPB	cQuant P50
Total Net Operating Revenue	769,938,000	932,867,000
Total Energy Operating Expenses	535,241,000	634,475,000
Total Overhead Operating Expenses	27,432,000	27,432,000
Net Non-Operating Activity	(44,513,000)	(44,513,000)
Net Increase (Decrease) Position	162,752,000	226,447,000

Budget Base Case Assumptions

Attachment Staff Report Item 14A

Revenues

- Increase to customer value proposition by
 - Bright Choice from 1% to 3% discount to PG&E
 - R100 from \$0.01 to \$0.0075 above PG&E
 - Estimated revenue reduction of \$17.4MM
- \$50 bill credit applied to all CARE & FERA customers in Q1/Q2 of FY 22-23 totaling an estimated \$6.23MM in one time bill savings
- Assumes current rates and PCIA are unchanged through 2022
- Rates and PCIA for 2023 are non-stressed, or as forecasted, MPB energy rates
- 2.0% uncollectable rate
- No recognition of GASB 62 revenue (\$15,814,000)
- Non-operating revenue assumes 0.25% interest earned on treasury backed cash balance accounts

Energy Costs

- Costs are derived from a blend of contracted and open positions for all energy, attributes, and RA
 - Open prices are non-stressed, or as forecasted MPB approximates
- Renewable Energy has additional 5% above recent board approved calendar 2022 and 2023 Bright Choice targets.
 - 2022: Renewables 45% --> 50%; CF 63% --> 68%
 - 2023: Renewables 49% --> 54%; CF 66% --> 71%
 - Adds \$3.3MM to costs (Each 1% is ~\$667,000)

Other Costs

- Additional staffing requirements of 19 FTE
- New building use date assumed in January 2023
 - \$7MM capital improvement costs
- Program funding increased by 143% to \$20.6MM
- \$15MM 5 year Pediatric Asthma Public Health Grant

Budget Proposed Surplus Allocations

Net Position Estimated using PG&E PCIA/Rate forecast (June Filing) = \$162.8MM

Proposed Budget Surplus Waterfall Allocation:

- 1) Working Capital Needs: \$50MM*
- 2) Reserve Account Funding: \$75MM*
- 3) 50/50% split of any excess to:**
 - Incremental Long-Term Renewable Energy/Clean Energy Storage Investments: ~\$20MM
 - One-time On-Bill Credits to Customers: ~\$20MM

**Allocations to be made after the end of the fiscal period ending June 30, 2023*

***Assuming a budget surplus that is materially consistent with this forecast, staff would plan for an even allocation. Formal action would be brought forth to the board in Q3 of the fiscal year (Jan-Mar 2023) to formally adopt in conjunction with a mid-year budget update. This timing would allow for staff to have good visibility into calendar 2023 rates and forecasted surplus.*

Energy Price Risk Scenarios

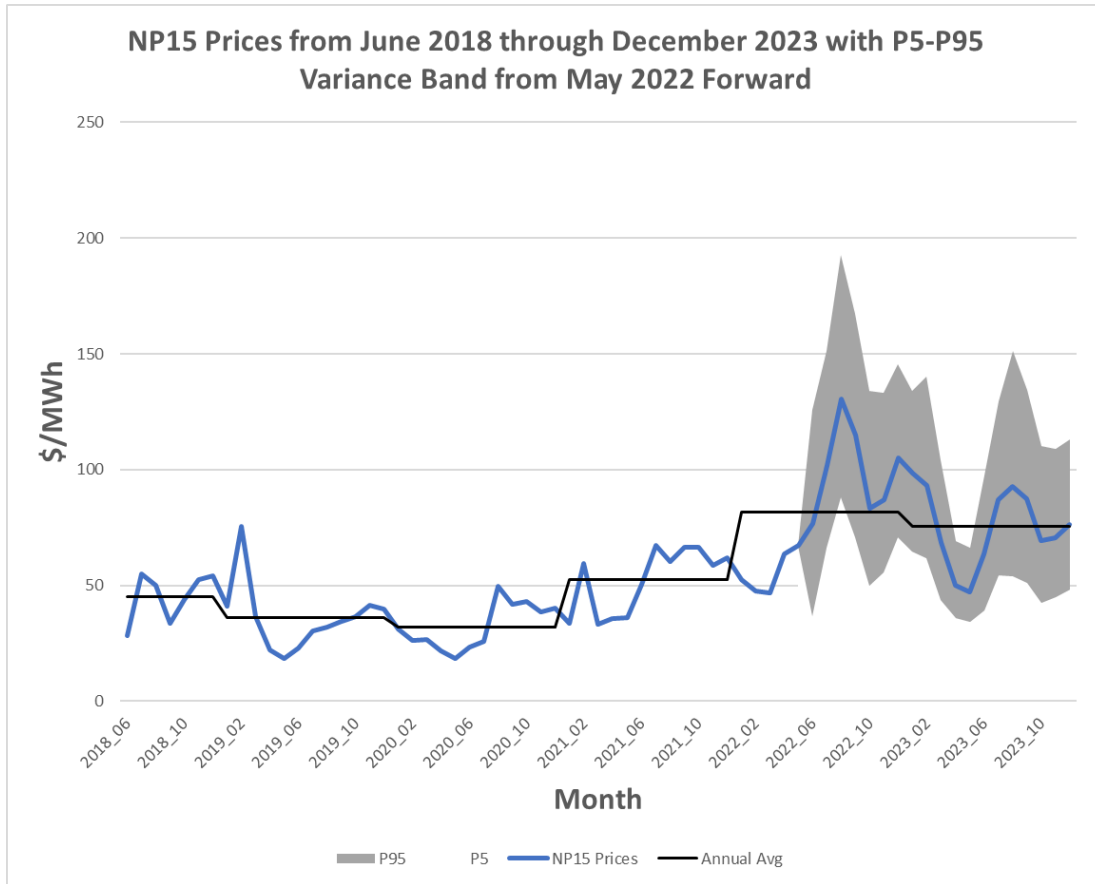
- In a rising energy cost environment, indexing to PG&E rates, creates more headroom for EBCE to operate. However, in addition to customer energy costs increasing, it increases EBCE energy costs, reserve requirements, and general operating risk
- In a low energy price environment, indexing to PG&E rates, reduces headroom for EBCE to operate. Customer energy costs are going down and EBCE faces considerable competitive rate pressure.
- From a budgeting perspective, a mismatch of forecast and actuals presents considerable risk:
- Scenario 1: Rate forecasts are low and actual energy prices are high
 - Hedges perform well but open position is costly
 - Rates/PCIA will adjust favorably next year but we have a very significant working capital drain bc rates may not be sufficient to cover energy costs, creating near-term liquidity risk.
- Scenario 2: Rate forecasts are high and actual energy prices go down
 - Hedges perform poorly but open position is at a low cost
 - Rates/PCIA will adjust unfavorably next year. Near term liquidity and net position are strong, but we have to reserve for future corrections due to overcollections.
- In a rising price environment as financial results are particularly strong, it is critical that EBCE reserve significantly. As price revert to historical levels in the future, hedges are expected to perform poorly and will put EBCE under tighter financial conditions

Budget Energy/Rate/PCIA Scenarios

- While no forecast proves to be fully reliable, EBCE evaluates a number of short and long-term forward price curves through 3rd parties and further computationally simulates risk on multiple curves. The curves reflect a variety of renewable generation, storage adoption, climate, and policy scenarios.
- The current base-case budget is based on forward MPB energy costs over the fiscal period
- The Stress-Case Scenarios offer estimated outcomes if different revenue and cost curves materialize
 - High price P95 revenues and costs curves present strong net position in the fiscal year, but could present risk in FY 2023-24 as high prices are generally not considered sustainable long-term
 - Low price P5 scenario still presents a strong net position comparable to the MPB base-case
 - A combination of base-cases yields a moderate net position
 - Low revenue curves (MPB and P5) with a high price cost curve can yield negative net positions, but could present a stronger FY 2023-24 as a beneficial balance could accrue in PCIA's Portfolio Allocation Balancing Account (PABA)

	Base-Cases		Stress-Case Scenarios				
Revenue Price Curve:	MPB	P50	P95	P5	MPB	MPB	P5
Cost Price Curve:	MPB	P50	P95	P5	P50	P95	P95
Total Net Revenues	769,938,000	932,867,000	1,065,796,000	746,097,000	769,938,000	769,938,000	746,097,000
Net Energy Costs	535,241,000	634,475,000	757,573,000	537,405,000	634,475,000	757,573,000	757,573,000
All Other Costs	71,945,000	71,945,000	71,945,000	71,945,000	71,945,000	71,945,000	71,945,000
Net Position	162,752,000	226,447,000	236,278,000	136,747,000	63,518,000	(59,580,000)	(83,421,000)
Avg \$/MWh Cost	\$67.39	\$102.97	\$146.80	\$68.62	\$102.97	\$146.80	\$146.80

Energy Prices and Risk Bands (P5-P95)



Budget Operating Revenues

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
REVENUE & OTHER SOURCES			
GASB 62 Unrecognized Revenue Balance	15,814,000	15,814,000	15,814,000
Operating Revenue			
Electricity Sales	792,008,000	508,636,000	552,587,000
Uncollectables	(15,841,000)	(8,939,000)	(10,352,000)
Other Operations Revenue	(6,229,000)	0	19,467,000
Total Operating Revenue	769,938,000	499,697,000	561,702,000

- Increase to value proposition
 - Bright Choice from 1% to 3% discount to PG&E
 - Renewable 100 from \$0.01 to \$0.0075 above PG&E
 - \$50 bill credit to all CARE & FERA customers in July-Sept 2022, shown as Other Operations Revenue reduction
- Assumes current rates and PCIA are unchanged through 2022
- Rates and PCIA for 2023 are non-stressed, or as expected, energy rates with the MPB scenario
- 2.0% uncollectable rate
- No recognition of GASB 62 revenue (\$15,814,000)
- Current Year Other Operations Revenue is CAPP payments and damages from project default

