



Community Advisory Committee Meeting

Monday, July 18, 2022

6:00pm

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

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

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

Webinar ID: 847 9450 6189

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting materials, should contact the Clerk of the Board at least 2 working days before the meeting at (510) 906-0491 or cob@ebce.org.

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

C1. Welcome & Roll Call

C2. Public Comment

This item is reserved for persons wishing to address the Committee on any EBCE-related matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Committee are customarily limited to three minutes per speaker and must complete an electronic [speaker slip](#). The Committee Chair may increase or decrease the time allotted to each speaker.

C3. Approval of Minutes from June 13, 2022

C4. CAC Chair Report

- C5. Legislative Update (CAC Action Item)**
Update on recommended bill positions and EBCE's bill tracker
- C6. Director and CAC Stipend Update (CAC Action Item)**
Increase the stipend to account for inflation and set a limit up to four (4) stipends per calendar month
- C7. Joint Rate Mailer and Draft 2021 Power Content (CAC Informational Item)**
Overview of the contents in the upcoming Joint Rate Mailer
- C8. Sunrun Resource Adequacy Amendment (CAC Action Item)**
Amend Sunrun Resource Adequacy contract
- C9. CAC Member and Staff Announcements including requests to place items on future CAC agendas**
- C10. Adjournment to Monday, September 19, 2022 at 6:00pm**



Community Advisory Committee Meeting

Draft Minutes

Monday, June 13, 2022

6:00pm

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C1. Welcome & Roll Call

Present: Members: Franch, Hernandez, Lakshman, Landry, Liu, Lutz, Pacheco, Sutter, Swaminathan, and Chair Eldred

Excused: Members: Talreja and Vice-Chair Muetzenberg.

Member Kaur served as an alternate for Vice-Chair Muetzenberg.

C2. Public Comment

This item is reserved for persons wishing to address the Committee on any EBCE-related matters that are not otherwise on this meeting agenda. Public comments on matters listed on the agenda shall be heard at the time the matter is called. As with all public comment, members of the public who wish to address the Committee are customarily limited to three minutes per

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

Irma Seabrook, Director of Respiratory Care Services at UCSF Benioff Children's Hospital, spoke in support of the grant proposal for UCSF Children's Hospital's asthma program, stating that the grant would provide the resources to build an asthma center to better meet patients' needs, expand asthma education outreach, research drivers of asthma and pursue more advanced treatments.

Dianne Martinez, EBCE Board Chair, thanked CAC Member Mary Sutter for her leadership and service to the community.

Tom Kelly spoke in opposition to the grant proposal, stating that EBCE's money should be invested in reducing greenhouse gas emissions.

Vaughn stated that EBCE should study how microgrids fit into its Local Development Business Plan. Vaughn stated that the Climate Action Plans for Livermore and cities in the Tri-Valley includes planning for microgrids.

Jessica Tovar, on behalf of East Bay Clean Power Alliance and Local Clean Energy Alliance, stated that the environmental justice community seeks to transform communities into hubs that can develop strategies to provide clean energy, but that corporate power drives a wedge between these communities.

C3. Approval of Minutes from May 16, 2022

There were no speakers for public comment.

Member Sutter motioned to approve the minutes as amended. Member Hernandez seconded the motion which passed 9/0.

Excused: Member Talreja and Vice-Chair Muetzenberg.

Abstained: Members Franch and Pacheco.

C4. CAC Chair Report

- **Chair Eldred reported that Vice-Chair Muetzenberg attended the EBCE Board meeting of May 18th and reported that:**
 - **The Board of Directors adopted a support position for AB 2765, but did not answer why members were in support of the bill. The motion to approve AB 2765 passed without objection.**
 - **Vice-Chair Muetzenberg communicated to the Board that the Community Innovation Grants were a priority for the CAC and**

that he believed there may be some opportunity for the CAC to engage more deeply in that work.

- Chair Eldred announced Member Mary Sutter's last meeting and expressed appreciation for her work on behalf of the CAC.
- Chair Eldred announced that she will agendize a discussion of the the power content label at a future meeting.
- Chair Eldred reported that Member Lorraine Souza would be joining the CAC as a full-time member to replace Member Sutter.

Tom Kelly spoke in support of creating an agenda item to discuss the power content label but stated that pushing the discussion to a future meeting reinforced his belief that EBCE staff are unresponsive to the concerns of the public.

C5. Metrics Review (CAC Informational Item)

LDBP Projects and portfolio balance update

Tom Kelly requested a list of EBCE's achievements in relation to the recommendations listed in its Local Development Business plan.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, spoke in support of funding electrification and energy efficiency projects in cities that don't qualify for state and federal funding. Jessica Tovar stated the East Bay Clean Power Alliance could help EBCE to connect with local community choice organizations.

C6. Board and CAC Stipends (CAC Action Item)

Board and CAC Stipends review

The Committee Discussed:

- The role of stipends as a guarantee the ability of members to to participate in CAC meetings on an ongoing basis.
- CAC/BOD stipend parity
- CAC member workload

Jessica Tovar, on behalf of East Bay Clean Power Alliance, spoke in support of bringing CAC stipends to parity with the Board. Jessica Tovar noted the impact of inflation and stated that the success of EBCE is tied to the participation of members of the community.

Member Landry motioned that consideration be brought forth to give CAC members the same stipend as Board members.

Chair Eldred requested the motion be amended to the CAC stipend is increased to \$100 with a request that staff and the Board consider achieving stipend parity between the CAC and Board.

The maker of the motion accepted the amendment to the motion.

Member Hernandez seconded the motion.

The maker of the motion amended the motion to state that CAC stipends should be brought up to parity with the Board.

The seconder of the motion accepted the amendment to the motion.

The motion passed 10/0. Excused: Member Talreja and Vice-Chair Muetzenberg. Abstained: Member Lui.

C7. FY 2022-2023 (CAC Action Item)

Staff will describe the FY 2022-2023 budget

Van Rainy spoke in opposition to the grant proposal for UCSF Benioff Children's Hospital. Van Rainy stated that a public forum should be organized to on the most beneficial ways to use the grant money. Van Rainy said the many causes worthy of the grant money should be discussed, rather than a simple yes or no to the Children's Hospital grant.

Amos White, 100K Trees for Humanity, stated that his East Bay urban reforestation nonprofit submitted a request that EBCE allocate 9% of its budget surplus to his program. Amos White stated that his 100K Trees proposal aims to plant trees at scale in three frontline East Bay communities. Amos White requested that EBCE slow down the grant making process so that the public has greater input into how these funds are allocated.

