



Board of Directors Meeting

Wednesday, April 19, 2023

6:00 pm

In Person

The Lake Merritt Room
Cal State East Bay - the Oakland Center
In the Transpacific Centre
1000 Broadway, Suite 109
Oakland, CA 94607

Or from the following locations:

- Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
- Starbucks, 83073 Ave 48, Coachella, CA 92236
- City of Pleasanton, City Council Conference Room, 200 Old Bernal Ave., Pleasanton 94566
- Margaret K. Troke Branch Library 502 W. Benjamin Holt Dr. Stockton, CA 95207
- City of Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568
- Heron Bay Regatta Park, 2296 Regatta Way San Leandro, CA 94579
- City of Emeryville City Hall - 1333 Park Ave. Emeryville, CA 94608
- 33349 9th Street (back office) Union City, CA 94587

Via Zoom:

<https://ebce-org.zoom.us/j/87023071843>

Dial(for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 870 2307 1843

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

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

1. Welcome & Roll Call
2. Pledge of Allegiance

3. Public Comment

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

4. Closed Session

- Conference with Legal Counsel
Existing Litigation - pursuant to GC §54956.9(d)(1)
Name of Case: East Bay Community Energy et al. v. California Public Utilities
Commission
Case No: A167425

5. General Report Out of Closed Session

CONSENT AGENDA

6. Approval of Minutes from March 8, 2023 and March 15, 2023

7. Contracts Entered into (Informational Item)

8. The Energy Council/StopWaste Cooperative Agreement Amendment
Add funding to existing heat pump water heater program

9. Treasurer's Report
Report of cash balances

10. 2022 Supplier Diversity Report Overview
Overview of 2022 Supplier Diversity Report to CPUC

11. CQuant.io CSA Amendment
Amend cQuant.io CSA to include a dedicated server for 2023 RFO

REGULAR AGENDA

12. CEO Report

13. CAC Report

14. EBCE Brand Evolution and Name Exploration (Informational Item)
Brief overview of background and name ideation process

15. Resolution to Authorize CEO to Negotiate and Execute Lease for EBCE HQ (Action Item)

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

16. Resolution to Authorize CEO to Negotiate and Execute Loan to Forum Mobility for Heavy Duty Vehicle Electrification (Action Item)

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

17. Emissions Overview (Informational Item)

Informational Overview on Emissions

18. Subcommittee Appointments (Action Item)

Approval of subcommittee appointments

19. Board Member and Staff Announcements including requests to place items on future Board agendas

20. Adjournment to Wednesday, May 17, 2023 at 6:00 pm.



Draft Minutes

Board of Directors Special Board Retreat - Power Procurement

Wednesday, March 8, 2023

12:00 pm

In person:

The Lake Merritt Room
Cal State East Bay - the Oakland Center
In the Transpacific Centre
1000 Broadway, Suite 109
Oakland, CA 94607

Or from the following locations:

- Berkeley City Hall - 5th fl, Rosebud Room - 2180 Milvia St, Berkeley, CA 94704 (For access, please contact James Chang at 415-527-7765)
- City Council Conference Room - 200 Old Bernal Ave, Pleasanton, CA 94566
- Scott Haggerty Heritage House - 4501 Pleasanton Ave, Pleasanton, CA 94566
- 300 Reunion Boulevard, Dallas, Texas 75207
- Ledding Library - 10660 SE 21st Ave St, Milwaukie, OR 97222

Via Zoom:

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

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Vice Mayor Betsy Anderson was sworn in as the new Member for the City of Piedmont.

Councilmember Sukhdeep Kaur was sworn in as the new Alternate for the City of Emeryville.

1. Welcome & Roll Call

Present: Members: Haubert (Alameda County), Bartlett (Berkeley), Hu (Dublin), Kaur (Emeryville), Cox (Fremont), Jorgens (Newark), Andersen (Piedmont), Gonzalez (San Leandro), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Hayward)

Excused: Members: Tiedemann (Albany), Barrientos (Livermore) and Kalb (Oakland)

Director Kaur served as an Alternate for Director Bauters (Emeryville).

Presenters and Staff Attended:

Howard Chang - EBCE President and Chief Operating Officer

Karen Lee- EBCE Manager, Power Resources

Izzy Carson - EBCE Power Resources Manager

Marie Fontenot - EBCE Vice President, Power Resources

Chris Eshelman - EBCE Director, Power Resources

Jim Dorrance - EBCE Power Resources Manager

Raissa Ngoma - Assistant Clerk

Adrian Bankhead - Clerk

2. Pledge of Allegiance

3. Public Comment

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Audrey Ichinose, a South Berkeley resident and East Bay Clean Power Alliance member, reminded the Board of two key goals in the Joint Powers Authority agreement: providing electricity with lower greenhouse gas content than PG&E's default product and developing local clean energy assets. Audrey Ichinose emphasized the importance of both goals in the context of power procurement decisions. Audrey Ichinose also called for a second special board retreat to provide an overview of EBCE's progress on local development including a list of projects, programs, and investment relative to the annual budget and surplus allocations.

4. Power Procurement Update (Informational Item)

Receive update on Power Procurement activities.

The Board Discussed:

- Member Haubert asked where rate-payers who are confused about their bills should be directed, and for guidance about programs that can aid low-income rate-payers.
- Member Bartlett stated that he has received numerous calls from constituents about energy relief and asked for staff to email Board members information that can be shared with the community.

- **CAC Chair Eldred** asked if differences in values with respect to the environment and energy generation between California and neighboring regions can impact decision making in integrated energy markets.
- **CAC Chair Eldred** asked for a clarification of the role that Demand Response plays with respect to calculating the effective load carrying capability that is used to determine the contribution of intermittent resources to system reliability.
- **Vice-Chair Balch** asked for an explanation for the dramatic fall-off in the ability to count renewable energy as resource adequacy.
- **Member Haubert** asked for the overall capacity of the grid over the next thirty years, and if there is enough renewable energy available in California for the state to become 100% renewable.
- Referring to slide #22 titled "Emissions Reporting", in the Power Procurement presentation, **Member Balch** asked if the PPC2s on the Power Content Label is a prescribed number, given that the emissions are generated in another state. Member Balch also asked if PCC2s were factored out, would Bright Choice's Greenhouse Gas Emissions Intensity decrease below the 2021 California Utility Average or the California Industry Average.
- **CAC Chair Eldred** asked for staff to explain the discrepancy between EBCE's emissions and other California CCAs that are under the same reporting requirements.
- **Chair Marquez** asked for staff to provide options to improve the emissions reduction with a five percent buffer.
- Referring to slide #31, titled "CAISO Wide Curtailment", in the Power Procurement presentation, **CAC Chair Eldred** asked if staff is seeking to procure flexible load that can help offset costs and bring down the cost of renewables.
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5. **Board Member and Staff Announcements including requests to place items on future Board agendas**

- **Chair Marquez** requested that, at the April Board meeting, staff provide guidance for questions raised by Members Haubert and Bartlett early in the meeting (the first two questions listed in the board discussion section in these minutes).
- **Chair Marquez** also announced that the Ad Hoc Compensation Committee is still meeting. The compensation subcommittee is composed of Chair Marquez, Vice-Chair Balch, Member Patino and Member Kalb. Chair Marquez stated that the Ad Hoc Compensation Committee would more than likely hold off from bringing items to closed session at the present time.

6. **Adjournment to Wednesday, March 15, 2023 at 6:00 pm.**



Draft Minutes

Board of Directors Meeting

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- City of Dublin City Hall - 100 Civic Plaza, Dublin, CA 94568
- Scott Haggerty Heritage House - 4501 Pleasanton Ave, Pleasanton, CA 94566
- City of Tracy City Hall, 333 Civic Center Drive, Tracy, CA 95376
- City of Albany City Hall - 1000 San Pablo Ave, Albany, CA 94706
- City of Emeryville City Hall - 1333 Park Ave. Emeryville, CA 94608
- City of Oakland City Hall - 475 14th St, Oakland, CA 94612
- City of Piedmont City Hall - 120 Vista Ave, Piedmont, CA 94611
- City of Fremont City Hall - 3300 Capitol Ave, Fremont, CA 94538
- City of Newark City Hall - 37101 Newark Blvd, Newark, CA 94560
- Union City City Hall - 34009 Alvarado-Niles Road, Union City, CA 94587
- City of Dublin City Hall - 100 Civic Plaza, Dublin, CA 94568
- City of Livermore City Hall - 1052 S. Livermore Ave, Livermore, CA 94550
- City of Hayward City Hall - 777 B Street Hayward, CA 94541
- City of San Leandro City Hall - 835 East 14th Street, San Leandro, CA 94577
- City of Stockton City Hall - 425 N El Dorado St, Stockton, CA 95202

Via Zoom:

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

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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.

Supervisor Lena Tam was sworn in as the new EBCE Alternate for Alameda County

Councilmember Dan Wright was sworn in as the new EBCE Director for the City of Stockton.

1. Welcome & Roll Call

Present: Directors: Tam (Alameda County), Tiedemann (Albany), Bartlett (Berkeley), Hu (Dublin), Kaur (Emeryville), Cox (Fremont), Barrientos (Livermore), Jorgens (Newark), Kalb (Oakland), Andersen (Piedmont), Gonzalez (San Leandro), Wright (Stockton), Bedolla (Tracy), Patino (Union City), Eldred (Community Advisory Committee), Vice-Chair Balch (Pleasanton) and Chair Marquez (Hayward)

Director Tam served as the Alternate for Director Haubert (Alameda County).

Director Kaur served as the Alternate for Director Bauters (Emeryville).

Presenters and Staff Attended:

Nick Chaset - EBCE Chief Executive Officer

Howard Chang - EBCE President and Chief Operating Officer

Todd Edmister - EBCE Senior Director, Regulatory Affairs and Deputy General Counsel

John Newton - EBCE Principal Regulatory Manager

Allison Lopez - EBCE Energy Efficiency Program Analyst

Feliz Ventura - EBCE Program Manager, Resilience

Marie Fontenot - EBCE Vice President, Power Resources

Chris Eshelman - EBCE Director, Power Resources

Inder Khalsa - General Counsel to EBCE

Raissa Ngoma - Assistant Clerk

Adrian Bankhead - Clerk

2. Pledge of Allegiance

Chair Marquez led the body in reciting the Pledge of Allegiance.