COMPARISON OF CCA RATES OVER TIME

Base Product comparison to IOU for prominent residential rate

CCA	2020	2021	2022	2022 w/new value proposition
EBCE	-1.00%	-1.00%	-1.00%	-3.00%
MCE Clean Energy	2.94%	18.30%	-12.69%	
CleanPowerSF	-1.00%	2.25%	0.00%	
San Jose Clean Energy	-1.00%	-0.25%	0.00%	
Clean Power Alliance	3.99%	18.41%	22.59%	

100% Renewable Energy Product comparison to IOU for prominent residential rate

CCA	2020	2021	2022	2022 w/new value proposition
EBCE	8.51%	9.13%	6.79%	4.85%
MCE Clean Energy	10.96%	27.06%	-5.90%	
CleanPowerSF	7.51%	11.38%	6.79%	
San Jose Clean Energy	7.51%	8.69%	8.00%	
Clean Power Alliance	23.98%	28.68%	22.52%	

Value Proposition Changes

- The proposed changes to the value proposition are intended to:
 - Establish a discount rate that is sustainable through future market cycles, which is essential in establishing a clear and consistent value proposition to our customers
 - Prioritize CARE/FERA customer with pre-emptive bill credits (\$6.23MM immediate savings)
 - Cautious fiscal management by ensuring a budget surplus before issuing a more expansive customer-wide bill credit
 - If results end up aligning with forecasts, EBCE projects a budget of \$18.9M for incremental customer bill credits which would equate to delivering BC customers an annualized 5% discount and RE100 customers an annualized \$0.0025 premium.
 - To offer RE100 price parity with PG&E, while also giving Bright Choice customers their share of surplus, would require an additional \$12MM in bill credits

Change in Value Proposition Relative to PG&E

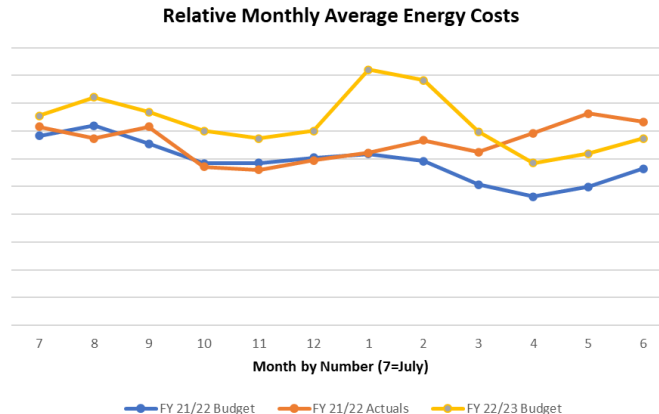
Bright Choice Discount	BC Customer Savings (MM)	Renewable 100 Premium	R100 Customer Savings (MM)	Total Savings (MM)
1%	\$6.40	\$0.0100	\$0.00	\$6.40
2%	\$12.80	\$0.0100	\$0.00	\$12.80
3%	\$19.20	\$0.0075	\$4.58	\$23.78
4%	\$25.60	\$0.0050	\$9.16	\$34.76
5%	\$32.00	\$0.0025	\$13.74	\$44.74
6%	\$38.40	\$0.0000	\$18.32	\$56.72

Budget Energy Expenses

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Energy Operating Expenses			
Cost of Energy	523,996,000	442,337,000	465,885,000
Data Management/Customer Service	7,834,000	8,645,000	8,039,000
PG&E Service Fees (Billing/Metering)	2,715,000	2,752,000	2,712,000
CAISO Scheduling Coordinator	696,000	843,000	736,000
Total Energy Operating Expenses	535,241,000	454,577,000	477,372,000

Energy Costs

- Costs are derived from a blend of contracted and open positions for all energy, attributes, and RA
 - Open prices are MPB non-stressed, or as forecasted
 - FY 22/23 are 24% higher than FY 21/22 on average
- Renewable Energy has additional 5% above recent board approved calendar 2022 and 2023 Bright Choice targets.
 - 2022: Renewables 45% --> 50%; CF 63% --> 68%
 - 2023: Renewables 49% --> 54%; CF 66% --> 71%
 - Adds \$3.2MM to costs (Each 1% is ~\$620,000)
- Note: We are in a period of historically high energy pricing and significant uncertainty/volatility
 - Forecasted market energy costs in 2022 and 2023 are approximately double the historical 12-year average



Budget Overhead Expenses

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Overhead Operating Expenses			
Personnel	15,712,000	10,171,000	8,019,000
Marketing & Communications	2,876,000	1,686,000	1,239,000
Legal, Policy, & Regulatory Affairs	2,488,000	1,592,000	1,174,000
Other Professional Services	2,292,000	850,000	929,000
General & Administrative	3,884,000	2,961,000	2,421,000
Depreciation	180,000	60,000	60,000
Total Overhead Operating Expenses	27,432,000	17,320,000	13,842,000

- Personnel costs will be discussed more in-depth on the next slide
- Increase in Marketing costs is Local Development marketing activity needs
- Increase in Legal, Policy , & Regulatory affairs is due to a couple of factors
 - Possible membership expansion (Stockton)
 - Additional volume of consulting/vendor agreements and power contracts
- Larger staffing demand, from Personnel costs, increases in Professional Services with HR/recruiting and additional project support
- Increase to G&A is primarily driven by expected increase operating expenses related to the new building
- Depreciation increases due to new building use expected in January, 2023

Budget Non-Operating Activity

Attachment Staff Report Item 14A

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
NON-OPERATING REVENUE			
Interest Income	262,000	798,000	159,000
Grants	0	894,000	2,509,000
Other Non-Operating Revenue	15,000	0	328,000
Total Non-Operating Revenue	277,000	1,692,000	2,996,000
NON-OPERATING EXPENSES			
Borrowing Interest	1,440,000	898,000	906,000
Local Development Funding	21,350,000	8,475,000	8,475,000
Grant	15,000,000	0	0
Capital Expenditures	7,000,000	5,500,000	8,530,000
Total Non-Operating Expenses	44,790,000	14,873,000	17,911,000
NET NON-OPERATING ACTIVITY	(44,513,000)	(13,181,000)	(14,915,000)

- **Non-Operational Revenue:** Interest earned on Treasury backed cash account balances (estimated at 0.25%) and BlocPower loan (5.5% on \$1.0MM)
- **Other Non-Operational Revenue:** SaaS services provided to SVCE
- **Borrowing Interest Expenses:** Expected costs associated with expanded credit facility
- **Local Development Funding:** Capital transfer to Local Development Fund
- **Grant:** Fund 5 year grant to establish and support EBCE Pediatric Asthma Center
- **Capital Expenditures:** New building improvement costs to allow for use

Budget: Local Development Fund

- 2022-2023 Local Development budget set at **\$21.35M**
- Allocating budget for capital intensive infrastructure development projects
- Allocating EBCE capital to reduce cost of ownership for building and vehicle electrification
- Initiating programs to accelerate heavy and light duty vehicle adoption as well as eMobility
- Increased funding for Community Grants
- \$1.4M in Program marketing in the MAS budget
- Unspent Local Development budget carries forward year to year

	FY 2022-23	FY 2021-22	FY 2020-21	FY 2019-2020
BEGINNING BALANCE	12,583,481	10,067,572	4,870,737	0
REVENUE & OTHER SOURCES				
Transfer from Operating Fund	21,350,000	8,475,000	6,340,000	6,275,000
Grants/Credits	-	-	395,000	-
Total Revenues & Other Sources	21,350,000	8,475,000	6,735,000	6,275,000
EXPENSES & OTHER USES				
Actual Program Expenses	-	1,959,091	1,538,165	1,404,263
Expected Remaining Expenses	33,933,481	4,000,000	-	-
Total Expenses & Other Uses	33,933,481	5,959,091	1,538,165	1,404,263
ENDING BALANCE	-	12,583,481	10,067,572	4,870,737

Local Development Areas of Emphasis Budget Allocation	
Transportation Electrification	\$12.75M
Building Electrification	\$4.7M
Energy Efficiency	No Direct EBCE Cost
Community Resilience/Local RE	\$660k
Community Grants	\$3M (granted over 3 years)
Sponsorships/Memberships	\$250k

- Transportation is the largest source of emissions of GHG and particulate matter from Light, Medium and Heavy-duty vehicles
- EBCE is developing publicly available charging infrastructure tailored to renters and low-income communities to ensure these residents can transition to EVs (currently developing the first 3 charging hubs)
- Goods movement is particularly important with Port impacts to communities and access through the territory and into the Central Valley
- EBCE will continue assisting Cities to electrify fleets; providing fleet electrification technical assistance and offering to develop and operate charging infrastructure for Cities with "Charging as a Service" product
- With more vehicle models becoming available EBCE will develop programs to facilitate the buying process and make EVs accessible across all customer income levels
- Partner with local agencies and local business to increase access to eMobility solutions
- Provide capital to reduce cost of ownership through credit enhancements across multiple vehicle classes

Charging Infrastructure Deployment

Development Capital for Charging Infrastructure

- **Equitable Public Fast Charging Hubs(\$3M)**
 - Funds to support EBCEs efforts to build a network of public fast chargers across the communities we serve with an emphasis on siting these chargers close to high densities of multi-family housing where home charging is often not accessible
- **Medium/Heavy Duty Charging Station pilot (\$1M)**
 - Funds to support investments in fast chargers infrastructure to support goods movement electrification with an emphasis supporting electrification of trucking and drayage
- **Municipal Fleet Charging as a Service Projects (\$2M)**
 - Funds to support municipal fleet electrification through provision of Charging as a Service

Fleet Technical Assistance

- Municipal Fleet TA (\$250k)
- M/H Duty Fleet TA (\$500k)

Electric Vehicle and eMobility Innovation Fund

Attachment Staff Report Item 14A

Invest in vehicle adoption and eMobility

- Lower costs and improve experience to accelerate EV adoption with emphasis on access for low and moderate income consumers (\$2M)
 - Funds to support one or more projects to drive consumer adoption of EVs. Ex: supporting electrification of rideshare services to direct consumer leasing/purchase of EVs
- Heavy duty loan loss reserve / credit enhancement to reduce barriers to electric Drayage ownership (\$2M)
 - Funds to support one or more projects to directly support conversion of older diesel drayage to all electric
- Partner with local transit agencies and local businesses to increase access to microMobility and eMobility solutions (\$2M)
 - Funds to support one or more projects to increase access to electric microMobility/eMobility

The specific details of each of these initiatives are under development and will be brought to the Board as they are ready to implement

Continue to deploy Energy Resilient Public Facilities across EBCE communities

- Independent Engineer for Phase 2 Municipal Critical Facility Projects (\$500k)
- EBCE PPA development and negotiation for Phase 1 Procurement (\$100k)
- Salesforce PPA billing capability (\$60k)

Phase 1 Update: EBCE is finalizing the Phase 1 portfolio of projects and will be issuing RFO for Resilience projects in June. Initiating Phase 2 enrollment with other Cities to build on Phase 1 success and deliver more resilience across the community.