Tom Kelly questioned the value of public input, stating that the comments received for this item suggest that the majority of people support a reduction in greenhouse gas emissions. Tom Kelly provided a list of suggestions of actions that EBCE could take to reduce greenhouse gas emissions.

Jessica Tovar, on behalf of East Bay Clean Power Alliance, provided of list of alternative funding opportunities for the \$15 million grant proposal. Jessica Tovar also noted that in 2019 UCSF had \$2.3 billion in assets and in 2021 received \$569 million in donations, but that poor people in disadvantaged communities do not have access to resources to access clean energy programs.

The Committee Discussed:

- Proposed \$15 million Benioff Children's Hospital grant
- Examining the ongoing maintenance and water expense for the proposed tree planting proposal, as well as 100K Trees' savings claims.

Member Pacheco motioned that the CAC support the \$15 million environmental/public health grant, but that the award of the grant be moved back two months so that there is an opportunity for a public and transparent selection process for that grant amount. Member Landry seconded the motion.

The motion passed 11/0. Excused: Member Talreja and Vice-Chair Muetzenberg.

The Committee Discussed:

- The possibility of parity with PG&E for residential and small commercial Renewable 100 accounts and evaluating that as an option to the budget, seeing how it impacts the budget, and an option the Board would consider, excluding the grant.
- The priorities for the CAC and the public for the rest of the budget, excluding the grant:
 - Improvements in local, renewable energy content.
 - Greenhouse gas emissions reductions in the Bright Choice offering.
 - Better rates and prices for customers.
 - Parity with PG&E for residential and small commercial Renewable 100 accounts.

Member Hernandez motioned that the CAC recommend budget approval with value proposition updates, that EBCE seek to reduce costs to its customers, that EBCE would increase its product mix to less unidentified sources of power and include additional clean and renewable sources for the portfolio, and that EBCE would recommend that the residential and small commercial accounts for Renewable 100 be on par with PG&E. Director Landry seconded the motion, which passed 11/0. Excused: Member Talreja and Vice-Chair Muetzenberg.

C8. CAC Member and Staff Announcements including requests to place items on future CAC agendas

Chair Eldred announced that Reverend Chambers would be undergoing kidney transplant surgery on June 23rd and that Board Clerk Bankhead would be circulate an e-card for signatures.

Member Sutter provided comments and was thanked by staff and members of the public for her many contributions to the CAC.

Chair Eldred also welcomed new CAC Member Souza who will begin her service at the next meeting.

C9. Adjournment to Monday, July 18, 2022 at 6:00pm



CAC Item C5
Staff Report Item 15

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Approval of Legislative Positions (Action Item)

DATE: July 20, 2022

Recommendation

Take an “oppose unless amended” position on Senate Bill (“SB”) 1385 (Cortese) and take a “support” position on a Federal Reconciliation Package.

Background and Discussion

At the June 24, 2022, EBCE Board Executive Committee Meeting, the Executive Committee approved taking a “support” position on SB 1063 (Skinner), which would allow the California Energy Commission (“CEC”) to accelerate the deployment of new energy efficiency technology standards. The Executive Committee also approved moving from “support” to an “oppose unless amended” position on AB 2667 (Friedman) due to recent amendments that would redefine which entities qualify as an electrical corporation.

Bills in the California state legislature have continued to be amended in their second houses at a rapid pace, and appropriations committee hearings are scheduled for the beginning of August after the Legislature’s summer recess.

Recommended EBCE bill positions:

- **OPPOSE UNLESS AMENDED:** SB 1385 (Cortese) would require the California Public Utilities Commission (“CPUC”) to establish a new multifamily housing local solar program installing 1,500 MW through 2026. Each large electrical corporation (investor-owned utility, or “IOU”) such as PG&E would be required to construct or contract for the construction of solar and storage systems on or near qualified multifamily housing. Each project would be installed in front of the customers’ meter and would be owned by the IOU. The IOUs would export

electricity from these systems and use the revenues to offset the costs of providing monthly bill credits to participating customers, as well as the costs of constructing/operating the system, and administrative costs. The bill would leave open the possibility that the Legislature could fund any costs in excess of revenues through a future appropriation.

While SB 1385 promises to ensure that the benefits of rooftop solar are more readily offered to lower income people who live in multifamily housing, the bill establishes yet another community solar program, but it may not actually benefit low-income customers. In this program, the solar system is utility-owned and may not serve the actual building and customers near which it is situated; furthermore, being in a high-fire threat district is sufficient for program siting, even if no low-income customers are served. It is unclear how the projects would pay for themselves, which means IOUs would be incentivized to build large solar+storage projects to maximize their payback potential. In other words, this is a backdoor way for the IOUs to own and operate solar+storage projects.

Although much of SB 1385 does not seem to directly impact CCA customers, EBCE staff finds there to be a risk that the IOUs include CCA customers when they sign up program participants, essentially providing generation services for CCA customers. To prevent this risk from materializing, EBCE staff recommends amending SB 1185 such that it specifies that CCA customers are not eligible to participate in the IOU's program. This aligns with EBCE's legislative principle of Stabilizing Community Choice by opposing legislation that undermines or circumvents community choice energy and impedes the ability of the agency to achieve its mission and goals.

SB 1385 is sponsored by the California State Association of Electrical Workers and the Coalition of California Utility Employees.

- **SUPPORT:** A Federal Reconciliation Package could authorize clean energy tax breaks including extending the Investment Tax Credit (“ITC”) and Production Tax Credit (“PTC”), as well as other renewable energy-friendly provision including clean energy manufacturing tax credits, electric vehicle tax credits, incentives for renewable energy in rural communities, and a fee on methane emissions. Although the bill is still being negotiated, its climate provisions would support increased, cheaper renewable energy development throughout California and could bolster EBCE programs including those incentivizing vehicle and building electrification. This aligns with EBCE's legislative principle of Accelerating Decarbonization through renewable energy procurement and electrification, as well as Promoting Local Development through incentivizing transportation, building electrification, and renewable energy generation.

Fiscal Impact

SB 1385: Unknown at this time - the bill would require that no program costs be passed through rates to non-participant ratepayers, however, the Assembly Utilities & Energy Committee bill analysis noted that avoiding a cost shift to nonparticipants may not be plausible and the costs to the CPUC to administer are likely \$3M. The bill also does not preclude legislative funding for the program which would be borne by taxpayers.