3. Public Comment

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Jessica Tovar expressed concern about the recent CPUC decision to reduce the Net Energy Metering incentive for rooftop solar. Jessica Tovar urged EBCE to offer a comparable net energy metering incentive to support the growth of local clean energy and create more jobs in the community. Jessica emphasized that EBCE should focus on the local growth of solar, which would have positive impacts on health, pollution reduction, and job creation.

Woody Hastings congratulated Councilmember Wright, EBCE, and the City of Stockton on their collaboration. Hastings acknowledged Councilmember Wright's role as a champion of Community Choice Energy and expressed his excitement about seeing how EBCE can help Stockton achieve its goals while also improving its own services.

4. Closed Session

- Conference with Legal Counsel. Initiation of litigation pursuant to § 54956.9(c): (1 case)
- Conference with Real Property Negotiations (Government Code § 54956.8) (1999 Harrison St. Oakland, CA 94612; 2100 Franklin St. Oakland, CA 94612 and 1221 Broadway, Oakland, CA 94607)
Negotiation: (Nick Chaset, Howard Chang and Inder Khalsa)
Parties: (Avison Young, Starwood Capital Group and TMG Partners)
Negotiation: (Price and terms of payment)

5. General Report Out of Closed Session

There were no items to report out of closed session.

CONSENT AGENDA

6. Approval of Minutes from February 15, 2023

7. Contracts Entered into (Informational Item)

8. Cascade Energy Contract

Contract for the Commercial Energy Efficiency Program

9. ARUP Contract Amendment

Contract Amendment for Application for Federal Funds

The Board Discussed:

- Member Gonzalez asked about the payment structure of the Cascade Energy contract and if there is a code of conduct that sets standards for business interactions for Board members.

Member Gonzalez (San Leandro) pulled Item 8 - Cascade Energy Contract from the Consent Calendar.

Member Cox (Fremont) motioned to approve Consent Items 6, 7 and 9. Member Tiedemann (Albany) seconded the motion, which passed 15/0. Excused: Member Bartlett (Berkeley)

Member Gonzalez (San Leandro) motioned to approve Consent Item 8. Member Tiedemann (Albany) seconded the item, which passed 15/0. Abstain: Member Tam (Alameda County)

REGULAR AGENDA

10. CEO Report

CEO Chaset announced the addition of two new staff members. Brett Wiley, formerly from MCE, will be the Senior Program Associate for Electric Mobility, leading initiatives related to electrical mobility. Cody Vaughn will serve as the Account Services Coordinator. Cody will work on customer engagement, billing analysis, and issue escalation for both residential and commercial customers.

CEO Chaset provided an update on EBCE's brand identity as the agency expands into new areas, such as Tracy and Stockton. Chaset stated that the agency is evaluating its name, language, and color schemes. Staff have conducted surveys with stakeholders and consumers, and CEO Chaset stated that findings will be presented to the Executive Committee in April.

Tom Kelly requested an update from CEO Chaset about the \$15 million set aside for induction ranges for low-income households and member jurisdictions.

11. CAC Report

CAC Chair Eldred reported that the March 12, 2023 CAC meeting was successful, although some attendees had difficulty finding suitable locations to notice, and therefore, could not participate. For this reason, Chair Eldred requested for Board members to meet with their CAC counterparts if they had not done so already.

Chair Eldred stated that at the March 12, 2023 CAC meeting, CAC members received an abbreviated version of the March 8, 2023 Special Board Retreat Power Procurement presentation, focusing on emissions factors. The CAC expressed concern about the degradation of EBCE's base product, Bright Choice, and requested that staff focus on local generation of clean energy. Finally, Chair Eldred expressed concern about the timeliness of public communications, and requested to receive public comment with enough time to review them before meetings.

12. MRP Malaga (Action Item)

MRP Malaga long-term energy hedge and RA agreement

The Board Discussed:

- CAC Chair Eldred asked for confirmation that EBCE would not buy power from the gas plant, and that when the plant runs, EBCE would not put that energy into the

battery. Chair Eldred further asked for confirmation that EBCE would fill the battery at night, when power costs are at their lowest, to release during peak periods. CEO Chaset confirmed that Chair Eldred's understanding is correct.

- CAC Chair Eldred discussed interconnection delays, which can range from one to ten years, and encouraged staff to form a coalition other CCAs to work on regional legislation to address this issue.
- Member Gonzalez (San Leandro) requested to know if the batteries have already been created or if they still need to be developed. Member Gonzalez asked for assurance that no energy is procured under this contract. CEO Chaset provided this assurance, and Member Gonzalez asked CEO Chaset to provide a description of how the insurance mechanism works, and how EBCE protects itself from the risk of double-pledging. Member Gonzalez also asked for an explanation for why PG&E had not chosen to renew its contract with MRP Pacifica Marketing, LLC.
- CAC Chair Eldred stated that the motion to support the staff recommendation was not approved by the CAC. Chair Eldred stated that, although there was universal support for the battery portion of the contract, concern was expressed about using ratepayer funds to maintain a gas plant.
- Member Andersen (Piedmont) asked if there was a way to separate out the peaker plant from the battery portion of the contract.
- Member Kalb asked if this is a combined cycle power plant, and then asked about the difference in the number of hours that the plant will be turned on if the contract is approved. Member Kalb also asked if staff can negotiate the timeframe of the contract.
- Member Wright stated that if the contract is not approved, then the plant is going to continue to function and put more pollution in the air. If the contract is approved then the amount of pollution that the plant would produce will decrease. Member Wright also stated that as CCAs and PG&E move to 100% renewables over the next 15 to 30 years, peaker plants have to change, or they will be phased out of existence.
- Member Gonzalez asked for clarification about whether this is a peaker or combined cycle power plant.
- Member Andersen stated that the contract talks about two different plants and asked for a description of each of the plants.

Audrey Ichinose recommended that EBCE sign the contract, but to take two actions to signal its commitment to local clean energy. The first action would be to make an all-out effort to recruit more customers to opt up for the Renewable 100 service, or alternatively, to encourage non-participating jurisdictions to adopt Renewable 100 as their default service while providing protections for their low-income customers. The second action would be for EBCE to continue to support solar plus storage, which Audrey Ichinose described as an asset, given the agency's large customer base and built-up environment.

Tom Kelly stated that even if the electricity from the peaker is not used by EBCE, the contract will continue to enable the plant to operate for 15 years. Tom Kelly urged the board to consider EBCE's original intentions and to either remove the portion of the contract related to the peaker plant or not support the contract at all.

Jessica Tovar emphasized the need for EBCE to re-focus on making local investments in the communities that it serves. Jessica Tovar suggested that EBCE should invest in building out local solar and storage in the East Bay, offer Net Energy Metering incentives, provide a municipal feed-in tariff and a feed-in tariff to encourage community-based organizations to develop solar co-ops, and to buy energy from local innovators. Jessica Tovar stated that the goal is to change the energy system, not perpetuate patterns of environmental injustice.

CAC Vice Chair Ed Hernandez questioned the need to continue working with gas peaker plants, and wondered how supporting them would help to create the future that we want. Ed Hernandez expressed concern about the impact of the gas peaker plant on the population in Fresno, stating that it may lead to premature deaths. Ed Hernandez suggested that a plan to close the peaker plant was missing from the conversation.

Member Bedolla (Tracy) motioned to approve the staff recommendation for Item 12 - MRP Malaga. Member Tiedemann (Albany) seconded the motion, which passed 14/0. Excused: Members Tam (Alameda County) and Kaur (Emeryville)

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

- Chair Marquez stated that she is in the process of determining committee assignments and thanked Board members for their responses. Chair Marquez also stated that there is an expectation that every member serve on one committee.
- Chair Marquez asked for staff to provide an update about the Power Content label.
- Member Gonzalez asked for follow-up about how counterparty risk is managed across the portfolio, particularly with respect to financial hedges.
- Member Gonzalez also announced that the Bay Area Air Quality Management District voted to approve the Regulations 9.4 and 9.6 amendments, which means that starting in 2027, water heaters will be electrical for new installations, and in 2029, home heating will be electric. Member Gonzalez stated that EBCE should start considering the implications of this approval in terms of load, modeling and distribution.
- Chair Marquez requested that General Counsel Inder Khalsa to prepare a memo for Board Members to provide guidance for when it would be appropriate to give disclosures or to recuse oneself. Member Gonzalez stated that he would be interested in guidance related to conflicts of interest with respect to legality, and if family members of EBCE employees are employers at the counterparties of contracts.
- Member Wright requested clarification about next steps for Stockton to move forward, including appointing an alternate and adding a new member representing Stockton to the CAC.

14. Adjournment to Wednesday, April 19, 2023 at 6:00 pm.



Consent Item 7

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: Contracts Entered Into
DATE: April 19, 2023

RECOMMENDATION

Accept the CEO's report on contracts that EBCE has entered, as required by the Administrative Procurement Policy from March 8, 2023 to April 12, 2023:

C-2023-021 Wells Fargo Features and Cleared Swaps Agreement, EBCE entered into this Agreement in order to trade on the ICE platform, as EBCE and others are required to go through a Futures Commission Merchant (FCM) in order to do so. Wells Fargo provides this service and this is the service agreement it provides to its customers who require this service.

C-2023-022 SMUD Amendment 17 to Task Order 02, This amendment with SMUD is an extension of Amendment 15, which supports the customer bill credits associated with the Kaluza Smart Charge pilot program. This amendment extends that support for 3 months.

C-2023-023 City of San Leandro Charging Station License Agreement for installation and use of EV Charging Stations in parking spots located at 300 Estudillo Ave, San Leandro.

C-2022-024 NewsData Electronic License Agreement, News subscription related to CA Energy Markets for all EBCE employees, discounted for 3 years for an annual cost of \$2,880, then \$3,600 annually.

C-2023-025 Oakland Maritime Support Services Environmental Access Agreement, Grants access from the lessee for our consultant on Oakland owned Brownfields land for research at 10 Burma Road, Oakland.

C-2023-026 Mineral Order Form Human Resources services and subscriptions related to anonymous reporting, workplace harassment prevention training, smart employee handbook cost for 2 years is \$6,912.

C-2023-027 The Energy Council / StopWaste First Amendment of Cooperative Agreement extends Agreement for Heat Pump Water Heater Incentive Program through March 31, 2025.

C-2023-028 Leslie Copland Leadership Consulting Services Agreement (Portland, OR) leadership & team workshop/forum design & facilitation services with compensation not to exceed \$25,000 through December 31, 2023.