Launch and run CPUC Funded Energy Efficiency Program

- Launch Commercial pay for Performance Program Pending approval of EBCE AL
- 3-year Program budget of \$13.5M (\$4.5M/year)
- Expected CPUC Approval July/August
- Planned program launch within 6 months of CPUC approval
- Incentives paid on measured, cost-effective savings
- Higher payments during peak periods
- Program will target combined demand response and energy efficiency installations

Commercial P4P Pilot learnings: Pilot program over-subscribed, incentives to be paid 12 months after project completion. Implementors awaiting additional EE funds.

Electrifying buildings is key to meeting climate action plans and improving indoor air quality.

LMI Electrification

- Year 2 of BlocPower funding commitment (\$650k)
- Scaling BlocPower program upon phase 1 success (\$500k)

Clean Cooking with Induction

- Induction lending Program - (\$200k)
- EBCE HQ Clean Cooking Demonstration Center - (\$500k)
- Local point of sale partnership for residential adoption (\$200k)
- Commercial electrification Technical Assistance (\$150k)

Accelerating Building Electrification

- Municipal Electrification TA (\$250k)
- Building Electrification Credit enhancement (\$2M)
- BE Workforce Development (\$250k)

Community Grants

EBCE will continue working with community-based organizations and local businesses to deliver benefits across the EBCE service area

- Community Grants (\$3M over 3 years)

- Staff will work with BOD and CAC to determine funding priorities and manage grants

Funding Category	Transportation Electrification	Building Electrification	Community Resilience	Energy Efficiency
Program Enrollment				
Workforce Development				
Education / Awareness				

Thank You!



Questions? Give us a call:
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Budget Overhead Expenses—Personnel

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Salaries & Wages	11,598,000	7,058,000	7,016,000
Retirement	1,544,000	993,000	971,000
Health Care/Benefits	2,292,000	1,196,000	628,000
Payroll Expenses	277,000	174,000	142,000
Total	15,711,000	9,421,000	8,757,000

- **FY 2020-21 Budget** was established at 37 FTE
 - No COLA was allocated that fiscal year
 - Personnel transitions left vacancies
- **FY 2021-22 Budget** was initially approved at 43 FTE and expanded mid-year to 49
 - 2.5% COLA and up to 5% merit-based/promotional compensation allotted
 - Currently at 45 FTE and interviewing for an additional 4 roles
- **FY 2022-23 Budget** seeks to increase to 68 FTE to accommodate additional work requirements in all areas. Additional headcount will expand on internal expertise/skills, build more depth, and scale operations:
 - 3.5% COLA and up to 10% merit-based/promotional compensation pool
 - 5 Marketing, 4 Local Programs, 3 Operations, 3 Technology, 2 Power Resources, 2 Legal

Budget Overhead Expenses—Marketing & Account Services

Attachment Staff Report Item 14A

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Data Manager	100,000	185,000	65,000
Required Mailings	520,000	395,000	552,000
Advertising	986,000	569,000	530,000
Promotional Items	25,000	10,000	23,000
Communications	1,233,000	455,000	403,000
Total	2,864,000	1,614,000	1,573,000

- **Data Manager:** Change orders to data management system, reduced through contract negotiations this year
- **Required Mailings:** Joint Rate Mailer w/ PG&E, Power Content Label, New Account Noticing
- **Advertising:** Active community presence activities, sponsorships, local events
- **Promotional Items:** Give away items
- **Communications:** Public relations, media, newsletters, consultants, minor software needs (like for website maintenance and updates)
- \$1.4MM of the \$2.9MM is Local Development Marketing needs and is distributed across the categories

Budget Overhead Expenses—Legal, Policy, & Regulatory Affairs

Attachment Staff Report Item 14A

	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Legal Consultants	2,135,000	1,315,000	1,315,000
Legislative Consultants	132,000	132,000	132,000
Other Consultants	144,000	120,000	108,000
Sponsorships & Memberships	75,000	25,000	25,000
Total	2,486,000	1,592,000	1,580,000

- **Legal Consultants:** Outside general counsel for procurement, analysis, and general operations
- **Legislative Consultants:** Retainer for Weideman Group legislative advocacy
- **Other Consultants:** Economic analysis in regulatory and legislative cases and communications consultant
- **Sponsorships & Memberships:** Occasional sponsorships for policy related events and Bar dues

Budget Overhead Expenses—Other Professional Services

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	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Accounting	265,000	250,000	276,000
Human Resources Consulting	1,000,000	100,000	41,000
IT Consulting	75,000	40,000	81,000
Consultants	953,000	460,000	549,000
Total	2,293,000	850,000	947,000

- **Accounting:** Accounting and auditing for financial compliance
- **Human Resources Consulting:** Support for additional HR demand for increased staffing recruitment, professional development, and training
- **IT Consulting:** Technical network assistance
- **Other Consultants:** Technical consulting for Power Resources and Technology & Analytics; as well as operational compliance support and other various tasks

Budget Overhead Expenses—General & Administrative

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	FY 2022-23 DRAFT BUDGET	FY 2021-22 BUDGET	FY 2021-22 YTD* + EST
Operational Expenses	1,048,000	877,000	867,000
Software, Subscriptions, SaaS	2,099,000	1,406,000	1,405,000
Small Equipment	210,000	107,000	57,000
Rent & Utilities	330,000	471,000	563,000
Conferences & Prof. Development	130,000	40,000	33,000
Board & Director Fees	65,000	60,000	43,000
Total	3,882,000	2,961,000	2,968,000

- **Operational Expenses:** Service fees, supplies, membership dues, operational services, and other relevant G&A
- **Software, Subscriptions, SaaS:** Increase covers additional software needs for Power Resource and Technology operations, as well as essential subscriptions for ongoing operations
- **Small Equipment:** Computers, printers, devices, other essential office related equipment
- **Rent & Utilities:** Decrease because paying rent for only part of year, but expect some increase in utilities with new building space
- **Conferences & Professional Development:** Trainings, conferences, and related expenses
- **Board & Director Fees:** Monthly stipends for board members

Grant to Establish a World Class Pediatric Asthma Program to Serve the East Bay

Attachment Staff Report Item 14A

The Problem: Across the communities EBCE serves, a staggering 18% of children suffer from asthma - 33% above the statewide average. The highest rates (up to 21% in Ashland and Cherryland) are concentrated along the 880 and 580 corridors. In West Oakland, 1 in 2 new cases of pediatric asthma is attributable to high levels of air pollution from fossil fuel combustion in cars and trucks.

Why EBCE: Since our founding, addressing the legacy of fossil fuel pollution has been one of our foundational goals. EBCE has invested tens of millions into new, local clean energy projects - from wind turbines to rooftop solar + storage to electric vehicle to mitigate pollution. And now is the right time to consider other opportunities to systematically address the effects of air pollution on our most vulnerable neighbors.

The Opportunity: Partner with UCSF Benioff Children's Hospital Oakland (BCH Oakland) - the East Bay's only Children's Hospital - to invest \$15M over 5 years to fund the development of a world class pediatric asthma program focused on serving children across the East Bay (and beyond)



Grant to Establish a World Class Pediatric

Attachment Staff Report Item 14A

Asthma Program to Serve the East Bay

Through the creation of the **East Bay Community Energy Asthma Program**, UCSF Benioff Children's Hospital Oakland will secure the staff, equipment and spaces needed to reach deep into our community and provide underserved families with world-class asthma care and education.

More specifically, the program will:

- More powerfully connect BCH Oakland's existing asthma care delivery channels - including the Pulmonology Clinic, primary care, inpatient care, emergency department and new allergy services - into a well-coordinated and easily accessible program that connects families with more preventative and timely treatment services.
- Provide patients with access to the social workers, mental health care providers and patient navigators they need to effectively manage their condition.
- Expand education and community outreach, including through local schools and local primary care providers, to connect patients to better care and additional management resources.
- Prioritize prevention through BCH Oakland's multi-disciplinary team, by pre-empting common triggers such as allergies and mental health challenges.



Grant to Establish a World Class Pediatric Asthma Program to Serve the East Bay

Attachment Staff Report Item 14A

This investment will also endow the **East Bay Community Energy Distinguished Professorship in Asthma**. This endowed professorship would allow UCSF Benioff Children's Hospitals to appoint a nationally recognized physician scientist to play a leadership role in the East Bay Community Energy Asthma Program.