Federal Reconciliation Package: Likely fiscal benefits to EBCE customers through tax credits for renewable energy which may lower the cost of EBCE's programs and future clean energy procurement.

Attachments:

- A. SB 1385 Author's Fact Sheet
- B. July 20, 2022 Legislative Update



SENATOR DAVE CORTESE

SB 1385 Multi-Family Housing Local Solar Program

SUMMARY

Too little of the rooftop solar that has been installed in California has gone to low income individuals in multi-family housing. Yet, these are the individuals that arguably need the grid resiliency and bill savings most.

SB 1385 addresses this by creating a multi-family housing local solar program that will bring solar and storage systems to multi-unit dwellings in low-income communities with no costs shifted to other ratepayers.

BACKGROUND

The California Solar Initiative Program (CSI) was a ratepayer-funded program established in 2007 to install 1,940 megawatts (MW) of new distributed solar and transform the market for solar energy by reducing the cost of solar generating equipment. In addition, California's Net Energy Metering (NEM) program created large economic incentives to install rooftop solar by compensating homeowners at the full retail rate for all the output of the system. As a result, the rooftop solar market has grown rapidly, and 2021 estimates show that distributed solar has been installed at over 1.3 million customer sites.

However, a strikingly low percentage of these funds were reserved for low-income tenants in multi-family housing. A CPUC report showed that out of the overall \$3 Billion CSI Program budget, \$2.79 Billion (93%) went to commercial retail and market rate housing, whereas only \$218 million (7%) went to low-income housing. According to a study by the Lawrence Berkeley National Laboratory, about 2% of residential solar systems are installed on multi-family buildings.

The data showing this disproportionate benefit is even more alarming when looking at the demographics of local solar distribution. A study by the Lawrence Berkeley National Laboratory found that around half of the state's solar adopters are in the highest 20 percent of earners, while only 4 percent come from the lowest 20 percent. Additionally, the study found that solar

adopters generally skew towards areas with high White population, higher education, and higher credit scores.

People who live in multi-family housing are generally renters who have no ability to participate in the state's distributed solar programs. Compounding the inequity, the costs of these programs are paid by all electric ratepayers, which has raised electric rates for those without solar by as much as \$230 per year. Despite being charged for the costs of these programs, they get none of the benefits.

THIS BILL

SB 1385 requires that the California Public Utilities Commission establish a multi-family housing local solar program that would require each electrical corporation with more than 100,000 service connections to construct solar and storage systems on or near multifamily housing in underserved communities.

Each large electrical corporation will export electricity from the solar and storage system and use the proceeds to both reduce electricity bills for tenants in the multi-family housing and pay for the system with no costs shifted to other ratepayers.

SUPPORT

State Association of Electrical Workers (Sponsor)
Coalition of California Utility Employees (Sponsor)

FOR MORE INFORMATION

Ryan Mickle
Office of Senator Dave Cortese
(916) 651-4015
Ryan.Mickle@sen.ca.gov

JULY 20, 2022

Legislative Update



Key Deadlines for the 2022 State Legislative Year

Attachment Staff Report Item 15B

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

State Budget Update

Attachment Staff Report Item 15B

- AB 205 (energy budget trailer bill) was chaptered on 6/30
 - Extends California Arrearage Payment Program for arrearage forgiveness (\$1B)
 - Creates Strategic Reliability Reserve Programs:
 - Distributed Electricity Backup Assets Program – emergency supply/load reduction during extreme events
 - Demand Side Grid Support Program – dispatchable customer load reduction and backup generation during extreme events
 - Strategic Reliability Reserve Program – DWR investments in reliability (\$5B)
 - Streamlined Siting – new certification process
 - Long Duration Energy Storage – financial incentives for projects
 - Allows Changes to Residential Fixed Charges – removes for CARE, removes cap
- Another energy budget trailer bill is anticipated in Aug to resolve issues

Recommended State Bill Position

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	Recommended EBCE Position
SB 1385	Cortese	Establishes a new 1,500 MW multifamily housing local solar program that requires each large electrical corporation (IOU) to construct solar and storage systems connected to the distribution system in front of the customers' meters on or near multifamily housing.	CA State Assoc of Electrical Workers / Coalition of CA Utility Employees	Asm Approps Cmte 8/3	OPPOSE UNLESS AMENDED

State Bill Tracker - Assembly

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	EBCE Position
AB 1814	Grayson	Authorizes CCAs to file applications for PUC programs and investments to accelerate widespread transportation electrification.	CaICCA	Author withdrawn	SUPPORT
AB 1960	Villapudua	Encourages the Senate and the Governor to consider permanent residents of northern, southern and the central valley regions of the state to provide more regional diversity among CPUC commissioners.		Vetoed by Gov 6/21	SUPPORT
AB 2061	Ting	Requires data disclosure on EV charging station availability for stations using public or ratepayer money and requires the CEC to assess reliability and equitable access issues.	Flo	Sen Approps Cmte 8/1	WATCH
AB 2667	Friedman	Establishes and requires CEC to administer state IDER Fund to incentivize eligible resources to support consumer adoption of clean DERs, creates a system to award incentives.	NRG / EDF	Sen Approps Cmte 8/1	OPPOSE UNLESS AMENDED
AB 2765	Santiago	Creates a new taxpayer-funded fund to cover the costs of CPUC Public Purpose Programs including energy efficiency and conservation, and arrearage management, instead of continuing to rely on customer delivery rates. Reverts to utility ratepayers if fund isn't sufficiently funded by the legislature. Excludes CARE/FERA.	Sempra	HELD in Asm Approps Cmte	SUPPORT