C-2023-029 Law Office of David Peffer Consulting Services Agreement (Rocklin, CA) general regulatory advice and representation in De-Energization matters, with compensation not to exceed \$20,000 through December 31, 2023.



Consent Item 8

TO: East Bay Community Energy Board of Directors

FROM: Helen Mejia, Building Electrification Program Analyst

SUBJECT: Additional Funding to The Energy Council (“Stopwaste”) to Administer the Bay Area Regional Heat Pump Water Heater Contractor Incentive Program

DATE: April 19, 2023

Recommendation

Adopt a Resolution to increase funds to the Bay Area Regional Heat Pump Water Heater Contractor Incentive Program for administration of the program and incentives for heat pump water heater installations in EBCE’s service area by an additional \$300,000, for a total amount not to exceed \$660,000.

Background and Discussion

To support the developing market for building electrification, EBCE is a participating agency in a regional cooperative agreement with The Energy Council (“StopWaste”) and other participating agencies including local energy providers and public agencies to provide a \$1,000 incentive to contractors per heat pump water heater installed in their respective service territory. EBCE has been a partner in this program since April 2020, and the CEO approved contributing up to \$300,000 to the program. In November 2022, the CEO approved contributing up to an additional \$60,000 to the program.

Heat Pump Water Heaters (HPWH) provide high-efficiency water heating powered by electricity, which in the Bay Area is now cleaner than natural gas in terms of greenhouse gas emissions. HPWHs can also provide thermal storage, allowing electricity to be used only during low-emission and low-cost times of day and have the potential to reduce demand during peak periods.

Incentives for installation of HPWHs in residential buildings are necessary because the market for HPWHs in the San Francisco Bay Area is still developing and multiple barriers make HPWH installations uncommon. Incentives will bring attention to this

high-efficiency product, bring down the upfront costs of the equipment and installation, provide increased demand for contractors, and help home-owners to make the choice to install a HPWH more economical.

Staff is recommending adding funding for an additional \$300,000 to continue bringing down costs for customers who are looking to transition from gas or electric resistance water heaters to heat pump water heaters.

The primary goal of this EBCE-led initiative is to support contractors in deployment of a relatively new technology for residents and promote early adoption of HPWHs in EBCE's service area, where the market penetration for HPWHs is still low. This program also leverages other regional efforts to adopt HPWHs, including marketing assets and workforce training, and supports EBCE's goals of local investment and greenhouse gas reduction. The program has funded the installation of 314 HPWHs as of February 2023, and the additional funding will continue to bridge the gap for HPWH incentives until state funding from SGIP becomes available later this year.

Fiscal Impact

The Amendment to the Cooperative Agreement will be funded with \$300,000 from the previously approved Local Development Budget.

Attachments

- A. Resolution of the Board of Directors Authorizing Additional Funding to The Cooperative Agreement with Energy Council ("Stopwaste") to Administer the Bay Area Regional Heat Pump Water Heater Contractor Incentive Program

RESOLUTION NO. R-2022-XX

A RESOLUTION OF THE BOARD OF DIRECTORS

OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING ADDITIONAL FUNDING TO THE COOPERATIVE AGREEMENT WITH ENERGY COUNCIL (“STOPWASTE”) TO ADMINISTER THE BAY AREA REGIONAL HEAT PUMP WATER HEATER CONTRACTOR INCENTIVE PROGRAM

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

WHEREAS The market for heat pump water heaters (HPWHs) in the Bay Area is still developing and multiple barriers make HPWH installations uncommon, and to support EBCE’s goals of local investment and greenhouse gas reduction,

WHEREAS In May 2020 the CEO executed a Cooperative Agreement with The Energy Council (also referred to as “StopWaste”) and other participating agencies including local energy providers and public agencies to promote early adoption of heat pump water heaters (HPWHs) in residential buildings,

WHEREAS The Energy Council is a joint powers agency comprised of Alameda County and all cities in Alameda County, with a mission to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean and renewable resources, and help create climate resilient communities,

WHEREAS The term of the Cooperative Agreement was amended by all participating agencies to extend the termination date to March 31, 2025,

WHEREAS, to continue funding the administration of the program and incentives for heat pump water heater installations in EBCE’s service area, EBCE staff desires to increase funding by an additional \$300,000 for a total amount not to exceed \$660,000.

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

Section 1. Authorizes the CEO to negotiate and execute an Amendment to the Cooperative Agreement to increase funds to the Bay Area Regional Heat Pump Water

Heater Contractor Incentive Program for administration of the program and incentives for heat pump water heater installations in EBCE's service area by \$300,000 for a total amount not to exceed \$660,000 through March 30th, 2025.

ADOPTED AND APPROVED this 19 day of April, 2023.

Elisa Marquez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



Consent Item 9

TO: East Bay Community Energy Board of Directors
FROM: Howard Chang, Chief Operating Officer & Treasurer
SUBJECT: Treasurer's Report (Informational Item)
DATE: April 19, 2023

Recommendation

Receive report on EBCE's cash position.

Background and Discussion

For the quarter ending March 31, 2023, EBCE has maintained a positive cash balance on all EBCE bank accounts. Below is a summary of account balances, cash received, and outstanding loan balances.

Account Balances as of 3/31/2023

| Account | Amount |
|--|----------------|
| Internal Operating | \$ 1,729,149 |
| Operating Fund | \$ 109,364,521 |
| Lockbox (Includes \$1,000,000 reserve) | \$ 22,957,460 |
| Union Bank | \$ 35,000,000 |
| Money Market | \$ 7,427,446 |
| Insured Cash Sweep | \$ 99,521,380 |
| Total | \$ 275,999,956 |

Cash Received by Month into Lockbox Account

| | | |
|----------|------|---------------|
| January | 2023 | \$ 75,507,924 |
| February | 2023 | \$ 67,838,078 |
| March | 2023 | \$ 85,772,483 |
| Total | | \$229,118,485 |

Outstanding Loan Balances:

Union Bank Credit Facility: \$0.00

Customer Delinquency:

As of March 31, 2023

31 - 60 Days: \$ 7,333,307

61 - 90 Days: \$ 4,499,004

91 - 120 Days: \$ 3,380,699

120+ Days: \$ 30,021,533



Consent Item 10

TO: East Bay Community Energy Board of Directors

FROM: Joseph Sit, Finance & Operations Associate

SUBJECT: Supplier Diversity Overview & 2022 Report (Informational)

DATE: April 19, 2023

Recommendation

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

Background and Discussion

The purpose of CPUC General Order 156 (GO 156), originally adopted in April 1988, is to promote and increase contracting opportunities for diverse suppliers with California utilities. GO 156 defines the Utility Supplier Diversity Program, its definitions, objectives, and reporting requirements. GO 156 requires utilities to submit annual detailed and verifiable plans for increasing woman, minority, disabled veteran, LGBT, and/or persons with disabilities-owned business enterprises procurement in all categories.

Until the 2020 reporting year, utilities with gross annual revenues exceeding \$25,000,000 were the only ones required to report. Now, pursuant to California Senate Bill 255 (2019, Bradford), Community Choice Aggregators (CCAs) are explicitly required to report to the California Public Utilities Commission on their procurements with certified diverse suppliers.

The 2022 Annual Report and 2023 Annual Plan filing was due and submitted to the CPUC on March 1, 2023.

Prop 209

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

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

Local Procurement

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

2022 Results

In calendar year 2022, EBCE made procurements from six certified suppliers for a total of \$621,079, a 59% increase from 2021, and more than double from 2020. In a change from the 2020 CPUC reporting requirements, annual Net Procurement¹ no longer includes power procurement. As power procurement amounts to >95% of EBCE's annual spend, this reporting change shows a much more relevant view of our diverse supplier spend within our Net Procurement. EBCE's total procurement with certified vendors captures spend with small and local business services within our community and bespoke technical consulting services. These services supported our innovative, new clean energy programs and power portfolio management. Their certification status is coincidental and is realized after contracting. All six certified

¹ Net Procurement number as defined by the CPUC GO 156 table templates (i.e. includes purchase order, non-purchase order, and credit card dollars) and CPUC guidance not to include staff salaries and benefits. Net Procurement also excludes all power procurement spend, which is reported on in the Power Procurement Annual Report section of the Supplier Diversity 2022 Annual Report.

vendors supported in 2022 are California-based businesses. One is based in EBCE's service territory, and the additional five are in other Bay Area counties.

2023 Plan and Next Steps

EBCE's 2023 Annual Plan highlights continued commitment to local procurement, grants and sponsorships, and workforce development, as well as expanded supplier outreach and education efforts. EBCE's report will be made public on the CPUC Utility Supplier Diversity Program website (<https://www.cpuc.ca.gov/supplierdiversity/>).

Fiscal Impact

There is no financial impact associated with this item.

Attachments

- A. Supplier Diversity Overview & 2022 Report to CPUC Presentation

APRIL 19, 2023

Supplier Diversity Overview & 2022 Report to CPUC



Overview of General Order 156 (GO 156)

CPUC Utility Supplier Diversity Program

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

Expanding to CCAs

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

What is Prop 209?

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

Influence on GO 156 Reporting Sections

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

Influence on EBCE Supplier Diversity Efforts and Reporting

- Certified Supplier spend is a small portion of our annual Net Procurement. However, it's important to note that due to a CPUC reporting change for the 2022 report (discussing the year 2021), Net Procurement increased from less than 0.5% to nearly 7%.
- Supplier certification status is coincidental and realized by EBCE after contracting.

Convening and Aligning with CCAs

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

2022 Supplier Diversity Report

Attachment Consent Item 10A

2022 Diversity Spend

- 6 certified suppliers, \$621K
- 59% increase from 2021
- More than double from 2020



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2022 Supplier Diversity Report

Attachment Consent Item 10A

2022 Program Activities

- CCA/CPUC Collaboration
- Solicitation Language
- NorCal Elite's 5th Annual Conference for Disabled Veterans
- Local Purchasing
- Community Sponsorships/Outreach Grants
- 2022 Long Term Power Procurement RFO
- Supplier Diversity Questionnaire

2023 Supplier Diversity Annual Plan

Attachment Consent Item 10A

Local Purchasing

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

Community Grants & Sponsorships

Investment in Community Innovation Grants, local sponsorships.

Labor & Workforce Development

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

CCA Collaboration & Diversified Outreach

Outreach and education efforts to our supplier ecosystems re: GO 156 and Supplier Clearinghouse certification. Plan to participate in MCE’s 2023 “Certify & Amplify” workshop.