Specifically, the Distinguished Professor will:

- Collaborate with leading experts from across UCSF's pulmonology, allergy and immunology divisions to conduct research focused on improving outcomes for children with asthma across the East Bay.
- Conduct research in underexplored priority areas. The exact focus will depend on the physician scientist appointed/recruited. Possible areas of investigation may include the association and interaction of asthma and sickle cell disease; and how environment, stress and genetics contribute to the higher rates and worse outcomes of Black children affected by asthma.

Next Steps: If the East Bay Community Energy Board of Directors approves the allocation of funding towards this new initiative, EBCE staff will engage with UCSF Children's Hospital Oakland to develop a detailed proposal and associated grant agreement that will be brought back to the Board for review and approval at some point in 2022 (or 2023 at the latest).



RESOLUTION NO. R-2022-xx_____

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE THE BUDGET FOR
THE 2022-2023 FISCAL YEAR**

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, EBCE operates on a fiscal year budget cycle from July 1st through June 30th;

WHEREAS, draft versions of EBCE’s budget for fiscal year 2022-2023 were presented to the Finance, Administrative and Procurement subcommittee on April 15, 2022, the Board of Directors on May 18, 2022, and the Executive Committee on May 27, 2022 (the “Prior Presentations”);

WHEREAS, staff has incorporated feedback from the Prior Presentations and prepared a revised proposed budget, set forth in Exhibit A (the “Proposed Budget”);

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

Section 1. The Board of Directors hereby approves and adopts the Proposed Budget, as set forth in Exhibit A, as EBCE’s fiscal year 2022-2023 budget.

ADOPTED AND APPROVED this 15th day of June, 2022.

Diane Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

EXHIBIT A
EBCE FISCAL YEAR 2022-23 BUDGET
 (as adopted on 6/15/2022)

	FY 2022-23 FINAL BUDGET
OPERATING ACTIVITY	
REVENUE & OTHER SOURCES	
GASB 62 Unrecognized Revenue Balance	15,814,000
Operating Revenue	
Electricity Sales	792,008,000
Uncollectables	(15,841,000)
Other Operations Revenue	(6,229,000)
Total Operating Revenue	769,938,000
EXPENSES & OTHER USES	
Energy Operating Expenses	
Cost of Energy	523,996,000
Data Management/Customer Service	7,834,000
PG&E Service Fees (Billing/Metering)	2,715,000
CAISO Scheduling Coordinator	696,000
Total Energy Operating Expenses	535,241,000
Overhead Operating Expenses	
Personnel	15,712,000
Marketing & Communications	2,876,000
Legal, Policy, & Regulatory Affairs	2,488,000
Other Professional Services	2,292,000
General & Administrative	3,884,000
Depreciation	180,000
Total Overhead Operating Expenses	27,432,000
Total Operating Expenses	562,673,000
NON-OPERATING ACTIVITY	
NON-OPERATING REVENUE	
Interest Income	262,000
Grants	0
Other Non-Operating Revenue	15,000
Total Non-Operating Revenue	277,000
NON-OPERATING EXPENSES	
Borrowing Interest	1,440,000
Local Development Funding	21,350,000
Grant	15,000,000
Capital Expenditures	7,000,000
Total Non-Operating Expenses	44,790,000
NET NON-OPERATING ACTIVITY	(44,513,000)
TOTAL REVENUES	770,215,000
TOTAL EXPENSES	607,463,000
NET INCREASE(DECREASE) IN POSITION	162,752,000

World-Class Asthma Care

A Case for Support Prepared for East Bay Community Energy

Defining the Challenge

Asthma is the most common chronic childhood disease in the United States. Across the country, about 7 million kids – 9% of all school-aged children – suffer from asthma. In California, that figure rises to over 12%. Nearly one third of California's asthma cases can be tied to air quality.

In Alameda County, the statistics paint an even more distressing picture: 18% of children have asthma – 6% higher than the state average, and twice the national average. A staggering 40% of children who visit UCSF Benioff Children's Hospital Oakland for primary care suffer from asthma. And 5% of our emergency department visits – over 7,200 patients annually – are for asthma care.

Across Alameda County, asthma rates vary, from a low of 12% in Piedmont to a high of 21% in Ashland and Cherryland, communities north of Hayward. The highest rates of asthma in the county are concentrated along the interstate 880 corridor: In Oakland, San Leandro, Castro Valley, Hayward and nearby communities, the rates of child and adolescent asthma exceed the county-wide average.

Within Oakland alone, there are stark differences in asthma rates based on exposure to traffic-related air pollution, socioeconomic factors, and race. Tragically, Black children in Oakland are 5 times more likely to die from asthma than non-Black children. In West and Downtown Oakland, where more than 70% of the population is people of color, 1 in 2 new childhood asthma cases were attributable to traffic-related air pollution, compared with 1 in 5 cases in the Oakland Hills, where more than 70% of the population is white.

Across the board, too many children in Alameda County struggle with asthma – a condition which can pose immense barriers to quality of life.

Enhancing Access to Care

UCSF Benioff Children's Hospital Oakland has played a critical role in preventing and treating asthma exacerbations in our community. This has included robust, community-engaged asthma management capacity building; as well as asthma-focused primary care, emergency care, and treatment within our Pulmonology Clinic.

A key component is our commitment to reaching into underserved communities across the East Bay. In addition to offering asthma care at our main hospital and emergency department in Oakland, we provide asthma care at our Federally Qualified Health Clinic, where 92% of our patients live below the poverty line. At our school-based clinics in Oakland, we serve a population where more than half of our students are non-white; half speak non-English languages at home; and three quarters are eligible for free and reduced-price lunches.

For those patients with more severe asthma related medical needs, our Pulmonology Clinic delivers leading clinical care and education to help East Bay children and teens manage their asthma. And in recent years, we are seeing more and more patients: Since 2019, our caseload has gradually increased by 4% each year. However, we are still not able to meet the level of demand from the community. Most recently, we introduced allergy services at UCSF Benioff Children's Hospital Oakland to provide additional critical preventive and treatment options for allergy triggered asthma.

What sets our asthma care apart is that we combine critical community engagement and top-notch primary care with the groundbreaking asthma research being conducted at UCSF. With additional investment, we are uniquely positioned to provide East Bay children with comprehensive asthma care and immediate access to cutting-edge treatments developed through research.

A Unique Opportunity

Tackling asthma is a complex challenge that requires a bold solution. At a time when the gap between those who can and cannot afford care has never been more acute, we must invest in health equity and ensure everyone can access the same outstanding care.

Our vision is to scale and enhance our asthma program to more dramatically advance asthma care for underserved populations in the East Bay and foster research and discovery into new and better treatments. That means growing our multidisciplinary team of experts across our asthma care delivery channels to reach into the community and provide easily accessible, holistic care. It also means providing families with the education and resources they need to manage their child's asthma and asthma triggers effectively at home and avoid asthma exacerbation and emergency room visits.



The East Bay Community Energy Asthma Program

With \$15 million provided over 3 to 5 years, UCSF Benioff Children's Hospital Oakland would establish the **East Bay Community Energy Asthma Program** and the **East Bay Community Energy Distinguished Professorship in Asthma**. The program's goal: to vastly improve access to high-quality asthma care and prevention for underserved communities in the East Bay Area.

East Bay Community Energy Asthma Program

With a funded East Bay Community Energy Asthma Program, we can secure the staff, equipment and spaces we need to reach deep into our community and provide underserved families with world-class asthma care and education. More specifically, the program will:

- More powerfully connect our existing asthma care delivery channels – including the Pulmonology Clinic, primary care, inpatient care, emergency department and new allergy services – into a well-coordinated and easily accessible program that connects families with more preventative and timely treatment services.
- Provide patients with access to the social workers, mental health care providers and patient navigators they need to effectively manage their condition.
- Expand education and community outreach, including through local schools and local primary care providers, to connect patients to better care and additional management resources.
- Prioritize prevention through our multi-disciplinary team, by pre-empting common triggers such as allergies and mental health challenges.

East Bay Community Energy Distinguished Professorship in Asthma

This endowed professorship would allow UCSF Benioff Children's Hospitals to appoint a nationally recognized physician scientist to play a leadership role in the East Bay Community Energy Asthma Program. Specifically, the Distinguished Professor will:

- Collaborate with leading experts from across UCSF's pulmonology, allergy and immunology divisions to conduct research focused on improving outcomes for children with asthma across the East Bay.
- Conduct research in underexplored areas, such as the association and interaction of asthma and sickle cell disease; and how environment, stress and genetics contribute to the higher rates and worse outcomes of Black children affected by asthma.

Recognition

In recognition of this gift, UCSF Benioff Children's Hospital Oakland would use the East Bay Community Energy Asthma Program name on our website, on the program's community outreach and education materials, and in any other digital or print materials, as well as in the official title of the Distinguished Professor and in their scientific publications.

Our families come to us for compassion, innovation, and hope – and supporters like East Bay Community Energy make that possible. Together, there is no limit to what we can achieve for children. Thank you for your consideration.



Public Comment Period: May 19 - June 3, 2022

Overview of Public Process and Summary of Comments

As part of EBCE's rate setting process, staff hosted an open public comment period regarding our proposed value proposition changes for fiscal year 2022 - 2023. Staff opened this session with the email shown in Image 1, below.

[हिंदी](#) | [Tiếng Việt](#) | [Español](#) | [中文](#)

EBCE's proposed 2022-2023 value proposition: public comment period

East Bay Community Energy (EBCE) is committed to a robust and transparent rate setting process, which includes input from our community. We invite you to share your thoughts on EBCE's 2022-2023 electric generation rates and our value proposition (the proposed financial benefit compared to PG&E's rates) using one or more of the following three methods:

Online at a webinar
 Thursday, May 26 at 6 PM | [Click here to register](#)
 Tuesday, May 31 at 12 PM | [Click here to register](#)

This webinar will be recorded and shared on the ebce.org/rates webpage.