State Bill Tracker - Senate

Attachment Staff Report Item 15B

Bill #	Author	Description	Sponsor	Status	EBCE Position
SB 1020	Laird	Sets interim targets for meeting renewable/zero-carbon goals: 90% by end-2035, 95% by end-2040; 100% for state agencies by 2030. State agencies can comply through their LSE, but LSE procurement for the state agency must meet certain criteria. Establishes new fund to support the costs of decarbonization, clean energy, and wildfire mitigation activities with funding sources outside of electricity rates. Establishes new nonprofit public benefit corporation to administer the fund.	Senate Climate Change Working Group	Asm Approps Cmte 8/3	SUPPORT IF AMENDED
SB 1063	Skinner	Authorizes the CEC to make standards for energy- and water-efficient appliances effective sooner than one year after adoption if there's a finding of good cause.	CEC	Asm Approps Cmte 8/3	SUPPORT
SB 1112	Becker	Requires energy suppliers (including CCAs) offering decarb programs to record a decarb charge notice, then notice of full cost recovery, then notice of charge removal with the project's county.		Asm Approps Cmte 8/3	SUPPORT
SB 1158	Becker	Changes the Power Source Disclosure rules to require utilities and CCAs to report comparisons of their energy and capacity purchases with their electricity demand on an hourly basis including the associated GHG emissions.		Asm Approps Cmte 8/3	WATCH
SB 1393	Archuleta	Requires local jurisdictions to consider CEC guidance before mandating that retrofits to a bldg. must upgrade fossil appliances to electric and to file records with CEC.		Asm Approps Cmte 8/3	OPPOSE

Federal Legislative Update - Overview

Attachment Staff Report Item 15B

- Three major 2022 federal opportunities:
 - 10/1: Reconciliation package deadline
 - 10/1: Community Project Funding deadline
 - EBCE potentially funded \$7.43 million
 - Q3/Q4: Infrastructure Bill applications open
 - EBCE potentially targeting EV, resiliency, and EE programs

Recommended Federal Bill Position

Attachment Staff Report Item 15B

Bill #	Author	Description	Status	Recommended EBCE Position
TBD	TBD	Will potentially authorize clean energy tax breaks including extending the Investment Tax Credit (ITC) and Production Tax Credit (PTC), as well as other renewable energy-friendly provisions including clean energy manufacturing tax credits, electric vehicle tax credits, incentives for renewable energies in rural communities, and a fee on methane emissions.	Senate negotiating	SUPPORT



**CAC Item C6
Staff Report Item 18**

TO: East Bay Community Energy Board of Directors

FROM: Jason Bartlett, Finance Manager

SUBJECT: Update Board and CAC Stipend Amount and Set Frequency (Action Item)

DATE: July 20, 2022

Recommendation

Approve a Resolution to update the Board of Directors and Community Advisory Committee (CAC) stipend amounts to reflect Consumer Price Index (CPI) adjustments and set policy to limit the frequency for receiving a stipend to not exceed more than four (4) per month, effective July 1, 2022.

Background and Discussion

East Bay Community Energy (EBCE) has endowed powers outlined in its mutually agreed upon Joint Powers Authority (JPA) charter. One of these powers is the ability for the Board of Directors to establish directives to compensate Directors and Community Advisory Committee (CAC) members with stipends for attendance.

Current Stipend Policy

Director stipends are established in the JPA under Section 4.7 which states:

“Directors shall receive a stipend of \$100 per meeting, as adjusted to account for inflation, as provided for in the Authority’s Operating Rules and Regulations.”

Historically, this has been interpreted to be specific to Board of Director meetings and special meetings only as Section 4.8 provides language and guidance which can apply to other meetings related to Commissions, Boards, and Committees:

“The Board may establish rules, regulations, policies, bylaws or procedures to govern any such commissions, boards, or committees and shall determine whether members shall be compensated or entitled to reimbursement for expenses.”

Specific consideration is given to CAC members in Section 4.9, which states:

“The Board of Directors shall determine whether the [CAC] members will receive a stipend and/or be entitled to reimbursement for expenses.”

At the April 18, 2018 Board meeting the Board of Directors passed a Resolution (R-2018-17) permitting CAC members to receive a stipend in the amount of \$50 per meeting in attendance and up to two (2) meetings per calendar month, with the Chair of the CAC being entitled to receive the same stipend as Directors. In this resolution there is no mention of CPI, or other, adjustments to CAC member stipends.

Proposed Changes to Stipend Policy

Upon review of the current stipend policy by the Finance, Administrative, and Procurement committee, the following proposed changes have been put forth for formal Board review and approval:

1. The Director stipend be updated by the CPI from June 2018 through June 2022;
2. The CAC stipend be updated by the CPI from June 2018 through June 2022;
3. Both the Director and the CAC stipends be updated every new fiscal year to reflect CPI changes;
4. Directors can be eligible for stipends for attendance at additional meetings of commissions, boards, and committees. Examples of such additional meetings, include but are not limited to: Executive Committee; Finance, Administrative, & Procurement subcommittee; Marketing, Regulatory, & Legislative subcommittee; and ad-hoc meetings;
5. A cap be applied of four (4) stipends per month for attendance of meetings.

Note that during the June CAC meeting, CAC members requested an increase in the CAC stipend to a level equivalent to the stipend received by the Board of Directors.

Fiscal Impact

Currently, there are 15 Directors and 15 alternates for the Board and 12 CAC members with 4 alternates.

Of the Directors, one alternate has elected to opt-out of the stipend and two alternates have not submitted IRS form W9 to allow payments. This means of the 30 total qualifying Directors, 90% receive stipends when participating. Of the 16 CAC total qualifying members, three regular and one alternate have elected to opt-out of the stipend. This means 75% of all CAC members receive the stipend when participating.

Using the 12-month San Francisco-Oakland-Hayward local CPI, catch-up adjustments from June, 2018 through June, 2022 are expected to increase stipend payments by about 20.07%. This would increase the stipends to \$120.07 for Directors and \$60.04 for CAC members.

Year	CPI	Director	CAC
Base	0.00%	100.00	50.00
2018	3.90%	103.90	51.95
2019	3.20%	107.22	53.61
2020	1.60%	108.94	54.47
2021	3.20%	112.43	56.21
2022	6.80%	120.07	60.04

The annual maximum participation cost at the current stipend is approximately \$29,400, assuming quarterly special meetings with all members. The fiscal impact of increasing the stipend in the above, described manner would increase annual maximum expenses by about \$27,514 (93.6%) to \$56,914 total.

Committee	Participants	Current Stipend	Total	New Stipend	New Total	Difference
BOD	15	100.00	1,500.00	120.07	1,801.07	301.07
CAC	9	50.00	450.00	60.04	540.32	90.32
ExCom	5	0.00	0.00	120.07	600.36	600.36
FAP	5	0.00	0.00	120.07	600.36	600.36
MAS	5	0.00	0.00	120.07	600.36	600.36
Special*	15	100.00	500.00	120.07	600.36	100.36
Monthly			2,450.00		4,742.82	2,292.82
Annual			29,400.00		56,913.89	27,513.89

*Special Meetings are estimated at once per quarter, as such Monthly Totals are divided by 3

Attachments

- A. Resolution of the Board of Directors to Approve an Increase in Stipend Amount for Directors and Community Advisory Committee Members

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO APPROVE AN INCREASE IN
STIPEND AMOUNT FOR DIRECTORS AND COMMUNITY ADVISORY COMMITTEE
MEMBERS**

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.