Data Capture and Improved Processes

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

Solicitations

Continue to provide standard information on GO 156 in all solicitations (including 2023 Long Term Power RFO) , and include procurement preferences for DVBEs and businesses located in DACs

***Preference points for SB and LB in 2023 Long Term RFO**

Questions?

Attachment Consent Item 10A



Consent Item 11

TO: East Bay Community Energy Board of Directors
FROM: Chris Eshleman, Director of Energy Analytics and Electric Supply
SUBJECT: Dedicated Server Services with cQuant.IO, Inc.
DATE: April 19, 2023

Recommendation

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute a Second Amendment to the EBCE Consulting Services Agreement with cQuant.IO, Inc. ("cQuant"), dated September 24, 2020, for dedicated server services to use with their portfolio, risk, and valuation management software for a 2 to 4 month subscription term with monthly payments not to exceed \$5,000. The amendment increases the not to exceed amount by \$20,000, for a total not to exceed amount of \$601,000.

Background and Discussion

East Bay Community Energy ("EBCE") staff have utilized cQuant's software platform for portfolio, risk, and valuation management services effective September 24th, 2020. Staff will be evaluating projects submitted to EBCE's 2023 Long-Term Resource Request for Offers ("RFOs") using the cQuant software platform.

1. Assessment, Review, and Selection Process

EBCE staff initiated an assessment with the assistance of the cQuant staff on how best to complete the valuation activities required as part of the EBCE 2023 Long-Term Resource RFO. It was determined that to complete the evaluation of all RFO submissions effectively and efficiently, EBCE needs to retain a cQuant add-on service for a dedicated server.

Staff conducted discussions with the cQuant staff and cited the following benefits:

- A dedicated server infrastructure solely used by EBCE, freeing computing resources usually shared amongst the entire cQuant user base, which limits large amounts of model runs from any individual company.
- Increase the simultaneous model run quantity from two (2) to six (6).
- Based on prior use of cQuant's platform for EBCE's 2020 and 2022 Long-Term Resource RFOs, subscribing to this add-on service will speed up the time it takes to value RFO submissions.

2. Proposed Subscription Services

EBCE staff reviewed and finalized the quote from cQuant. Below is the additional scope of services to be added via amendment to the CSA dated September 24, 2020:

- EBCE dedicated server - A server to which computing resources are dedicated and only usable by EBCE staff during the 2023 Long-Term Resource RFOs.

Fiscal Impact

The subscription term for the add-on services is 2 to 4 months, with a monthly fee not to exceed \$5,000. The Amendment would increase the total compensation amount of the Consulting Services Agreement by \$20,000.

Attachments

1. Resolution of the Board of Directors of the East Bay Community Energy Authority Authorizing the Chief Executive Officer to Negotiate and Execute a Second Amendment, approved as to form by General Counsel, to the Consulting Services Agreement with cQuant.io, INC. dated September 24, 2020 to provide Dedicated Server Services for the use with their Portfolio, Risk and Valuation Management Software Platform and to increase compensation by \$20,000, for a total not-to-exceed amount of \$601,000.

**RESOLUTION NO. R-2023-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF EXECUTIVE
OFFICER TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO THE CONSULTING
SERVICES AGREEMENT WITH CQUANT.IO, INC. DATED SEPTEMBER 24th 2020 TO PROVIDE
DEDICATED SERVER SERVICES FOR USE WITH THEIR PORTFOLIO, RISK AND VALUATION
MANAGEMENT SOFTWARE PLATFORM**

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 there is a need for EBCE to subscribe to and operate a dedicated server to speed up valuation activities during EBCE’s 2023 Long-Term Resource Request for Offers;

WHEREAS EBCE staff negotiated and executed a Consulting Services Agreement with cQuant.IO, Inc. dated September 24th, 2020 with a term of 3 years (“Agreement”);

WHEREAS the services offered by cQuant.IO, Inc. was determined to be the best fit to meet the current and future needs of EBCE;

WHEREAS EBCE and cQuant.IO, Inc. executed a first amendment to the Agreement on March 25, 2022 for the purpose of expanding the scope or services and increasing the Agreement’s not-to-exceed amount by \$20,000, for a total amount not to exceed \$581,000;

WHEREASE EBCE and cQuant.IO, Inc. desire to execute a second amendment to the Agreement to again expand the scope of services and increasing the not-to-exceed amount by \$20,000, for a total amount not to exceed \$601,000.

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 Second Amendment, approved as to form by General Counsel, to the Agreement with cQuant.IO, Inc. dated September 24th, 2020, to expand the scope of services to establish a dedicated server for a two (2) to four (4) month subscription term with a monthly payment of \$5,000, increasing the compensation by \$20,000, for a total Agreement amount not to exceed \$601,000.

ADOPTED AND APPROVED this 19th day of April 2023.

Elisa Marquez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board



CEO Report 12

TO: East Bay Community Energy Board of Directors
FROM: Nick Chaset, Chief Executive Officer
SUBJECT: CEO Report (Informational Item)
DATE: April 19, 2023

Recommendation

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

Executive Committee Meeting

An Executive Committee Meeting was held on Wednesday, April 5, 2023 at 9am. Members received a presentation on EBCE's Brand Evolution, background and next steps and an update on the Greenville Charging Infrastructure Loan to Forum Mobility. Members also received an overview of Bright Choice Emissions. The next Executive Committee meeting will be held on Wednesday, May 3, 2023 at 9am in the EBCE Main Conference Room.

Special Board Retreat - Power Procurement

A Special Board Retreat was held on Wednesday, March 8, 2023. Members received an update from the Power Procurement team, including an overview of the California energy landscape, key compliance obligations and the contract and project lifecycle. The next Special Board Retreat for Local Programs will be held on Monday, April 24, 2023 at the Oakland Center.

New Staff

Jin Ruan, Energy Analyst, Financial Modeler

Jin Ruan joined EBCE on 3/22/2023 as Energy Analyst, Financial Modeler. Jin will be responsible for strengthening energy model capabilities and maintaining model used in the Integrated Resource Planning process. Jin will also work closely with Power Resources and Public Policy teams to analyze data for cross-functional purposes.

Prior to joining EBCE, Jin was a utility analyst at San Francisco Public Utilities Commission. She was responsible for monitoring energy prices and energy generation for planning purposes. She also evaluated both short-term and long-term energy contracts.

Jin holds a BA in Statistics from Carleton College.



Board of Directors Meeting
Community Advisory Committee Annotated Agenda
Wednesday, April 19, 2023
6:00 pm

In Person

The Lake Merritt Room
Cal State East Bay - the Oakland Center
In the Transpacific Centre
1000 Broadway, Suite 109
Oakland, CA 94607

Or from the following locations:

- Wells Fargo Building - 2140 Shattuck Avenue, Floor 6, Berkeley, CA 94704
- Starbucks, 83073 Ave 48, Coachella, CA 92236
- City of Pleasanton, City Council Conference Room, 200 Old Bernal Ave., Pleasanton 94566
- Margaret K. Troke Branch Library 502 W. Benjamin Holt Dr. Stockton, CA 95207
- Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568
- Heron Bay Regatta Park, 2296 Regatta Way San Leandro, CA 94579
- City of Emeryville City Hall - 1333 Park Ave. Emeryville, CA 94608
- 33349 9th Street (back office) Union City, CA 94587

Via Zoom:

<https://ebce-org.zoom.us/j/87023071843>

Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)
Webinar ID: 870 2307 1843

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

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

1. Welcome & Roll Call
2. Pledge of Allegiance

3. **Public Comment**

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

4. **Closed Session**

- Conference with Legal Counsel
Existing Litigation - pursuant to GC §54956.9(d)(1)
Name of Case: East Bay Community Energy et al. v. California Public Utilities Commission
Case No: A167425

5. **General Report Out of Closed Session**

CONSENT AGENDA

6. **Approval of Minutes from March 8, 2023 and March 15, 2023**

7. **Contracts Entered into (Informational Item)**

8. **The Energy Council/StopWaste Cooperative Agreement Amendment**
Add funding to existing heat pump water heater program

9. **Treasurer's Report**
Report of cash balances

10. **2022 Supplier Diversity Report Overview**
Overview of 2022 Supplier Diversity Report to CPUC

11. **cQuant.io CSA Amendment**
Amend cQuant.io CSA to include a dedicated server for 2023 RFO

REGULAR AGENDA

12. **CEO Report**

13. **CAC Report**

- Received enthusiastic support for EBCE's virtual power plant / microgrid efforts, with a strong desire to see the program expanded within the service territory to address equity and resilience issues. Strong support for community identified locations and the use of grants (as opposed to PPA loans) to develop micro-grids that address the needs of equity priority communities.

- Community looking to EBCE to **incentivize solar/battery** on businesses, homes, schools, city **critical and trusted facilities** as a focus. Specific discussion around EBCE ability to increase **reliability** and **resilience**. Example of Marin Clean Energy's (**MCE**) to **help install batteries** through the use of a special tariff **to meet resource adequacy** (RA) requirements.
- Concerns were expressed regarding the needs of community members wishing to install **EV chargers** and existing capacity on panels.
- The **CPUC** intends to consider **Stockton's** start of **EBCE** service at the **April 27** meeting. [Remote participation is available](#) at this link.*
- **The Center for Biological Diversity** released a new resource [Rooftop Solar Justice](#), available at this link, regarding net energy metering (**NEM**).
- **Berkeley's gas ban overturned**: Ninth Circuit decision

14. **EBCE Brand Evolution and Name Exploration (Informational Item)**

Brief overview of background and name ideation process

15. **Resolution to Authorize CEO to Negotiate and Execute Lease for EBCE HQ (Action Item)**

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

16. **Resolution to Authorize CEO to Negotiate and Execute Loan to Forum Mobility for Heavy Duty Vehicle Electrification (Action Item)**

Requesting the board to delegate authority to the EBCE CEO to complete negotiations and sign the contract.

Motion to support staff recommendation: Yes of all members present

Move Hernandez, Second Lutz

17. **Emissions Overview (Informational Item)**

Informational Overview on Emissions

Concerns regarding greenhouse gas (GHG) emissions compared to other CCAs and PG&E. **EBCE emissions were significantly higher than other CCAs** who demonstrated better overall performance than EBCE, with **lower nuclear content, higher renewables** and carbon free percentages, and/ or significantly **better cost savings**. Staff discussed and answered questions regarding the disparities. The 2025 goal of nearly 80% clean and the 2030 goal of 100% by 2030 is a good trajectory. We look forward to the 2022 numbers.