Written comments
 Written comments may be emailed to PublicComment@ebce.org.

Written comments shall not exceed 1,500 words. All comments will be posted to ebce.org/rates for six months.

Written comments are only accepted via email.

Please provide your written comments no later than 8:00 AM on Friday, June 3, 2022. A summary of public comments received will be part of the report to the Board on Wednesday, June 15, 2022.

Online at a public meeting
 See the public meeting schedule, as well as directions for how to participate and a link for the Public Comment Speaker Form at: <https://ebce.org/meetings/>

Background documents:
 Historic

- [Rate Setting Policy Board Report, presented at the February 7, 2018 Board of Directors Meeting](#)
- [Renewable 100 Product Approval Board Report, presented at the April 18, 2018 Board of Directors Meeting](#)
- [Power Content Procurement Floor, video](#) from April 22, 2020 Board of Directors Meeting
- [Bright Choice Renewables Procurement, video](#) presented at April 20, 2022 Board of Directors Meeting
- [2021-2022 Budget Presentation, video](#) from June 16, 2021 Board of Directors meeting

2022-2023


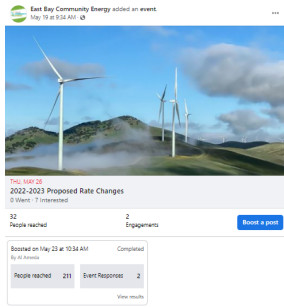
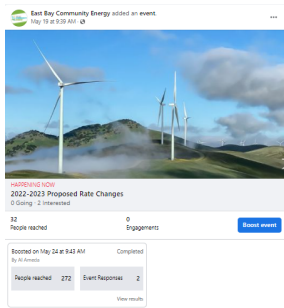
- [Draft Budget Review slides](#), to be presented at the Board of Directors Meeting on Wednesday, May 18, 2022. Video to be posted [here](#) after the meeting.

Image 1: Introduction and webinar invitation email, sent on May 19, 2022

In addition to the email to EBCE’s subscribers, staff advertised the webinar and public comment period via Facebook, Instagram, NextDoor, and Twitter. Sharing statistics are in Table 1, below.

After the webinars, the recordings were added to EBCE’s rates website at ebce.org/rates.

Webinar and Public Comment Marketing and Communications

Source	Post	Number of Views or Opens	Number of Clicks or Interactions
Facebook Post 5/20		57 Reached	3 Links Clicked
Facebook Event 5/26 Webinar		211 Reached	2 Event Responses
Facebook Event 5/31 Webinar		272 Reached	2 Event Responses




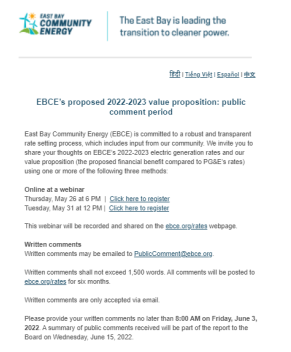
<p>Instagram</p>		<p>41 Reached</p>	<p>4 Likes</p>
<p>NextDoor</p>		<p>10,464 Impressions</p>	<p>9 Likes 14 Comments</p>
<p>Twitter</p>		<p>104 Impressions</p>	<p>5 Likes 1 Retweet</p>
<p>Email Blast 5/19</p>		<p>2,611 Opened</p>	<p>159 Clicks</p>
<p>Zoom Webinar 5/26</p>		<p>10 Registered</p>	<p>6 Attended 4 Public Comments</p>
<p>Zoom Webinar 5/31</p>		<p>10 Registered</p>	<p>6 Attended 1 Public Comment</p>

Table 1: Event advertising and customer participation

At the top of the webinar, staff offered a one question poll: “How did you find out about the webinar?” In both the Thursday, May 26 and Tuesday, May 31 webinars, most customers found out about the webinar via an email from EBCE, while one attendee each day found out about the webinar via EBCE’s website.

5/26 Webinar: 5 out of 6 through email blast, 1 via EBCE website

5/31 Webinar: 5 out of 6 through email blast, 1 via EBCE website

Summary Overview of Comments

Five verbal comments and six written comments were received, which are summarized below. Comments and questions were received from the following individuals and/or organizations:

Verbal Comments	Written Comments
Audrey Ichinose- East Bay Clean Power Alliance and California Alliance for Community Energy, Berkeley	B. Ng- large internet backbone, Fremont
Chris Gilbert- community member, Berkeley	Chris Gilbert- community member, Berkeley
Blair Beekman- community member, Fremont	Kathy Dervin- community member, Berkeley
Tom Kelly- community member, Berkeley	Tom and Jane Kelly- community members, Berkeley
Jim Lutz- community member, Oakland	Nancy Van Zwalenburg and Richard Bermack- community members
	Richard Rollins- community member, Berkeley

Comments included:

Greenhouse gas reductions

- Focus on GHG emissions reductions and improve EBCE's Bright Choice power mix
- Invest in eliminating the production of electricity from natural gas plants/ reduce reliance on system power
- Use funds to address the underlying causes of asthma

Cost

- Support for an increased Bright Choice discount
- Support low income households with bill credit if funds allow
- Offer Renewable 100 at the same price as PG&E and discount Bright Choice to 2.25% below PG&E rates instead of 3% below
- Maintain the current Renewable 100 premium and use the excess revenue to add funding for other activities
- Subsidize Renewable 100 for low income customers
- Adopt cost of service rates
- Offer discount to all ratepayers

Community and Programs

- Align community grants with EBCE's mission
- Increase the budget for local development and spend the money that has been dedicated to local programs
- Support urban forestry
- Provide incentives for induction ranges

Individual Comments are summarized in more detail below.

Verbal Public Comments

Public comments were gathered at two webinars. Links to the staff presentation and the comments can be found on our website at ebce.org/rates and here:

- [Thursday, May 26 at 6pm](#)
- [Tuesday, May 31 at 12pm](#)

5/26/2022 Webinar Summary of Public Comments

- **Audrey Ichinose**- East Bay Clean Power Alliance (EBCPA) and California Alliance for Community Energy (CACE), South Berkeley
Ms. Ichinose thinks we should treat the rates for Bright Choice and Renewable 100 differently. She feels that there is no need to change the premium for Renewable 100, but supports an increased discount for Bright Choice. She said that leaving the Renewable 100 rate at the current premium would add funding for other activities, while maintaining strong budgetary stability, and maintaining our commitment to renewable energy. In order to increase adoption of Renewable 100, she suggested a process similar to Clean Power Alliance, who provides subsidies to income qualified residents for their renewable service.

Ms. Ichinose feels that EBCE should concentrate our resources in the area it knows best: emissions reductions. The urgency of this task is underscored by a report in the Washington Post that indicated EPA data dramatically underestimates air pollution in the Bay Area where people of color and low income families live. She stated that we should focus on electrifying heavy trucks. She proposes a compromise for the children's hospital grant: EBCE can crowdfund donations to the asthma program at the children's hospital or use a billing process to solicit donations, rather than providing the grant.

- **Chris Gilbert**- community member, Berkeley
Mr. Gilbert is happy that EBCE is proposing lowering rates. He recommends setting Renewable 100 at the same cost as PG&E and discounting Bright Choice to 2.25% instead of 3%. He feels that being able to offer Renewable 100 at the same price as PG&E's standard product would be a huge accomplishment. He encourages not

spending money on local sponsorships or the children's hospital grant. Instead, he feels that funds should be spent on energy related needs like electrification.

- **Blair Beekman**- community member, Fremont
Mr. Beekman is supportive of the proposed rate discounts. He expressed gratitude for making these changes during a period of inflation and cost of living increases. He also noted support for divesting from fossil fuels and state representatives like Scott Wiener that are working towards this goal.
- **Tom Kelly**- community member, Berkeley
Mr. Kelly noted that our JPA agreement states EBCE will lower GHG emissions, not necessarily increase renewable energy procurement. Mr. Kelly plans to provide written comments as well. He requested data on the volatility in energy markets for natural gas, solar, wind, and anything else in our power mix. He noted that asthma is created from natural gas plants, so he encourages using funds to shut these down and increase renewables rather than spending money on the children's hospital grant. He also requested a figure of how much money has been spent from the local development budget.

5/31/2022 Webinar Summary of Public Comments

- **Jim Lutz**- community member (also member of EBCE CAC), Oakland
Mr. Lutz sees the primary value of EBCE as a provider of cleaner energy with local control. He noted that the Bright Choice savings and Renewable 100 premium are hard to view on the bill as PG&E's charges include delivery charges, transmission charges, and other fees.

Written Public Comments

Full Written Comments

- **5/31/2022:** [B Ng, Large Internet Backbone, Fremont](#)
- **6/1/2022:** [Tom and Jane Kelly, Berkeley](#)
- **6/2/2022:** [Richard Rollins, Berkeley](#)
- **6/2/2022:** [Chris Gilbert, Berkeley](#)
- **6/2/2022:** [Kathy Dervin, Berkeley](#)
- **6/2/2022:** [Nancy Van Zwalenburg and Richard Bermack](#)

Summary of Written Comments

- **B Ng**- large internet backbone, Fremont
As a large energy user in Fremont, Mr. Ng is supportive of the increased 3% Bright Choice discount. Inflation and higher energy costs affect their ability to hire more, perform capital improvements and their bottom line.