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

WHEREAS The Joint Powers Agreement (“JPA”) permits the Board of Directors (“Directors”) to adjust stipend amounts annually for inflation, approve stipends for additional commissions, boards, and committees, and establish governing rules, regulations, policies, bylaws or procedures related to compensation or reimbursements; and

WHEREAS Currently, stipends are approved for Directors, Special Director, and Community Advisory Committee (“CAC”) meetings and are set at \$100 per meeting per Director in attendance and \$50 per CAC meeting per member in attendance. One-hundred dollars is allowed for the CAC chair. All CAC members are limited to receive the stipend no more than twice per calendar month. There is no similar limitations to Directors; and

WHEREAS The Finance, Administrative, and Procurement committee has proposed that stipend increases for Directors and CAC members be based on the San Francisco-Oakland-Hayward Consumer Price Index (“CPI”) and that additional stipends be granted for any and all additional commission, board, and committee meetings for Directors, up to a limit of four (4) stipends per calendar month.

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

Section 1. Additional stipends are granted for any and all additional commission, board, and committee meetings for Directors, up to a limit of four (4) stipends per calendar month.

Section 2. Effective July 1, 2022, the Director and CAC member stipend increases are to be based on the 12-month San Francisco-Oakland-Hayward CPI beginning June, 2018 through June, 2022, as provided by the U.S. Bureau of Labor Statistics.

Section 3. All stipends shall be adjusted each new fiscal year by the June 12-month CPI.

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

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



**CAC Item C7
Staff Report Item 17**

TO: East Bay Community Energy Board of Directors

FROM: Annie Henderson, VP Marketing and Account Services
Izzy Carson, Power Resources Manager

SUBJECT: Joint Rate Mailer and 2021 Power Content

DATE: July 20, 2022

Recommendation

Receive a staff report and presentation providing an overview of the contents in the Joint Rate Mailer (JRM) - a customer notification sent each year.

Background and Discussion

The intent of this staff report is to provide an overview of the contents in the JRM. The attached presentation covers the JRM and Joint Rate Comparison with specific attention provided to differences in rate comparison and initial 2021 power content.

Fiscal Impact

No immediate fiscal impact

Attachments

- A. Joint Rate Mailer and Power Content PPT

JULY 2022

EBCE Joint Rate Mailer and 2021 Power Content



Overview of Rate Comparison and Mailer

Joint Rate Comparison

- Required by CPUC
- Must be updated within 60 days of any rate change (EBCE or PG&E)
- Must be posted on the website
- Does not include power content
- This document includes rate comparisons for all 22 rate schedules served by EBCE

Joint Rate Mailer (JRM)

- Required by CPUC
- Fixed template, approved by Public Advisor's Office and co-branded with PG&E
- Goes to all EBCE-eligible customers (including those that opted out) via email or mail
- Includes draft power content
- Deadline is July 1
- There are four versions of this mailer, sent to customers by their rate class: residential, small business, commercial, and industrial

Items of Note on Rate Presentation

Joint Rate Comparison

- First time PG&E breaks out the PCIA cost to bundled customers
- Currently uses EBCE 2018 PCIA Vintage (majority of EBCE customers) and PG&E 2021 PCIA Vintage
- PG&E Bundled customers always pay the most current PCIA vintage
- JRC will be updated and posted to website with June PG&E rate changes and any update to EBCE FY22/23 value proposition (3% discount, ¾ cent premium)

Joint Rate Mailer (JRM)

- First time PG&E breaks out the PCIA cost to bundled customers
- Will present “apples to apples” with both EBCE and PG&E examples using the most current PCIA Vintage
- 2022 JRM will use EBCE rates based on value proposition prior to FY22/23 (1% discount, 1 cent premium)

(PG&E Gen Rate + PCIA)

To appropriately compare rates:

vs.

(EBCE Gen Rate + PCIA)

Draft 2022 EBCE JRM (2021 Power Content)

Attachment Staff Report Item 17A



East Bay Community Energy
1999 Harrison Street, Suite 800
Oakland, CA 94612



For information, visit: ebce.org
Para detalles de este programa en español, visite: ebce.org/es
要聞本計劃中文版本, 請訪問: ebce.org/cn

We support your power to choose

As part of our mutual commitment to support your energy choice, East Bay Community Energy (EBCE) and Pacific Gas and Electric Company (PG&E) have partnered to provide you with a comparison of typical residential electric rates, average monthly charges, and generation portfolio contents.

If this comparison does not address your specific rate, please visit PG&E online at pge.com/cca or call 1-866-743-0335. For more information on EBCE's generation rate, please visit ebce.org/rates or call 1-833-699-EBCE (3223).



Understanding your energy choices

Residential Electric Rate Comparison E-TOU-C Time-of-Use (Peak Pricing 4–9PM Everyday)

	PG&E	EBCE Bright Choice	EBCE Renewable 100
Generation Rate (\$/kWh)	\$0.12112	\$0.11964	\$0.13112
PG&E Delivery (\$/kWh)	\$0.19790	\$0.19790	\$0.19790
PG&E PCIA/FF (\$/kWh)	\$0.02653	\$0.02653	\$0.02653
Total Electricity Cost (\$/kWh)	\$0.34555	\$0.34407	\$0.35555
Average Monthly Bill (\$)	\$134.63	\$134.06	\$138.53

Current rates as of March 2022

This table compares electricity costs for an average residential customer in the EBCE/PG&E service area with an average monthly usage of 390 kilowatt-hours (kWh). This is based on a representative 12-month billing history for all customers on the E-TOU-C rate schedule for PG&E's and EBCE's published rates as of March 2022.

Generation Rate is the cost of creating electricity to power your home. The generation rate varies based on your energy provider and the resources included in your energy provider's generation supply.

PG&E Delivery Rate is a charge assessed by PG&E to deliver electricity to your home. The PG&E delivery rate depends on your electricity usage but is charged equally to both EBCE and PG&E customers.