Questions from the CAC and the public demonstrate that a concise executive summary may help provide transparency for laypersons and those learning about electricity markets.

18. **Subcommittee Appointments (Action Item)**

Approval of subcommittee appointments

19. **Board Member and Staff Announcements including requests to place items on future Board agendas**

20. **Adjournment to Wednesday, May 17, 2023 at 6:00 pm.**



Staff Report Item 14

TO: East Bay Community Energy Board of Directors

FROM: Theresa McDermit, Head of Brand

SUBJECT: EBCE Brand Evolution and Name Exploration (Informational Item)

DATE: April 19, 2023

Recommendation

Receive a memo from staff and prepare for upcoming requests to adopt brand identity recommendations.

Background and Discussion

Brand Identity Evolution

EBCE has grown and evolved since our founding in 2016. We've expanded both our service territory (Pleasanton, Newark and Tracy 2022; Stockton 2024), and our offerings / programs. This dual expansion is the driver of our brand evolution and is detailed below.

Strategic Imperative - EBCE is uniquely positioned to drive adoption of electric consumer products, like EVs and induction cooktops. We have many "carrots" at hand including rebates, incentives, and trial programs. Unfortunately, we also have an uphill battle gaining consumers' attention on topics outside of their energy bill. This makes sense given both the role we've played to date in their lives, and our current brand identity (e.g. logo, name, way of "speaking").

Our current role in customers' lives - We know that most of our customers were passively opted-in to our service; we haven't historically asked them to make pro-active decisions. The role we have played until

recently is that of a utility: something in the background that doesn't spark a lot of engagement.

Our current brand identity - Our current brand identity is literal and clean; it was carefully crafted to support the education and trust-building needed as the agency was introduced and rolled out. It is reminiscent of other utilities, which helped consumers understand what type of service we are as they were introduced to the concept of a CCA.

We are now entering a phase in our maturation where we're launching more programs and seeking deeper engagement with our customers on topics that are normally the territory of "consumer" brands. We seek to evolve our brand identity to better influence these discretionary choices, like the purchase of an EV or induction cooktop. This includes a name that avoids the "alphabet soup" of acronyms that consumers find confusing, as well as an engaging visual design and communication style.

Geographic Imperative - Once fully integrated into our service area, Stockton will be the second largest community in our JPA. In a recent statistically significant survey of San Joaquin County residents (n=400; over 50% sample from Stockton), we learned that a significant portion of residents do not view themselves as part of the East Bay. Many, in fact, actively rejected inclusion in the East Bay because they associate it with high prices or values that don't align with their own. We must evolve our identity - specifically our name - to ensure that all members of our community feel included and served, and to facilitate any future expansion we may wish to pursue.

Naming Process

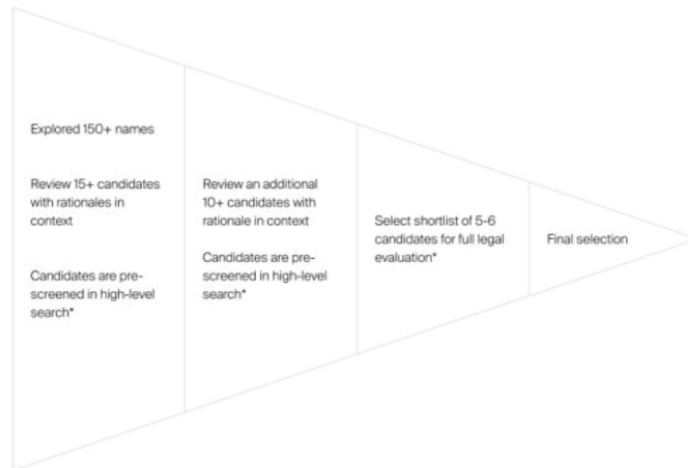
We have begun the process of ideating and evaluating potential new names for the agency. With this process, we seek to ensure that:

- a given name conveys the desired meaning and tone
- appealing url and social handles are available
- the name does not have any unintended or negative connotations in the major languages spoken in our service territory
- the name is free from trademark encumbrances that would prevent us from using it and potentially trademarking it.

If a new name is adopted, it would be a "dba" or doing business as name. We are not seeking to change the name of the JPA.

The naming process (outlined in Image 1) began with a broad consideration of names that met a defined set of criteria. Promising names were then subject to a high-level availability search. Those names that survived the availability search were presented to staff for feedback. The strongest candidates were then shared with ad hoc committees of the Board and CAC. Input from those meetings in being incorporated and will inform the ongoing process.

Image 1.



Next Steps

Pending the outcome of our ongoing stakeholder engagement efforts, we are scheduled to bring a candidate name before the Board for adoption at the May meeting of the board.

Fiscal Impact

Fiscal impact is driven by the need to communicate any changes to our brand identity and the creation / recreation of branded materials. Actual costs will be determined once the full extent and timing of changes are known.

Attachments

- A. Brand Evolution Background - BOD 041923 (PowerPoint presentation)

APRIL 2023

EBCE Brand Evolution Background & Next Steps



Agenda

Attachment Staff Report Item 14A

Background & Rationale

Insights

Stakeholder Engagement

What's Next

Background & Rationale

In the Beginning...

When we launched EBCE, our primary objective was to educate:

- What is a CCA?
- How does your bill work?
- EBCE is not a scam...

CLEANER ELECTRICITY. LOWER RATES. LOCAL BENEFITS.

Residents and businesses in Alameda County and 11 of its cities* now have a new, greener choice for the electricity that powers our homes and businesses.

East Bay Community Energy (EBCE) is our new local power supplier, committed to providing our community with electricity generated from renewable sources such as solar and wind.

BENEFITS

- LOWER RATES**
EBCE purchases cleaner energy at lower rates for residents and businesses.
- SUSTAINABILITY**
You will reduce your greenhouse gas emissions, an easy and economical way to reduce your carbon footprint.
- RELIABILITY**
EBCE procures cleaner electricity for our customers, and PG&E delivers that electricity to your home or business.
- LOCAL INVESTMENT**
Net revenues will help fund local green energy projects and programs.

LAUNCH SCHEDULE

EBCE began providing service to municipal and business accounts in June 2018. Residential customers will be enrolled in November 2018. Customers with roof top solar will be enrolled in 2019 around the time of their annual true-up with PG&E.

CONTACT US

- ebce.org
- /EastBayCommunityEnergy
- @PoweredbyEBCE
- customer-support@ebce.org
- 1-833-699-EBCE (3223)

CREATING A BRIGHTER, CLEANER FUTURE FOR OUR COMMUNITIES

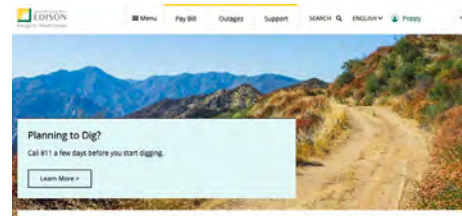
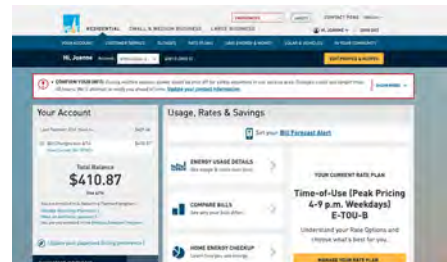
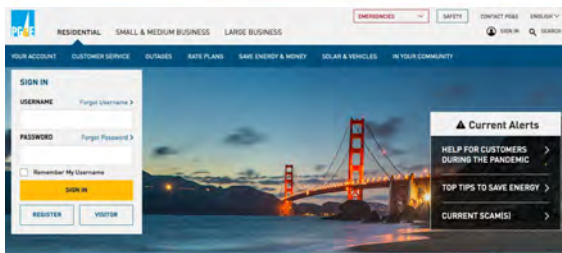
A BRIGHT CHOICE

*Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, Piedmont, San Leandro and Union City

A Brand Expression to Support Education and Trust

Our brand expression is:

- Very literal; we have a highly descriptive name and logo
- Self-referential; our messaging has traditionally focused on what we do (as opposed to what that means for the consumer)
- Familiar; our “look” is similar to many other CCAs or IOUs



We've Been Successful

On track to implement the strategy for **100% clean by 2030**

95% average retention rate across our service area

Steady expansion of our service area; Pleasanton, Newark + Tracy 2022; Stockton 2024



2022 National Notable Achievement Award for Land Revitalization Team Excellence

\$21 million spent on local programs like battery energy storage, induction cooking, and electric heat pump water heaters

\$19 million annual customer savings vs. what would have been paid for PG&E service

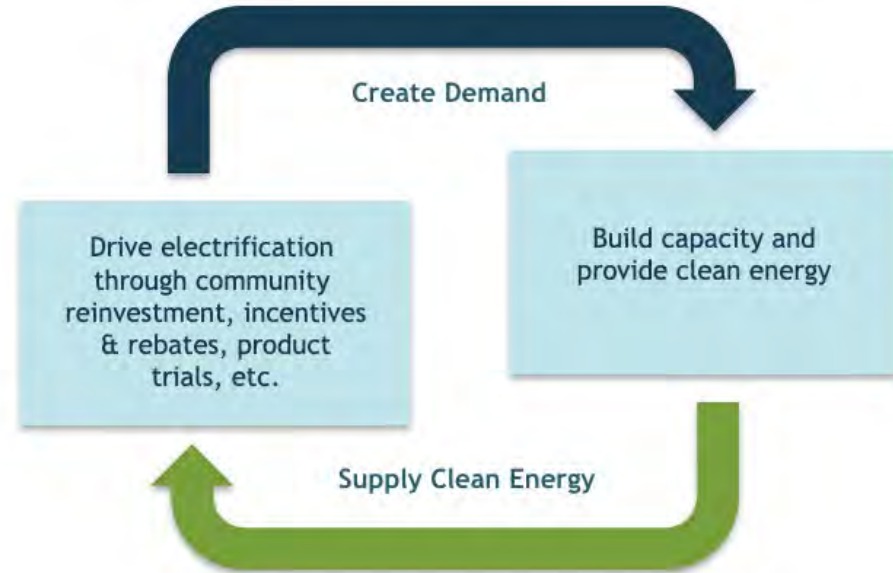
1,015 megawatts of new wind, solar, and battery storage, including projects in Alameda County