- **Chris Gilbert**- community member, Berkeley
Mr. Gilbert recommends focusing our efforts on carbon content and GHG emissions. He does not support the \$15 million grant to the Children’s Hospital. He feels that EBCE should address the causes of asthma such as fossil fuel power plant generation and in-home gas use.
- **Kathy Dervin**- community member, Berkeley
Ms. Dervin recommends EBCE pass estimated profits back to ratepayers, support low income households and invest in energy efficiency measures and procuring clean energy faster. She recommends EBCE improve the Bright Choice power mix. She also suggests that EBCE build their rates on a cost of service model, rather than pegging them to PG&E’s rates. Ms. Dervin would like to see the local development budget increase and for EBCE to spend the money that has been dedicated to local programs. In order to reduce our reliance on natural gas, she recommends offering incentives/ rebates for induction cooktops. Instead of providing the children’s hospital grant, she suggests investing the money in reducing the production of electricity in natural gas. One recommendation is to reduce EBCE’s reliance on system power. Ms. Dervin supports funding urban forestry programs to increase the tree canopy in our service territory. She also feels that community grants should be more closely aligned with EBCE’s mission.
- **Tom and Jane Kelly**- community member, Berkeley
Mr. and Mrs. Kelly recommend improving EBCE’s Bright Choice power mix immediately. They also suggest that EBCE follow a cost of service model rather than pegging our rates to PG&E. They recommend that EBCE offer a meaningful discount to all ratepayers and provide an additional credit to income qualified customers if funds allow. Mr. and Mrs. Kelly want EBCE to increase the local programs budget and spend the money that has already been dedicated to local programs. They do not support the \$15 million grant to the Children’s Hospital and recommend that EBCE focus on eliminating a major trigger for asthma, the production of electricity in natural gas plants. They note that EBCE relies on system power, which comes mainly from natural gas plants. Their recommendations for spending the grant funds include improving the quality of the power mix, providing incentives for induction ranges and supporting urban forestry programs. They feel that community grants should only be made to organizations that have a “nexus” to the mission of EBCE.
- **Nancy Van Zwalenburg and Richard Bermack**- community members
Ms. Van Zwalenburg is happy to hear of the anticipated surplus of funds. She supports Tom and Jane Kelly’s recommendations, which she summarized here-
 - Improve EBCE’s Bright Choice power mix immediately
 - Offer a meaningful discount to all ratepayers and possibly, at the end of the fiscal year, provide an additional bill credit to income-qualified customers.
 - Spend the money that has been dedicated to local development.
 - Spend money on eliminating the production of electricity in natural gas plants.

- Make any community grants to organizations that have a nexus to the mission of EBCE.

- **Richard Rollins**- community member, Berkeley
Mr. Rollins stated that EBCE's Bright Choice service is not competitive with PG&E in terms of carbon emissions intensity. He noted that the JPA stated an intent to have a lower GHG intensity than PG&E and recommends using funds for this purpose. He also recommends EBCE move to a cost of service pricing model rather than pegging to PG&E rates. Mr. Rollins expressed concern for the \$15 million grant to the Children's Hospital. He feels that EBCE should focus its expertise on addressing the underlying causes of asthma. He supports allocating the proposed local development and grant funding for clean energy projects, building and vehicle electrification and energy related benefits to community members.

Attachments

1. PDF of Presentation made during webinars
2. Written Comments

MAY 31, 2022

2022-2023 EBCE Value Proposition: Public Comment



Public Meeting Reminders

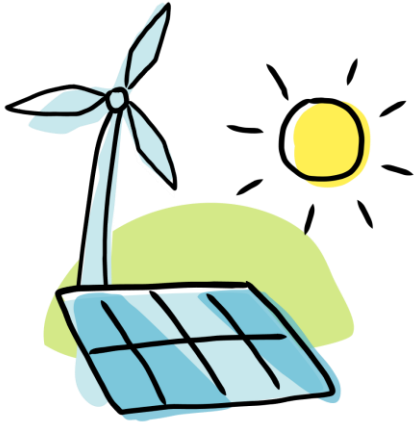
- Thank you for participating in our public meeting
- The video and audio from this meeting will be posted on our website
- We will provide a brief introduction to the proposed policy and then allow for your comments
 - Everyone will be muted until the public comment period
- Please be prepared to provide:
 - Your name
 - Organization, if applicable
 - City of residence or business location
 - Your comment

What is EBCE?

East Bay Community Energy (EBCE) is our local power supplier committed to providing Alameda County and the city of Tracy with more renewable energy at lower rates. EBCE reinvests earnings back into the community to create local jobs, administer customer programs, and catalyze sustainable development.

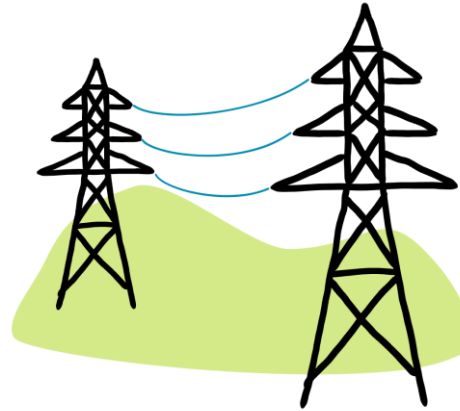


How it Works



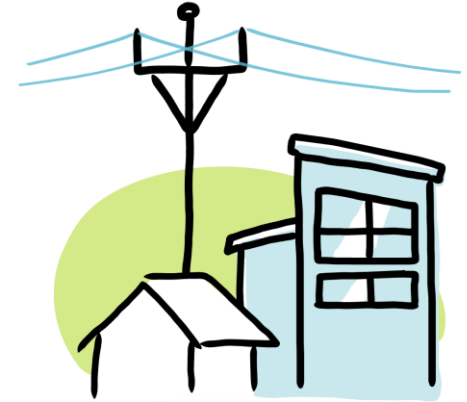
EBCE BUYS CLEAN POWER

EBCE buys from, and is building, clean power plants. EBCE sells the energy to customers at low rates.



PG&E DELIVERS THE POWER

EBCE's power is delivered to customers by PG&E. Customers pay PG&E for power delivery as they always have.



YOU GET THE POWER AND ALL THE BENEFITS

You benefit from cleaner energy, low rates, local governance, and innovative programs.

Definitions



EBCE Service Plan Choices - Today

Attachment Staff Report Item 14D



BRIGHT CHOICE

Rates 1% below PG&E, working towards
100% carbon-free in 2030



RENEWABLE 100

100% California solar & wind
energy at 1 cent per kilowatt-hour
above PG&E rates

KEY

- Wind
- Solar
- Hydro
- Biomass & Biowaste, Geothermal, Eligible Hydroelectric
- Other or Unspecified
- Nuclear

Default Service

Jurisdiction	Commercial	Residential	CARE/FERA/ Medical Baseline
Albany, Hayward, Pleasanton	Renewable 100	Renewable 100	Bright Choice
Berkeley, San Leandro, Dublin	Bright Choice (Renewable 100 in October 2022)	Renewable 100	Bright Choice
Emeryville	Bright Choice (Renewable 100 in October 2022)	Bright Choice (Renewable 100 in October 2022)	Bright Choice
Piedmont	Bright Choice	Renewable 100	Bright Choice
Livermore, Newark, Oakland, Tracy, Union City, and County of Alameda	Bright Choice	Bright Choice	Bright Choice

- **Rates** – what EBCE charges customers for electricity, currently updated when PG&E changes their generation rates or fees
- (Rate) **Value proposition** – the cost comparison to PG&E rates based on EBCE product
 - *EBCE brings additional value to our community. This is only about the direct financial value to our customers.*

**EBCE has saved Bright Choice customers over
\$30 million since 2018**



2022-2023 Recommendations



- Energy prices are high this year
- PG&E raised their generation rates
 - EBCE sets our rates based on PG&E rates - today offering a 1% discount compared to PG&E
- EBCE's rates to procure power have also increased, but not as much as PG&E's rates



Value proposition update:

- Bright Choice from 1% to 3% discount to PG&E
- Renewable 100 from \$0.01 to \$0.0075 above PG&E
- \$50 bill credit to all CARE & FERA customers in a high-bill month 2022-2023

Plus - Potential for an annual on-bill credit to customers depending on market conditions

Residential Bill Estimates

Attachment Staff Report Item 14D

	2021-2022 (Today)	2022-2023 (after July)
Bright Choice Discount	1%	3%
Average Residential Bright Choice Electric Bill	\$134	\$132
Monthly Savings to PG&E	\$0.60 (\$7.20 annually)	\$1.80 (\$20 annually)
Renewable 100 Premium	\$0.01 per kWh	\$0.0075 per kWh ($\frac{3}{4}$ of one cent)
Average Residential Renewable 100 Electric Bill	\$138.50	\$137.50
Monthly Renewable 100 Premium	\$3.90	\$2.90

Small Commercial Bill Estimates

Attachment Staff Report Item 14D

	2021-2022 (Today)	2022-2023 (after July)
Bright Choice Discount	1%	3%
Average Bright Choice Electric Bill	\$575	\$570
Monthly Savings to PG&E	\$2.60 (\$31 annually)	\$7.90 (\$95 annually)
Renewable 100 Premium	\$0.01 per kWh	\$0.0075 per kWh
Average Renewable 100 Electric Bill	\$596	\$592
Monthly Renewable 100 Premium	\$18	\$13.50



Average Small Commercial (B1) customer uses 1,800 kWh per month

Large Commercial Bill Estimates

Attachment Staff Report Item 14D

	2021-2022 (Today)	2022-2023 (after July)
Bright Choice Discount	1%	3%
Average Bright Choice Electric Bill	\$43,270	\$42,790
Monthly Savings to PG&E	\$238	\$713
Renewable 100 Premium	\$0.01 per kWh	\$0.0075 per kWh
Average Renewable 100 Electric Bill	\$45,130	\$44,725
Monthly Renewable 100 Premium	\$1,625	\$1,220

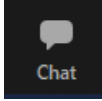


Average Large Commercial (B19) customer uses 162,700 kWh per month and has a demand of 487 kW

Public Comment Period



How to Participate

- Click on the chat bubble 
- Enter your name, city, and organization into the chat box
 - Note that everyone on the call will see what you type into the chat box
- We will call on each speaker in the order we received the chat, we'll then disable the mute feature for each speaker
- Please be conscientious of the time. Every speaker will be allowed three minutes.
- Note that this webinar is being recorded and will be posted to our website



Thank You for Participating

- **EBCE staff's next steps:**
 - Post this webinar, including the audio recording of your comments, on our website at ebce.org/rates
 - Summarize all public comments in the staff report to Board
 - Present summary and value proposition recommendation at Board of Directors meeting on June 15 as part of the next fiscal year's budget
- **Additional comment opportunities:**
 - **Written** comments may be emailed to PublicComment@ebce.org
- **All comments are due by Friday, June 3, 2022 at 8 AM**

Comments

Welcome at:

PublicComment@ebce.org





1 message

'B Ng' via Public Comment <publiccomment@ebce.org>

Tue, May 31, 2022 at 6:20 PM

Reply-To: B

To: publiccomment@ebce.org

Hi,

As a large energy user in Fremont, CA, I am hoping that the 3% discount over PG&E rates happens.