PG&E PCIA/FF The PCIA is a charge to ensure that both PG&E customers and those who have left PG&E service to purchase electricity from other providers pay the above market costs for generation resources that were procured by PG&E on their behalf. "Above market" refers to expenditures for electric generation resources that cannot be fully recovered through sales of these resources at current market prices. PG&E acts as a collection agent for the FF surcharge, which is levied by the California Public Utilities Commission on behalf of cities and counties in PG&E's service territory for all customers. PG&E bundled customers pay the PCIA and FF fees associated with the most currently available vintage year. PG&E charges EBCE customers the PCIA and FF fees based on the year that they transitioned to EBCE service. Visit www.ebce.org/rates for more information.

If this comparison does not address your specific rate, please visit PG&E online at pge.com/cca or call 1-866-743-0335. For more information on EBCE's generation rates, please visit ebce.org/rates or call 1-833-699-EBCE (3223).

2021 Electric Power Generation Mix*

Specific Purchases	Percent of Total Retail Sales (kWh)		
	PG&E	EBCE Bright Choice	EBCE Renewable 100
Renewable	48.1%	42.3%	100.0%
Biomass & Biowaste	4.2%	0.5%	0.0%
Geothermal	5.2%	0.0%	0.0%
Eligible Hydroelectric	1.8%	0.2%	0.0%
Solar Electric	26.0%	19.0%	50.0%
Wind	10.9%	22.6%	50.0%
Coal	0.0%	0.0%	0.0%
Large Hydroelectric	4.0%	15.9%	0.0%
Natural Gas	8.5%	0.0%	0.0%
Nuclear	39.3%	1.7%	0.0%
Other	0.0%	0.1%	0.0%
Unspecified Sources of Power**	0.0%	40.0%	0.0%
TOTAL	100%	100%	100%

*As reported to the California Energy Commission's Power Source Disclosure Program. EBCE and PG&E data is subject to an independent audit and verification that will not be completed until later in 2022. The figures above may not sum up to 100 percent due to rounding.

**Unspecified sources of power refers to electricity that is not traceable to a specific generating facility, such as electricity traded through open market transactions. Unspecified sources of power are typically a mix of all resource types, and may include renewables.

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©2022 Pacific Gas and Electric Company. All rights reserved.
*PG&E refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation.
6.22 CCC-0622-4932

Rate Comparison - Residential Example

Residential: E-TOUC	Joint Rate Comparison			Joint Rate Mailer		
	2021 Vintage PCIA	<u>2018</u> Vintage PCIA		<u>2021</u> Vintage PCIA all customers		
	PG&E	EBCE Bright Choice	EBCE Renewable 100	PG&E	EBCE Bright Choice	EBCE Renewable 100
Generation Rate (\$/kWh)	\$0.12112	\$0.12573	\$0.13721	\$0.12112	\$0.11964	\$0.13112
PG&E Delivery (\$/kWh)	\$0.19790	\$0.19790	\$0.19790	\$0.19790	\$0.19790	\$0.19790
PG&E PCIA/FF (\$/kWh)	\$0.02653	<u>\$0.02044</u>	<u>\$0.02044</u>	<u>\$0.02653</u>	<u>\$0.02653</u>	<u>\$0.02653</u>
Total Electricity Cost (\$/kWh)	\$0.34555	\$0.34407	\$0.35555	\$0.34555	\$0.34407	\$0.35555
Average Monthly Bill (\$)	\$134.63	\$134.06	\$138.53	\$134.63	\$134.06	\$138.53

Average Monthly Usage 390 kWh

Comparison of CCA Rates over time

Base Product comparison to IOU for prominent residential rate (based on JRM)

CCA	2020	2021	2022 w/new value proposition for EBCE
EBCE	-1%	-1%	-3%
MCE Clean Energy	3%	18%	-16%
CleanPowerSF	-1%	2%	0%
San Jose Clean Energy	-1%	-0.25%	0%
Clean Power Alliance	4%	18%	23%

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

CCA	2020	2021	2022 w/new value proposition for EBCE
EBCE	9%	9%	5%
MCE Clean Energy	11%	27%	-9%
CleanPowerSF	8%	11%	7%
San Jose Clean Energy	8%	9%	15%
Clean Power Alliance	24%	29%	23%

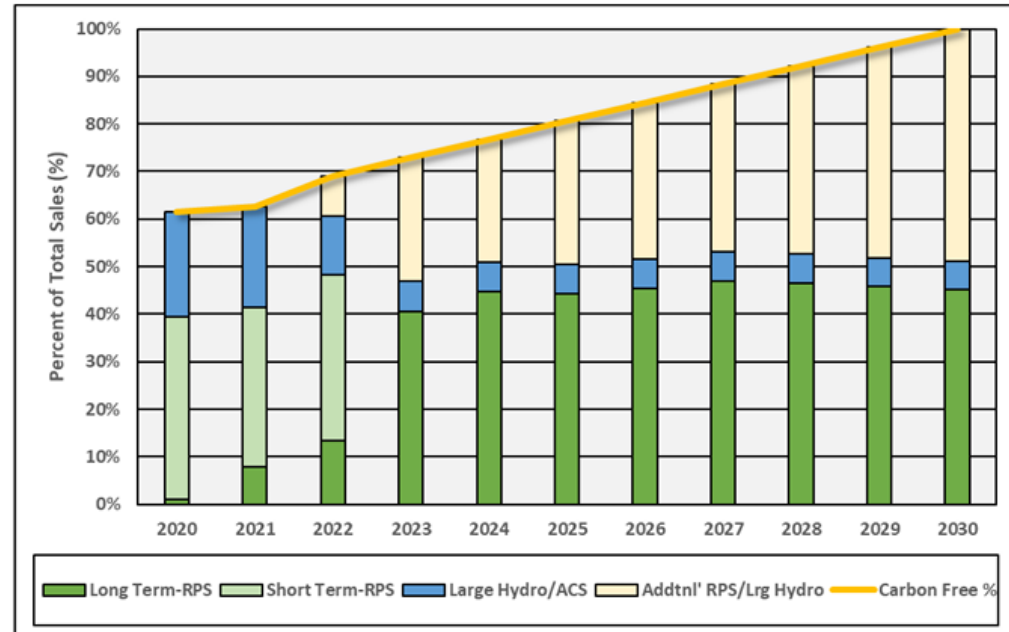
Power Content Comparison

Specific Purchases	Percent of Total Retail Sales (kWh)		
	PG&E	EBCE	
		Bright Choice	Renewable 100
Renewable	48.7%	42.3%	100.0%
Biomass & Biowaste	4.2%	0.5%	0.0%
Geothermal	5.2%	0.0%	0.0%
Eligible Hydroelectric	1.8%	0.2%	0.0%
Solar	26.6%	19.0%	50.0%
Wind	10.9%	22.6%	50.0%
Coal	0%	0%	0%
Large Hydroelectric	4.0%	15.9%	0.0%
Natural Gas	7.9%	0.0%	0.0%
Nuclear	39.3%	1.7%	0.0%
Other	0.0%	0.1%	0.0%
Unspecified Sources of Power**	0.0%	40.0%	0.0%
Total	100.0%	100.0%	100.0%

EBCE Procurement Policy for Bright Choice

The Renewable Content Target for Bright Choice is based on PG&E's prior year renewable energy power content forecast, plus 5%. We are on track to be 100% carbon-free and 80% renewable for all customers by 2030, per our Board presentation in April.