We Continue to Mature and Evolve to Better Serve our Communities

Attachment Staff Report Item 14A

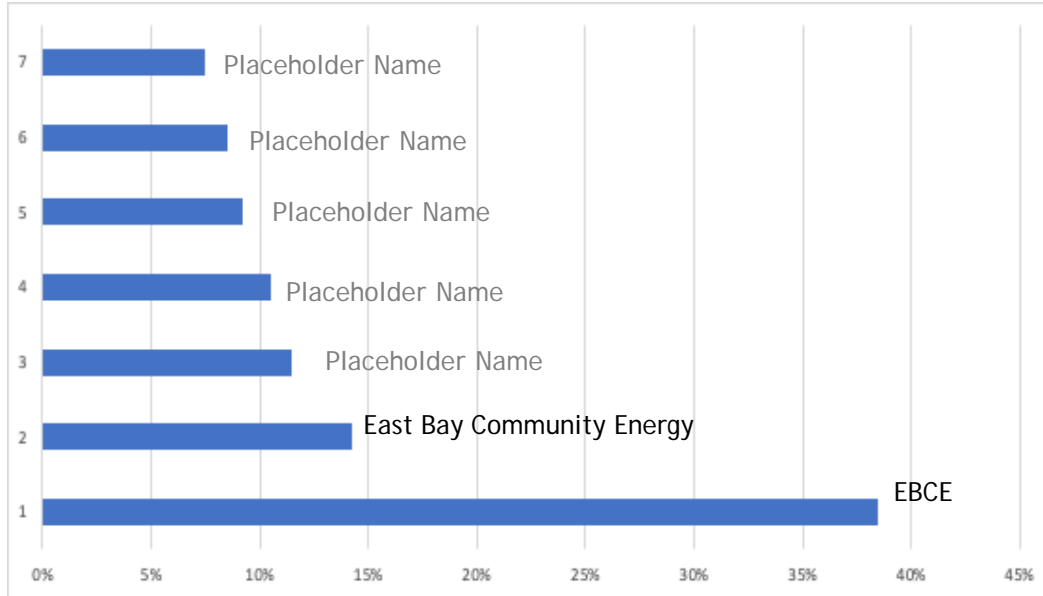
- We are moving from simply filling demand to creating it
- Growing capacity and expertise to stand up consumer- and commercial-facing programs that expose customers to electric alternatives and speed their adoption



Insights

Our Name is a Barrier to Success in San Joaquin County Attachment Staff Report Item #14A

Q12. Which one of these names is your least favorite?



Q13: Why?

EBCE

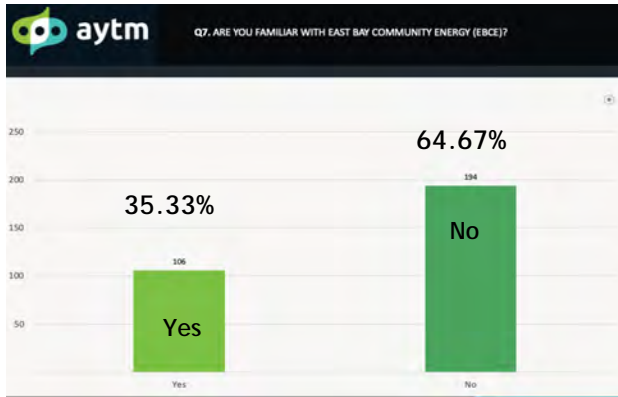
- Acronyms are off-putting; hard to remember

East Bay Community Energy

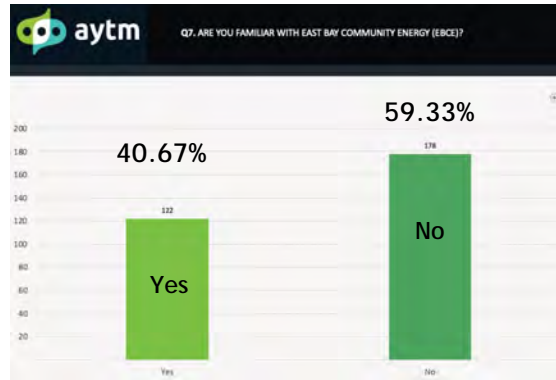
- SJC not part of East Bay; East Bay too expensive / doesn't represent my values

EBCE Aided Awareness Over Time

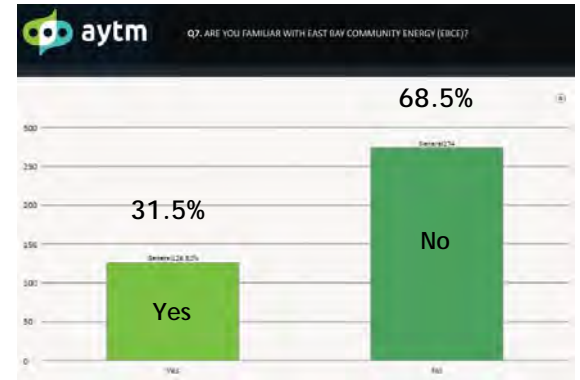
Q: Are you familiar with East Bay Community Energy (EBCE)?



2020
n=300



2021 - April
n=300



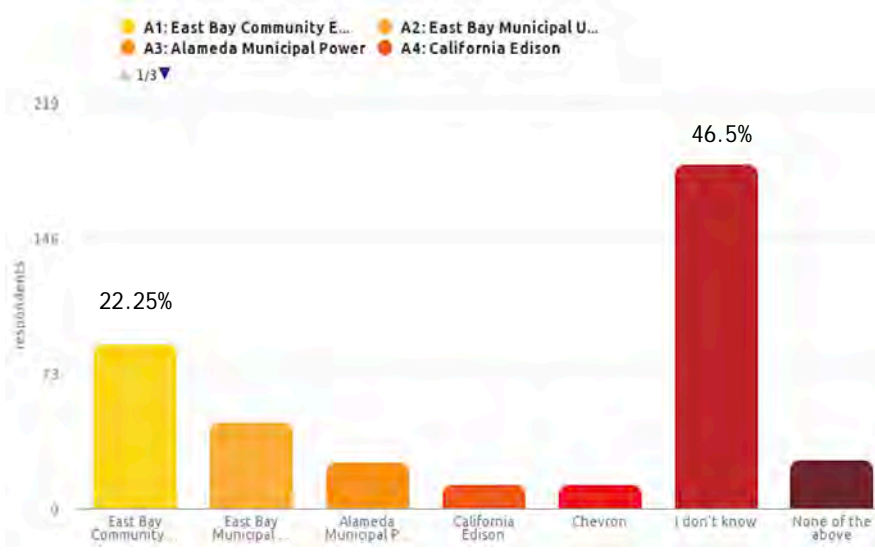
2021 - October
n=400

Takeaway: Aided awareness appears to be influenced by advertising (April 2021 survey conducted during time of heavy advertising), but is otherwise flat

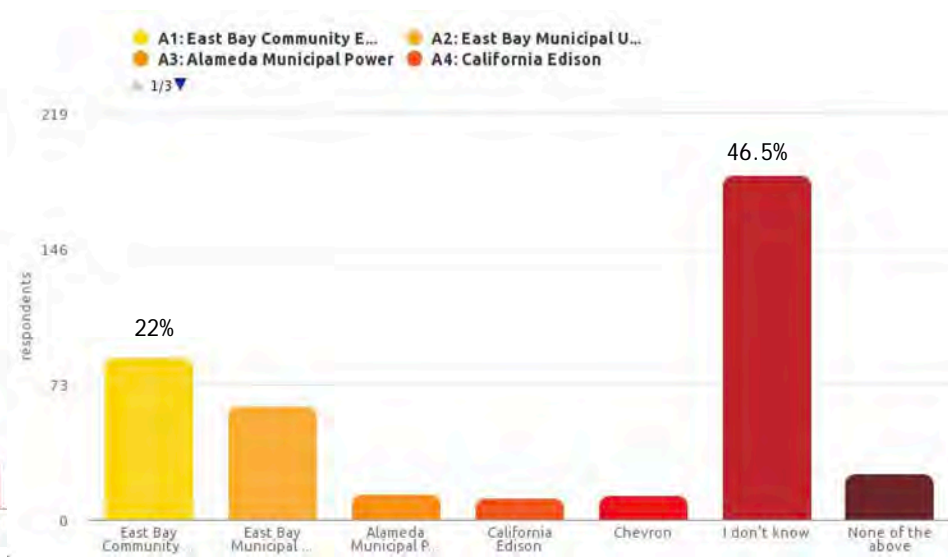
Unaided Awareness

Question: PG&E manages the electricity system in your area. You also have an option for generation service (power plants). Is that...