I have been very happy with EBCE thus far.

My official comments would be:

"Inflation sucks, higher energy costs suck. Both of those affect our ability to hire more, to perform capital improvements and our bottom line. EBCE is smartly purchasing power that not only is greener but allows them to pass along savings on energy costs. Can't really ask for more. So keep doing what you do EBCE. ROCK ON!"

B

--

B Ng

Internet Backbone

Dear Members of the EBCE Board of Directors,

East Bay Community Energy is requesting public input on its electricity rates for fiscal year 2022-2023. I am writing to share our recommendations on the topic.

EBCE staff state that they expect to achieve record profits in the upcoming fiscal year. As a result, EBCE staff have made the following recommendations:

- Reduce EBCE rates relative to PG&E rates by making *Bright Choice* a 3% discount to PG&E and *Renewable 100* a premium \$0.0075 above PG&E
- Provide a \$50 bill credit to all EBCE customers on CARE & FERA (income qualified)
- Increase annual funding for local programs by 143% to \$20.6 million
- Invest \$15 million with UCSF Benioff Children's Hospital Oakland to fund the development of a pediatric asthma program
- Fund community grants (\$2.25 million over 3 years)

Please keep in mind that EBCE was established to provide three very important differences to PG&E service:

- 1) Reduce greenhouse gas (GHGs) emissions below PG&E;
- 2) Provide "competitive" rates;
- 3) Invest in energy projects that provide jobs and benefits to those in EBCE's service territory.

1. The California Energy Commission reports that in 2020, the GHGs in EBCE's power mix for *Bright Choice* were 3.5 times greater than PG&E (590 lbs. CO₂/MWh vs. 160 lbs. CO₂/MWh). EBCE's current power mix is slightly better but is still expected to exceed PG&E for the next several years UNLESS EBCE improves the greenhouse gas free content of its power mix. **Recommendation: improve EBCE's *Bright Choice* power mix – in line with all other northern California CCAs – immediately.**

2. EBCE's rates for electricity are higher than they could be, especially in light of the power mix for *Bright Choice*, i.e. 56% carbon free (2020), the lowest of all northern California CCAs. In the graph below, two CCAs (MCE Clean Energy and Central Coast Community Energy) build their rates on a "cost of service" model, rather than EBCE's approach which is to peg rates to

PG&E's rate structure. The cost of power for EBCE has no relationship to PG&E's power costs.

5/27/2022					
		Default Product	Generation (residential)	Discount from PG&E	% discount
	East Bay Community Energy	Bright Choice	\$0.14935	\$0.00151	1.00%
	MCE Clean Energy	Light Green	\$0.12764	\$0.02322	15.39%
	CENTRAL COAST COMMUNITY ENERGY	3Cchoice	\$0.12444	\$0.02642	17.51%
	CLEANPOWERSE	Green	\$0.15086	\$0.00000	0.00%
	PENINSULA CLEAN ENERGY	ECOplus	\$0.14332	\$0.00754	5.00%
	SAN JOSE CLEAN ENERGY	Green Source	\$0.15086	\$0.00000	0.00%
	SILICON VALLEY CLEAN ENERGY	Green Start	\$0.14935	\$0.00151	1.00%
	SONOMA CLEAN POWER	Clean Start	\$0.15086	\$0.00000	0.00%
	VALLEY CLEAN ENERGY	VCEA	\$0.15087	(\$0.00001)	-0.01%
	PG&E	Default	\$0.15086		

Recommendation: offer a meaningful discount to all ratepayers. If, at the end of the fiscal year, the net reserves are strong, provide an additional bill credit to income qualified customers.

3. Let's not only increase the budget for local programs, but actually spend the money that has already been dedicated to local development. To date, EBCE has spent very little on local programs.
4. Rather than spending money on treating children with asthma, let's spend that money on eliminating a major trigger for asthma, namely the production of electricity in natural gas plants. EBCE relies far too much on "system power" which comes mainly from natural gas generation plants. Let's spend that money on:
 - Improving the quality of the power mix and eliminating our reliance on natural gas.
 - Providing incentives for the purchase of induction ranges. Natural gas combustion in the home is a trigger for those who suffer from asthma. Incentives for CARE/FERA could cover the entire cost of an induction range, smaller incentives could be provided for those who are not income qualified.
 - Support Urban Forest programs in member jurisdictions to get more trees into neighborhoods that have too little tree canopy. Trees provide oxygen, improve air quality, and provide shade to reduce the heat island effect.

These three programs alone would provide better air quality throughout EBCE's service territory and improve the health of so many who suffer from asthma and other respiratory impairments.

5. If community grants are made, they should be made to those organizations that have a "nexus" to the mission of EBCE. Two organizations that come to mind are Rising Sun Center for Opportunity and Strategic Energy Innovations (Climate Corps fellows). Providing each member jurisdiction with a Climate Corps Fellow, for example, would be a great investment and would help city and county staff achieve their climate goals.

Sincerely,

Tom and Jane Kelly
Berkeley

June 2, 2022

Via email to Board of Directors via email to cob@ebce.org
 Copy to Community Advisory Committee via email to cob@ebce.org
 Copy: PublicComment@ebce.org

Re: EBCE Rates, Fiscal Year 2022-2023 Budget, and Value Proposition

EBCE Directors,

I agree with EBCE's recent comment in the *Direct Current* indicating that the FY 2022-2023 Budget "holds a lot of potential." However, when reviewing the May 18, 2022 Staff Report, I am concerned that the report does not accurately reflect community values.

1. Value Proposition - Emissions Intensity and Carbon Free Content

The staff report focused almost exclusively on the monetary aspects of the "value proposition" and does not mention the emissions intensity or carbon-free content of EBCE's Bright Choice product. When reviewing the latest available Power Content Labels for EBCE and PG&E it is evident that EBCE's Bright Choice is not competitive with PG&E in terms of CO₂e emissions intensity or carbon-free content. The Joint Powers Agreement¹ (page 1, Recital 6 (c)) states that the parties seek to:

Develop an electric supply portfolio with a lower greenhouse gas (GHG) intensity than PG&E, and one that supports the achievement of the parties' greenhouse gas reduction goals and the comparable goals of all participating jurisdictions...

	EBCE Bright Choice	PG&E Base Plan
% carbon free ^{2, 3}	55	83.5
Emissions intensity ²	590.9 lbs. CO ₂ e/MWh	160 lbs CO ₂ e/MWh

Comment: The EBCE FY 2022-2023 Budget should allocate funds to make Bright Choice emissions intensity comparable to or better than PG&E's. This was one of the primary reasons EBCE was formed and the budget should reflect this priority. As a point of comparison, Peninsula Clean Energy's basic offering has an emission intensity of only 13 lbs. CO₂e/MWh.⁴

2. Value Proposition - Basis for Rates

EBCE's focus on monetary aspects of value continues to ignore the actual cost of energy and service provided by EBCE. Instead, EBCE's only reference is the CPUC approved rates for PG&E.

While the EBCE May 18, 2022 staff report argued for rate stability, it ignored the linkages to PG&E rates which increased 8% in January 2022 and 9% in March 2022. EBCE rates can and

should be lower. It is past time for EBCE to move to a cost basis for rates as other northern California CCAs (MCE and Central Coast Community energy) have done.

Comment: The EBCE FY 2022-2023 Budget should be based on EBCE's cost of energy and not the CPUC-approved rates for PG&E.

3. FY 2022-2023 Budget - Local Development Funding and Community Grants

The proposed \$35.6M budget allocation to local programs and community grants is welcomed. However, consistent with the community priorities when EBCE was established, the local development funding and community grants should be focused on clean energy projects, jobs, and energy-related benefits to community members.

Of particular concern is EBCE's proposed \$15M investment in a pediatric asthma program at the UCSF Benioff Children's Hospital Oakland. EBCE should focus its expertise and monetary resources on addressing the underlying causes of community asthma rather than on development of programs and facilities for asthma care.

EBCE should focus on the causes of asthma by increasing support for building electrification to remove gas appliances that contribute to poor indoor air quality (especially in many low-income residences), supporting electrification of Port of Oakland operations (trucks, drayage vehicles, etc.) to reduce fossil fuel emissions from vehicles, and fund a feed-in-tariff that will incentivize distributed renewable energy within EBCE's member jurisdictions (this will contribute to local jobs, reduced emissions, and improved local resilience).

Comment: The EBCE FY 2022-2023 Budget should allocate the proposed \$35.6M Local Development and Grant funding for clean energy projects, building and vehicle electrification, and energy-related benefits to community members. These types of energy-related services are aligned with the expertise of EBCE staff and the energy-related priorities of member jurisdictions.

Thank you for this opportunity to comment.