2020 PG&E RPS Forecast	36.2%
	+5.0%
2021 Bright Choice RPS %	=41.2%



EBCE 2021 Draft Power Content and Bright Choice Targets

Draft 2021 PG&E RPS %	Draft 2021 Bright Choice RPS %
48.7%	42.3%

2021 Draft Power Content is in alignment with EBCE's clean energy goal of achieving zero emission electricity by 2030 and exceeds the approved 2021 minimum renewable power content target of 41.2% for the Bright Choice Plan.

Bright Choice targets looking forward:

Year	2021	2022	2023
Renewable %	41%	50%	54%

EBCE PCL RPS Overtime

	EBCE Bright Choice	PG&E	Differential
2018	41%	39%	+2%
2019	60%	29%	+31%
2020	40%	31%	+9%
2021	42%	48%	-6%
AVERAGE	46%	37%	+9%

CCA 2021 Base Product Power Content per JRM

Attachment Staff Report Item 17A

2021 Power Content	PG&E	EBCE	SVCE	SJCE	CPSF	MCE
RPS	49%	42%	44%	36%	55%	60%
Large Hydro	4%	16%	36%	0%	38%	37%
Nuclear	39%	<2%	20%	53%	0%	1%
<i>Non-Nuclear Carbon-free</i>	<i>52%</i>	<i>58%</i>	<i>80%</i>	<i>36%</i>	<i>93%</i>	<i>97%</i>
2021 Cost Differential from PG&E		-1%	-1%	-0.25%	+2%	+18%

RATES

- **Discount:** EBCE continues to provide a product at a discount to PG&E
- **PCIA:** PG&E customers have always paid for the PCIA, but it was previously embedded in the PG&E Generation Rate

POWER CONTENT

- **2030:** EBCE is focused on the 2030 goal of 100% clean power
- **Clean:** EBCE's 2021 Bright Choice content has 5.5% more GHG-free power vs. PG&E, exclusive of nuclear power
- **This path was advocated by the public and chosen by the Board.** From the staff report to the Board in April 2022: "The fundamental question for accepting nuclear or not comes down to a trade-off between having nuclear and lower greenhouse gas emissions, or not having nuclear and accepting higher greenhouse gas emissions."
- **System:** More renewable energy on the grid is a good thing for all customers



**CAC Item C8
Consent Item 8**

TO: East Bay Community Energy Board of Directors

FROM: JP Ross

SUBJECT: Amendment on the Sunrun 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract

DATE: July 20, 2022

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute an amendment on the Sunrun 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract.

Background and Discussion

On July 17, 2019 the EBCE Board of Directors authorized the CEO to negotiate and execute an agreement with Sunrun to deliver 0.5MW of local resource adequacy from Solar and Storage projects on low income multi-family housing properties in Alameda County.

Sunrun has communicated an inability to interconnect Solar and Storage projects that can provide resilience on multi-family projects based on PG&E's Virtual Net Energy Metering (VNEM) tariff language. The VNEM tariff allows customers in a multi-family building to receive net metering bill credits from a single solar system connected to the building's main meter. These bill credits allow residents of the facility to benefit from lower bills once the solar system has been installed. PG&E (and the other IOUs that approve VNEM and interconnection applications) has not approved Multi-Family solar + storage projects that provide resilience, citing that the VNEM tariff does not explicitly state that solar paired storage can provide on-site resilience under VNEM. The CPUC has directed parties to resolve this issue. Sunrun has been working with PG&E to resolve this stalemate, but no projects have yet been approved for VNEM

interconnection. In the meantime, Sunrun has continued to develop solar only projects under the VNEM tariff, but those projects cannot provide Resource Adequacy to EBCE.

In light of these delays Sunrun and EBCE have developed an alternate Resource Adequacy solution that can deliver the contracted RA to EBCE. The amended contract delivers RA over a 10-year term that meets EBCE's Incremental Resource procurement requirement as specified in PUC decision 19-11-016. Sunrun will deliver the RA through new Proxy Demand Response assets across California. The revised contract price will be discounted to account for delivery delays and the fact that the projects are no longer coming from in territory projects.

Sunrun and EBCE are still committed to delivering solar and storage projects to residents of low-income multi-family affordable housing units. The Resilient Home program continues to deliver resilience to our customers and Sunrun is still committed to meeting the 20% minimum contract capacity with projects on low income and multi-family housing units. When the SGIP/VNEM tariff issues have been resolved, Sunrun will include low-income multi-family projects into the EBCE Load Modification agreement, delivering resilience and bill savings to participating customers.

Fiscal Impact

EBCE has negotiated a price reduction from Sunrun based on the change from in-territory low-income multi-family projects to statewide single-family projects. EBCE will achieve lower procurement costs than projected with this amendment.