Attachment Staff Report Item 14A



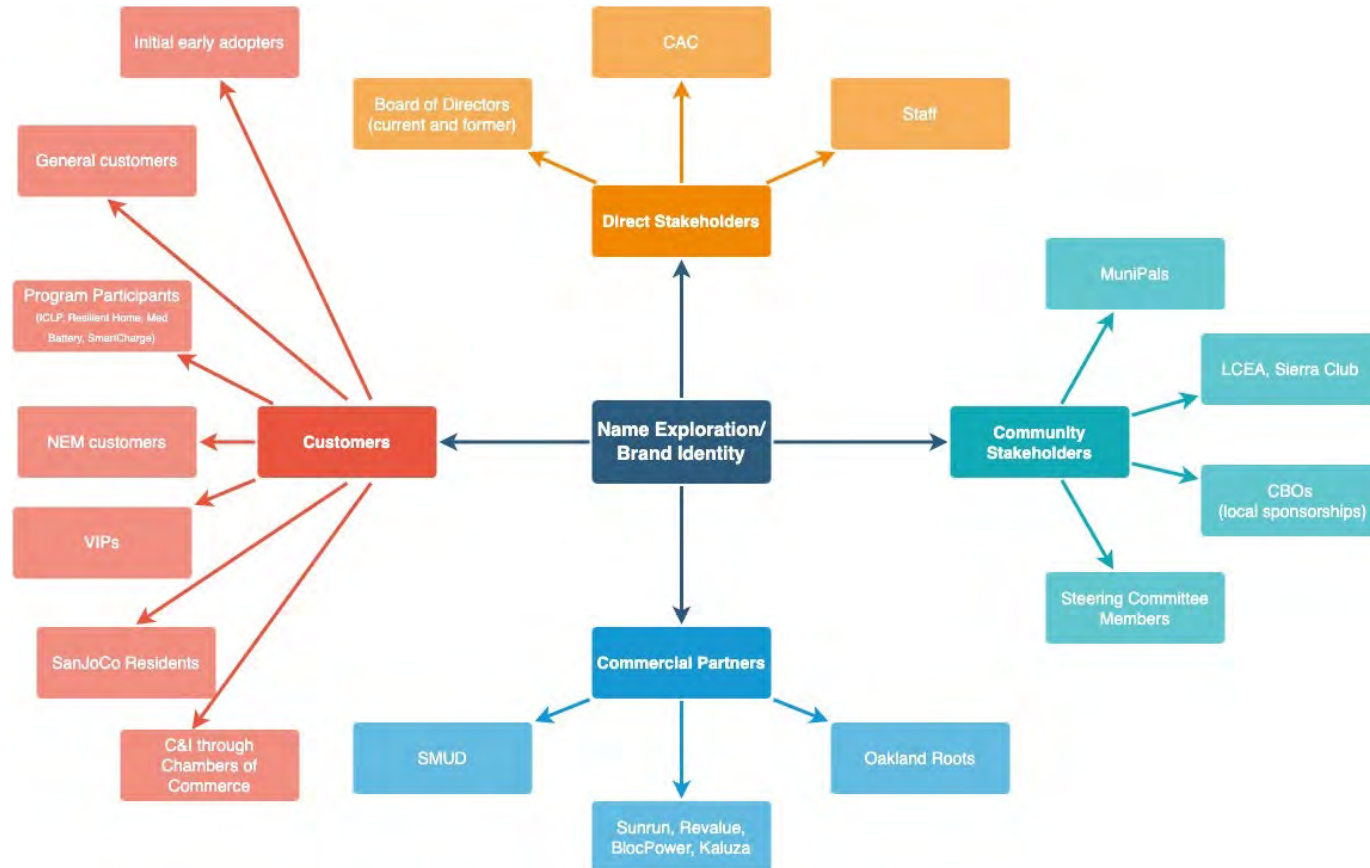
May 2022



October 2022

Stakeholder Engagement

Stakeholder Map



Ad Hoc Committees

| Name | EBCE Role | Jurisdiction Role |
|--------------------|----------------------------------|----------------------------|
| Elisa Márquez | Current Chair | Supervisor, Alameda County |
| Dan Kalb | Former Chair | Councilmember, Oakland |
| Jaime Patiño | Former Chair of MRL Subcommittee | Councilmember, Union City |
| Matt Bedolla | Director | Councilmember, Tracy |
| Dan Wright | Director | Councilmember, Stockton |
| Anne-Olivia Eldred | Chair of CAC | Oakland resident |
| Ed Hernandez | Vice Chair of CAC | San Leandro resident |
| Jim Lutz | At-Large Member of CAC | Oakland resident |

Outreach Plan

| January | February | March | April | May | June |
|---|--|--|---|---|--|
| <p>Research (San Joaquin Co):</p> <ul style="list-style-type: none"> - N = 400 - Awareness, priorities, reaction to name | <p>Foundation sessions: BOD Ad Hoc committee: 1-hr meeting, bring up to speed-ask to be champions</p> <p>1:1 with CAC Chair + Vice Chair, introduce the concept of the ad hoc committee; provide background and rationale</p> | <p>Research (Name):</p> <ul style="list-style-type: none"> - Existing customers - Stakeholders <p>Presentation of process: MuniPals</p> <p>Foundation session: Additional CAC ad hoc committee member</p> | <p>Presentation of process: Full Staff (4/3)</p> <p>Exec Comm Review (4/5) Exec Comm review of name/identity process (standard meeting)</p> <p>Input sessions (w/o 4/10):</p> <ul style="list-style-type: none"> - BOD Ad Hoc Review of names - CAC Ad Hoc Review of names <p>CAC review of BOD info item via standard meeting and regular agenda review process</p> <p>Board Meeting (4/19): Info on Name Process</p> | <p>Exec Comm Review (5/3) Exec Comm review of name/identity progress to date without sharing names (standard meeting)</p> <p>Board Meeting (5/17): Approval of name</p> | <p>Input sessions:</p> <ul style="list-style-type: none"> - BOD Ad Hoc Review of identity - CAC Ad hoc Review of identity <p>CAC review of BOD item via standard meeting and regular agenda review process</p> <p>Board Meeting (6/21): approval of identity via standard mtg</p> |

Next Steps

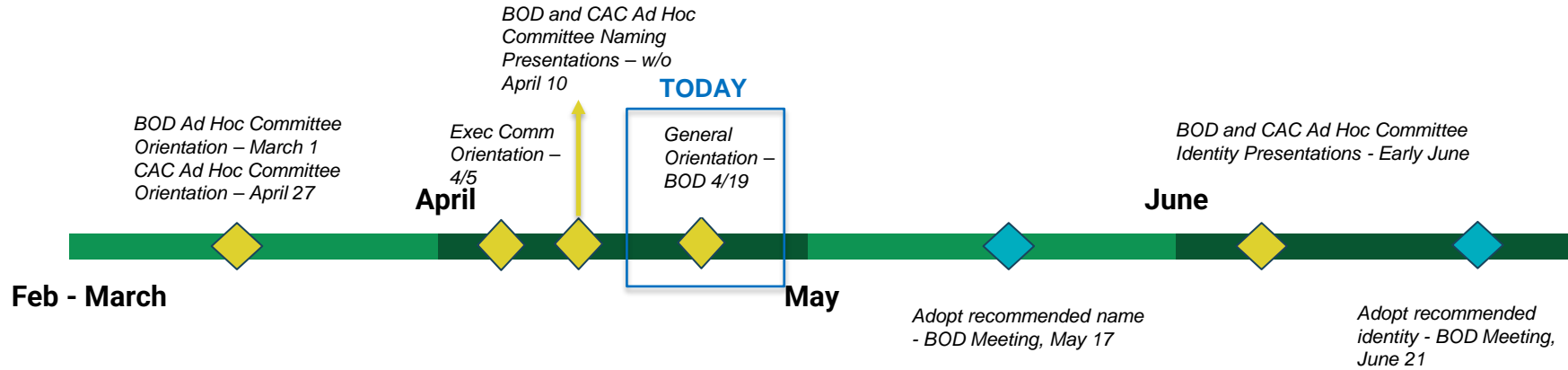
Brand Evolution Timeline

Naming Exploration

Together with our partner, Landscape, develop a shortlist of name options for feedback

Identity Exploration

Together with Landscape, develop candidate brand identity options.



Finalize & Approve Name

Present short list of name for feedback; refine list with feedback. Perform legal and linguistic checks; present final selection to BOD for approval

Finalize & Approve Identity

Refine preferred identity direction. Present final identity to BOD for awareness.

Thank You!





Staff Report Item 15

TO: East Bay Community Energy Board of Directors

FROM: Nicolas Chaset, Chief Executive Officer

SUBJECT: Lease Agreement for EBCE Office in Oakland

DATE: April 19, 2023

Recommendation

Approve a Resolution authorizing the Chief Executive Officer to finalize negotiations and execute one of the following office space lease agreements:

- 1-year and 10-months (approximately 22 months) Sub-Lease with Big Fish Games, Inc. (exact legal entity name to be confirmed) followed by 7-years and 7-months (91 months) Direct-Lease with BCAL LMP Harrison Property LLC for office space at 1999 Harrison St, Oakland, California
- 5-years and 5-months (65 months) Sub-Lease Agreement with Fivetrans, Inc. at 1221 Broadway, Oakland, California

Background and Discussion

EBCE currently has a 12-month lease with the building owner of 1999 Harrison St, BCAL LMP Harrison Property LLC, that is set to expire on October 31, 2023. EBCE was continuing to work with Komorous-Towey Architects to finalize building design and layout with Sixth Dimension as the project manager for construction of the new building at 251 8th Street, Oakland, California 94607, that EBCE currently owns.

However, a few challenges with the new space, and opportunities in the commercial office lease market, caused EBCE to reconsider its future office space. These challenges include:

- delays in the project timeline due to design, permitting, and supply chain disruptions;

- increase in cost estimates on the renovation (\$14MM including general contractor construction costs, architect, project manager, permits, insurance, furniture, contingency, relocation, etc., when the preliminary budget was \$7MM);
- EBCE staff size has outgrown the current capacity of our office space at 1999 Harrison St and will need a new space sooner than the new building could be remodeled to accommodate staffing needs;
- lack of parking options and increased security concerns

EBCE will continue to hold the 251 8th Street property for further consideration of how to develop the building to provide the greatest benefit for the agency and community. This could include selling the building immediately, deferring a sale process until more favorable market conditions, or developing the space for agency or community use.

There has also been tremendous opportunity as office space is readily available at various sizes through sub-lease and direct lease in downtown Oakland at attractive rates.

As such, during a Closed Session during the March 15, 2023 board meeting, the EBCE Board of Directors provided direction to staff to do follow up research on three possible tenant spaces. EBCE staff is closing in on a decision as staff concludes the negotiations and is now looking for authorization to move forward with a lease on one of two sites.

The major terms of the tenant spaces for consideration are as follows:

Address: 1999 Harrison St

Square Footage: 20,755 rentable square feet

Lease Dates:

- (Sub-Lease) Approximately July 1, 2023 through February 28, 2025. The lease start is anticipated to be 45-60 days after effective date of signing.
- (Direct Lease) March 1, 2025 through September 30, 2032

License Fees (Rent):

- (Sub-Lease) \$45.60 FSG (per RSF per year), with 3% increase per annum (NPV \$1.45M)
- (Direct Lease) \$64.00 FSG (per RSF per year), with 3% increase per annum

- NPV \$7.29M, which includes the sub-lease and direct lease terms together, totaling 9-years and 5-months. For comparison, the NPV for a 5-years and 5-months term is \$4.16M

Security Deposit: TBD depending on tenant finances

Relevant contract terms under negotiation:

- Early termination right after 24 months of paid rent on the direct lease with a termination fee
- Rent abatement of 7 months
- Tenant Improvement allowance/rent offset upon direct lease of \$45/RSF
- 5-year option to renew at FMV
- Parking allotment
- Early termination of EBCE current lease at 1999
- Sale of office furniture under sub-lease agreement

Address: 1221 Broadway

Square Footage: 21,534 rentable square feet

Lease Dates: (Sub-Lease for Full Term) June 1, 2023 through Oct 31, 2028

License Fees (Rent):

- \$52.80 FSG (per RSF per year), with 3% increase per annum
- NPV \$4.61M for full term of 5-years and 5-months

Security Deposit: TBD depending on tenant finances

Relevant contract terms:

- Early termination right at 41 months
- Rent abatement
- Provided furnishings

Fiscal Impact

If EBCE secures lease space with 1999 Harrison, the fiscal impact will be as follows:

- (Sub-Lease) \$45.60 FSG (per RSF per year), with 3% increase per annum
- (Direct Lease) \$64.00 FSG (per RSF per year), with 3% increase per annum
- Net Present Value of \$7.29M, including the sub-lease and direct lease terms together, totaling 9-years and 5-months
- Security deposit is to be decided, based on EBCE's financials

If EBCE secures lease space with 1221 Broadway, the fiscal impact will be as follows:

- \$52.80 FSG (per RSF per year), with 3% increase per annum
- Net Present Value of \$4.61M for full term of 5-years and 5-months
- Security deposit is to be decided, based on EBCE's financials

EBCE staff is seeking authorization to negotiate and execute a direct lease and/or sub-lease for one of the presented office locations. While staff has a preference for one of the locations, staff is continuing to negotiate the most favorable terms.