Respectfully,

Richard Rollins, Berkeley

¹ Joint Powers Agreement

https://res.cloudinary.com/diactiwk7/image/upload/fl_sanitize,q_auto/east-bay-community-energy-authority-jpa-agreement-12-14-19-with-newark-pleasanton-tracy-1.pdf

² Power Content Labels

EBCE: <https://www.energy.ca.gov/filebrowser/download/3862>

PG&E: <https://www.energy.ca.gov/filebrowser/download/3882>

³ Carbon free content expressed as the sum of PCC1 renewable, large hydro, and nuclear as stated on the Power Content Labels

⁴ PCE Power Content Label: <https://www.energy.ca.gov/filebrowser/download/3881>



EBCE Public Comment Inbox EBCE proposed rates1 message

Chris Gilbert

Thu, Jun 2, 2022 at 1:08 PM

To: PublicComment@ebce.org, Clerk of the Board <COB@ebce.org>

June 2, 2022

Via email to Board of Directors via email to cob@ebce.orgCopy to Community Advisory Committee via email to cob@ebce.orgCopy: PublicComment@ebce.org

Re: EBCE Rates, Fiscal Year 2022-2023 Budget, and Value Proposition

EBCE Directors,

I am writing in response to the invitation for public comment re: the proposed EBCE staff recommendations for the coming budget year.

In particular I refer to: EBCE's staff report for the May 18 Board meeting including these recommendations:

- Reduce EBCE rates relative to PG&E rates by making Bright Choice a 3% discount to PG&E and Renewable 100 a premium \$0.0075 above PG&E
- Provide a \$50 bill credit to all EBCE customers on CARE & FERA (income qualified)
- Increase annual funding for local programs by 143% to \$20.6 million
- Invest \$15 million with UCSF Benioff Children's Hospital Oakland to fund the development of a pediatric asthma program
- Fund community grants (\$2.25 million over 3 years)

A glaring hole in this list is the lack of mention of carbon content and/or GHG emissions. It is crucial to EBCE's reputation as well as in addressing climate change that this metric be included in any staff recommendation. I refer to letters submitted by Richard Rollins and Tom & Jane Kelly for details on how EBCE is behind other CCAs and PG&E in this regard.

And, as I said in a separate letter, \$15 million to Children's Hospital for pediatric asthma program seems misguided. Why treat the symptoms when EBCE is unique in being able to address the causes: fossil fuel power plant generation & in-home gas use, both of which can be lessened by getting people as rapidly as possible off of fossil fuels and onto clean electricity. In general donations to non-related causes should be reined in, as EBCE has a responsibility to apply its skill and knowledge to the task at hand: providing clean *energy* at an affordable rate to all customers.

With regards,

Chris Gilbert

Berkeley, CA



EBCE Public Comment Inbox EBCE 2022-2023 rate setting process

Nancy Van Zwalenburg

Thu, Jun 2, 2022 at 7:39 PM

To: PublicComment@ebce.org

Cc: Richard Bermack

Dear Members of the EBCE Board of Directors,

It is wonderful that EBCE anticipates record profits in the upcoming year. What an opportunity that money provides! We would like to voice our support for all of the recommendations made by Tom and Jane Kelly for the use of that money, namely:

1. Improve EBCE's Bright Choice power mix immediately.
2. Offer a meaningful discount to all ratepayers and possibly, at the end of the fiscal year, provide an additional bill credit to income-qualified customers.
3. Spend the money that has been dedicated to local development.
4. Spend money on eliminating the production of electricity in natural gas plants.
5. Make any community grants to organizations that have a nexus to the mission of EBCE.

Nancy Van Zwalenburg
Richard Bermack

June 2, 2022

To: EBCE Board Members

I am writing with some suggestions on the topic of EBCE's electricity rates for the 22-23 budget year as I understand that EBCE staff expect to achieve record income/profits in the upcoming fiscal year.

As a Berkeley resident, currently in the Renewable 100% product (and with a rooftop solar system), I would like to see more attention to:

- passing some of the estimated profits back to ratepayers in your service area,
- more support for low income households in the CARE and FERA programs and,
- investing in energy efficiency and achieving clean energy faster (esp relative to PG&E).

I have included some suggested budget changes for your consideration:

- Reduce EBCE rates relative to PG&E rates by making *Bright Choice* a 3% discount to PG&E and *Renewable 100* a premium \$0.0075 above PG&E
- Provide a \$50 bill credit to all EBCE customers on CARE & FERA (income qualified)
- Increase annual funding for local programs by 143% to \$20.6 million
- Invest \$15 million with UCSF Benioff Children's Hospital Oakland to fund the development of a pediatric asthma program
- Fund community grants (\$2.25 million over 3 years)

As I recall, EBCE was established with three very important differences to PG&E service:

- 1) Reduce greenhouse gas (GHGs) emissions below PG&E;
- 2) Provide "competitive" rates; and,
- 3) Invest in clean energy projects ("local development") that provide jobs and benefits to those in EBCE's service territory with an eye towards job development for low income workers and labor.

1 The California Energy Commission reports that in 2020, the GHGs in EBCE's power mix for *Bright Choice* were 3.5 times greater than PG&E (590 lbs. CO₂/MWh vs. 160 lbs. CO₂/MWh). EBCE's current power mix is slightly better but is still expected to exceed PG&E for the next several years UNLESS EBCE improves the greenhouse gas free content of its power mix.

Recommendation: improve EBCE's *Bright Choice* power mix – in line with all other northern California CCAs – immediately.

2 EBCE's rates for electricity are higher than they could be, especially in light of the power mix for *Bright Choice*, i.e. 56% carbon free (2020), the lowest of all northern California CCAs. In the graph below, two CCAs (MCE Clean Energy and Central Coast Community Energy) build their rates on a "cost of service" model, rather than EBCE's approach which is to peg rates to PG&E's rate structure. The cost of power for EBCE has no relationship to PG&E's power costs.

3 To date, EBCE has spent very little on local development programs. I would like to see you increase the budget for these programs, and actually spend the money that has already been dedicated to local development.

It is important to progressively improve the quality of the power mix and reduce our reliance on natural gas (which many cities in EBCE's service area are interested in doing, and this is becoming a greater state goal as well). It would be good if you would provide incentives/rebates for the purchase of induction ranges (which I believe MCE and Sonoma Clean Power are doing). Natural gas combustion in the home is a health hazard. Indoor emissions can be a trigger for those who suffer from asthma. With public education and outreach, incentives for CARE/FERA could cover the entire cost of an induction range, with smaller incentives could be provided for those who are low income but not enough to be income qualified.

Rather than spending money on treating children with asthma, how about investing that money on eliminating a major trigger for asthma, namely the production of electricity in natural gas plants. EBCE relies far too much on "system power" which still comes largely from natural gas generation plants.

I would support you allocating additional funding for Urban Forestry programs in member jurisdictions to get more trees into targeted neighborhoods that have too little tree canopy. Trees provide oxygen, improve air quality, and provide shade to reduce the growing effects of urban heat islands (and some can help sequester carbon).

If community grants are made, it seems to me that they should be more closely aligned with the mission of EBCE. I have seen some funding go to no doubt worthwhile community groups and projects but have wondered—*what does this have to do with EBCE's mission?* Two organizations that make that connection are Rising Sun Center for Opportunity and Strategic Energy Innovations which supports local Climate Corps fellows. Providing each member jurisdiction with a Climate Corps Fellow, for example, would be a great investment and would help city and county staff make more progress on their climate goals.

Thank you for your attention to these suggestions as you consider the 2022-23 EBCE budget.

Sincerely,

Kathy Dervin

Berkeley, Ca

Public Comments Summary Report

June 15, 2022



Webinars	Written Comments
<p>Thursday, May 26 at 6pm</p> <ul style="list-style-type: none">● 10 registered, 6 attendees● 4 verbal comments● Streamed live to Facebook <p>Tuesday, May 31 at 12pm</p> <ul style="list-style-type: none">● 10 registered, 6 attendees● 1 verbal comment● Streamed live to Facebook	<p>Opened on May 19</p> <p>Closed at 8am on Friday, June 3</p> <ul style="list-style-type: none">● 6 written comments received



Respondent Demographics

City of Residence/Business	Written	Verbal
Berkeley	4	3
Oakland		1
Fremont	1	1
Undeclared	1	
TOTAL	6	5

Unique respondents = 9



Outreach and Interactions

Attachment Staff Report Item 14D

Source	Number of Views or Opens	Number of Clicks or Interactions
Facebook Post 5/20	57 reached	3 links clicked
Facebook Event - 5/26 Webinar	211 reached	2 event responses
Facebook Event - 5/31 Webinar	272 reached	2 event responses
Instagram	41 reached	4 likes
NextDoor	10,464 impressions	9 likes, 14 comments
Twitter	104 impressions	5 likes, 1 retweet
Email Blast 5/19	2,611 opens	159 clicks



Summary of Comments

Comments	Occurrence
<p>GHG Reductions:</p> <ul style="list-style-type: none"> ● Focus on GHG emissions reductions and improve EBCE’s Bright Choice power mix ● Invest in eliminating the production of electricity from natural gas plants/reduce reliance on system power ● Use funds to address the underlying causes of asthma 	<p>5 3 5</p>
<p>Cost:</p> <ul style="list-style-type: none"> ● Support for an increased Bright Choice discount ● Support low income households with bill credit if funds allow ● Offer Renewable 100 at the same price as PG&E and discount Bright Choice to 2.25% below PG&E rates ● Maintain the current Renewable 100 premium and use the excess revenue to add funding for other activities ● Subsidize Renewable 100 for low income customers ● Provide rates based on cost of service ● Offer discount to all ratepayers 	<p>4 2 1 1 1 3 2</p>
<p>Community and Programs:</p> <ul style="list-style-type: none"> ● Align community grants with EBCE’s mission ● Increase the budget for local development and spend the money that has been dedicated to local programs ● Support urban forestry ● Provide incentives for induction ranges 	<p>4 3 2 2</p>