Attachments

- A. Resolution Authorizing the CEO to negotiate and execute an amendment to the Sunrun 10-year 0.5MW Resource Adequacy contract
- B. Amendment No. 1 to Energy Storage Resource Adequacy Agreement

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING AN AMENDMENT
ON THE SUNRUN 10-YEAR 0.5MW LOCAL GREATER BAY AREA RESOURCE ADEQUACY
CONTRACT**

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 July 2019 the Board of Directors authorized the CEO to negotiate and execute a contract with Sunrun for a 10-year 0.5MW Local Greater Bay Area Resource Adequacy contract

WHEREAS Sunrun has not been able to interconnect multi-family affordable housing solar + storage projects due to current Virtual Net Energy Metering (VNEM) tariff language that does not explicitly allow for storage that provides on-site resilience

WHEREAS Sunrun and EBCE have negotiated a contract amendment that will deliver incremental Resource Adequacy at a discount to the original contract price from resources throughout California

WHEREAS Sunrun and EBCE are committed to delivering solar + storage on multi-family affordable housing units through the Resilient Home Program

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

Section 1. The Board of Directors hereby authorizes the CEO to negotiate and execute an amendment on the Sunrun 10-year 0.5MW Resource Adequacy contract

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

Dianne Martinez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

Amendment No. 1 to Energy Storage Resource Adequacy Agreement

This Amendment No. 1 (the "**Amendment**") to the Energy Storage Resource Adequacy Agreement between East Bay Community Energy Authority, a California joint powers authority ("**Buyer**") and Sunrun, Inc., a Delaware corporation ("**Seller**" or "**Sunrun**") (Buyer and Seller are each hereinafter referred to as "**Party**", and together as "**Parties**") is effective as of July XX, 2022 (the "**Amendment Effective Date**").

WHEREAS, Buyer and Seller previously entered into that certain Energy Storage Resource Adequacy Agreement as of July 29, 2019 (the "**Agreement**"); and

WHEREAS, Buyer and Seller mutually desire to amend the Agreement as set forth below.

NOW THEREFORE in consideration of the mutual promises and covenants set forth herein, it is agreed:

1. The following defined terms on the Cover Sheet of the Agreement are amended and restated as follows:

"Contract Price: \$ [REDACTED] per MW"

"CPUC Decisions" means CPUC Decisions 04-01-050, 04-10-035, 05-10-042, 06-04-040, 06-06-064, 06-07-031, 07-06-029, 08-06-031, 09-06-028, 10-06-036, 11-06-022, 12-06-025, 13-06-024, 14-06-050, 19-11-016, and any other existing or subsequent decisions, resolutions or rulings related to resource adequacy, as may be amended from time to time by the CPUC.

2. The following defined term is added to Section 1.1 after the definition of "IDD Delay Damages" and before the definition of "Indemnifiable Loss(es)":

"Incremental Resources" means those resources that can be shown to be incremental according to the criteria set forth in CPUC Decision 19-11-016 and are available during the time periods specified by the applicable Governmental Authority, as such criteria or time periods may be amended or revised.

3. The first sentence of Section 2.2(b) is hereby amended and restated as follows:

"The 'Delivery Term' is the period commencing on the Initial Delivery Date and continuing for the number of Contract Years specified on the Cover Sheet following July 1, 2023."

4. The second sentence of Section 4.1(c) is hereby amended and restated as follows:

"For each day beginning with the day after the Expected Initial Delivery Date until and including the date on which the Initial Delivery Date occurs, for a period beyond the Expected Initial Delivery Date lasting no more than two hundred seventy (270) days ("**IDD Cure Period**"), Seller shall pay IDD Delay Damages to Buyer.

5. The last sentence of Section 5.4(c) is hereby deleted in its entirety. For the avoidance of doubt, Seller's Portfolio may, at Seller's sole election, contain only single-family residences located within California and may include the use of applicable smart thermostats to fulfill its requirements under this Agreement. For the avoidance of doubt, there shall be no Local RA Attributes requirement under this

Agreement.

6. The following is added to the end of Section 14.1 (“Seller’s Representations and Warranties”):

(h) The Product derives from Incremental Resources.

7. Notwithstanding anything to the contrary in the Agreement, Seller shall provide (i) RA Attributes from the Project equal to 0.2 MW by September 1, 2022 and (ii) total overall RA Attributes from the Project equal to 0.5 MW by July 1, 2023, each of which shall constitute a Contract Amount under the Agreement. Seller’s failure to provide the Contract Amounts detailed under (i) and (ii) of the foregoing sentence, notwithstanding the other provisions of Section 7.1 and the proviso under Section 7.1(a)(vi), shall be deemed a Seller Event of Default and shall result in Seller’s obligation to pay Buyer direct damages or to provide Buyer with substitute Capacity Attributes (each in accordance with Section 7.1(a)(vi)(A)-(B)). On or before May 15, 2023, Seller shall provide written notice to Buyer of Seller’s ability to provide 0.5 MW of RA Attributes by July 1, 2023. If at any time Seller is unable to provide the applicable RA Attributes to Buyer from the Project, at Seller’s option, Seller may purchase and provide to Buyer an equivalent amount of RA Attributes from third party resources provided such resources are at least equivalent to the Project, such that Buyer is able to count the RA Attributes as Incremental Resources.

8. Notwithstanding anything to the contrary in the Agreement, in the event that Seller is not able to provide at least 0.5 MW of RA Attributes to Buyer by July 1, 2023, Seller will provide at least ninety (90) days prior written notice to Buyer specifying that amount of RA Attributes that Seller can provide to Buyer by July 1, 2023 (“**Revised RA Capacity Notice**”). In the event that Seller provides Buyer with a Revised RA Capacity Notice, then the Parties agree that the following shall automatically occur: (i) in lieu of any other damage or penalty assessments under this Agreement, Seller shall pay Buyer a one-time payment equal to (a) \$40 multiplied by (b) a number that is equal to 500 kW minus the number of kW that Seller is able to provide as specified in the Revised RA Capacity Notice and (ii) the Contract Amount for RA Attributes that Seller is required to provide under this Agreement shall automatically be revised (without the need for further amendment to the Agreement) to the amount specified in the Revised RA Capacity Notice.

9. Capitalized terms used herein and not otherwise defined herein have the respective meanings assigned to them in the Agreement. Except as expressly amended by this Amendment or any additional amendments made pursuant to Section 21.2 of the Agreement, the Agreement remains in full force and effect. In the event of any conflict between the terms of this Amendment and the terms of the Agreement, the terms of this Amendment shall prevail. Each Party warrants that it has the authority to enter into this Amendment and perform its obligations hereunder. This Amendment may be executed in any number of counterparts and by different parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed an original, but all such counterparts together shall constitute one and the same instrument.

[Signature page follows]

IN WITNESS WHEREOF, Buyer and Seller hereby execute this Amendment as of the Amendment Effective Date.

SUNRUN, INC.	EAST BAY COMMUNITY ENERGY AUTHORITY
By:	By:
Name:	Name:
Title:	Title:
	<u>APPROVED AS TO FORM:</u>
	By:
	Name:
	Title: General Counsel