Attachments

- A. Resolution
- B. Rent Comparison Chart

RESOLUTION NO. __

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF
EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH BIG
FISH GAMES & CAL LMP HARRISON PROPERTY LLC THROUGH SEPTEMBER 30, 2032
AT 1999 HARRISON STREET, OAKLAND OR FIVETRAN INC THROUGH OCTOBER 31,
2028 AT 1221 BROADWAY, OAKLAND**

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 is currently in negotiations with Big Fish Games and BCAL LMP Harrison Property LLC to lease office space on the 23rd floor of 1999 Harrison Street and Fivetran, Inc to lease office space on the 20th floor of 1221 Broadway, both in Oakland, CA,

WHEREAS each of these prospective landlords has offered terms regarding the payment of rent, the term of the sublease, and other key terms,

WHEREAS the Parties are continuing to negotiate additional terms of a prospective Lease for office space for EBCE and EBCE plans to select one of the Parties.

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

Section 1. The Chief Executive Officer is hereby authorized on behalf of EBCE to finalize negotiations, enter and execute a lease for either of the following:

(A) Office space at 1999 Harrison Street, Oakland CA, with a term of no more than 113 months, pursuant to key terms outlined in the associated Staff Report, subject to approval by General Counsel.

(B) Office space at 1221 Broadway, Oakland CA, with a term of no more than 65 months, pursuant to key terms outlined in the associated Staff Report, subject to approval by General Counsel.

Section 2. The Chief Executive Officer is hereby authorized to take all actions necessary or proper to implement or effectuate the actions approved by this Resolution.

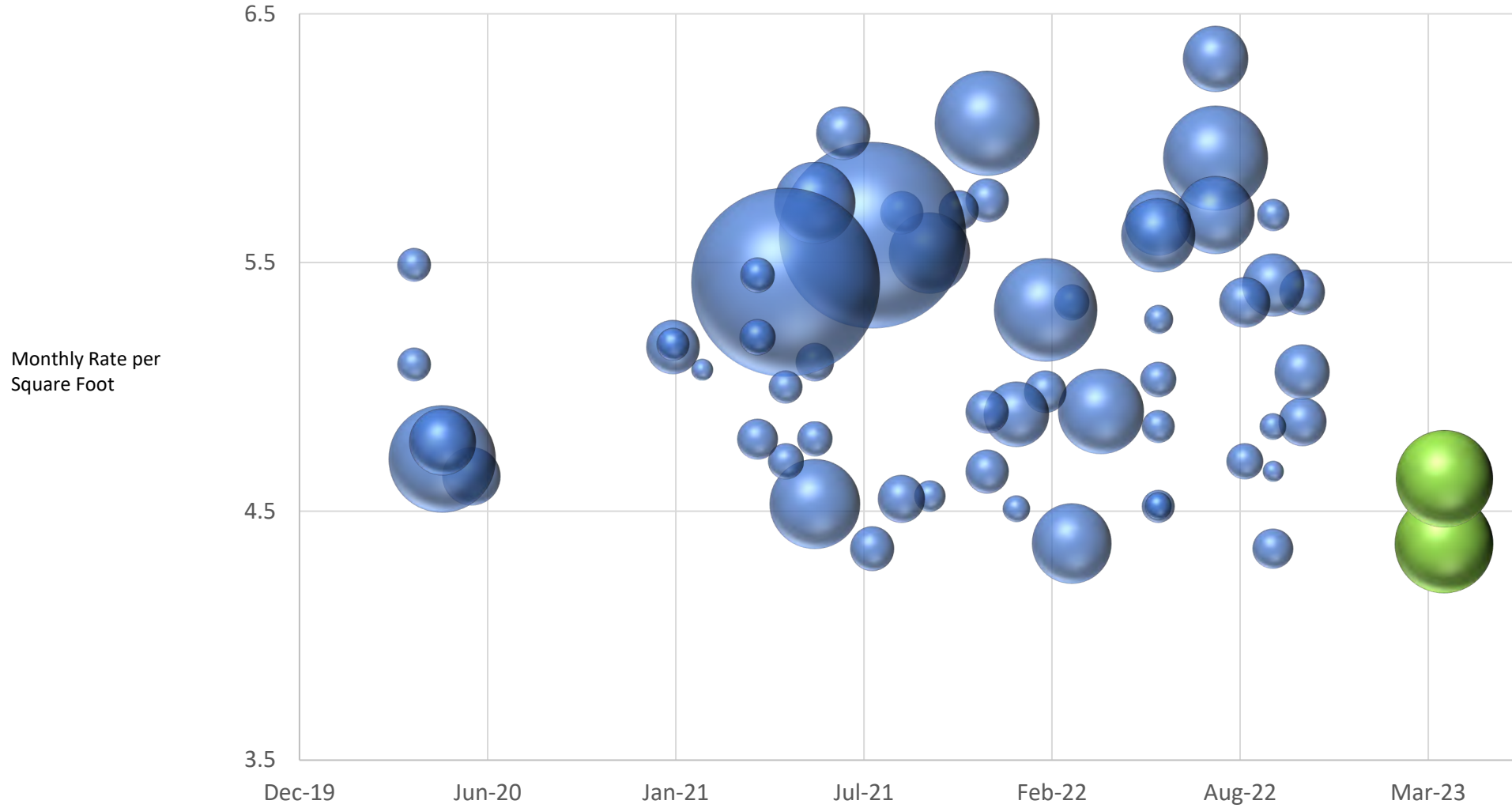
ADOPTED AND APPROVED this 19 day of April, 2023.

Elisa Marquez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

Downtown Oakland Class A Effective Rent Comps





Staff Report Item 16

TO: East Bay Community Energy Board of Directors

FROM: JP Ross, Vice President of Local Development, Electrification and Innovation

SUBJECT: Forum Mobility Loan Agreement

DATE: April 19, 2023

Recommendation

Approve a Resolution authorizing CEO to negotiate and execute a ten-year loan of \$4.5M at an interest rate of 5% with Forum Mobility ("Forum") for the Greenville Community Charging Depot (Greenville CCD) in Livermore.

Background and Discussion

By several measures, EBCE's service area is one of the most important gateways for international, domestic, and interregional trade in the U.S. At the center of this important logistics hub is Alameda County which is home to the 5th busiest container port in the U.S., the Port of Oakland. It is also home to Oakland International Airport which moves 1.5 million tons of air freight annually. While each hub makes use of multimodal infrastructure, trucking will continue to be the predominant mode for goods movement, with trucking accounting for 80% of tonnage and 60% of value moved between 2020 - 2045.

These vehicles and the fossil fuels that power them today are the largest contributors in California to the formation of ozone, greenhouse gas ("GHG") emissions, fine particulate matter ("PM2.5") and toxic diesel particulate matter ("PM"). In the State, and EBCE's service area, the transportation sector alone accounts for 41 percent of total GHG emissions (50 percent when upstream emissions from fuel is included) and is a major contributor to oxides of nitrogen ("Nox") and PM emissions. Medium duty & heavy duty ("MHD") goods movement vehicles contribute a quarter of the transportation sector's GHG emissions. And a third of the transportation sector's NOx emission, a disproportionately high share considering these vehicles represent only about 1.8 million trucks and vans among the 30 million registered vehicles in the state.

Increasing access to fast charging infrastructure to refuel MHD battery electric vehicles (“BEV”) is critical to serving vehicle operators who; 1) are unable to charge overnight where their trucks are domiciled, 2) will need opportunity charging to get from point A to B (and back), and 3) share the same BEV with multiple shift drivers.

Public, private, and utility investments have and will continue to play essential roles in deploying this critical refueling infrastructure. Growth in public and private funding will provide a pathway to success in BEV charging infrastructure deployment. EBCE’s loan to Forum exemplifies the opportunity for public-private sector collaboration.

The Project:

The purpose of this loan is to support the financing of the Greenville CCD for medium and heavy-duty vehicles on Greenville Road in Livermore. a. The loan will be funded and drawn upon after the Greenville CCD achieves commercial operations. The forecasted capital cost of the Greenville CCD is approximately \$14.3M and the project is scheduled to come online by the end of 2024. Once online, the Greenville CCD will be capable of charging approximately one hundred (100) MHD BEVs daily at the 4-acre brownfield site.

The initial construction of the Greenville CCD will include high capacity, direct-current fast chargers (“DCFC”) capable of delivering an 80% state of charge to most Class-8 BEVs in approximately 2.5 hours. The Greenville CCD will utilize advanced energy and charge management software to avoid charging during peak demand. Initial operations will be focused on providing safe, reliable and efficient charging services to early adopters of MHD BEVs.

Once operational, Forum is committed to incorporating distributed energy resources like solar canopies, stationary energy storage and mobile energy storage into the operations of the Greenville CCD, where feasible. Additionally, as the technology becomes commercially viable and economically in both the chargers as well as the MHD BEVs, Forum will incorporate bi-directional charging capabilities. Together, these resources will allow the Greenville CCD to provide peak energy shaving, demand response, grid resiliency and additional ancillary services to the California electric system.

The Greenville CCD will utilize a variety of state incentives and federal tax credits to provide competitive charging and trucking offerings to customers. Efforts to secure incentives and credits are underway and Forum will keep EBCE informed of the progress.

Forum has committed to paying prevailing wage on this project as required by the terms of the loan agreement.

Charging on Site:

The Greenville CCD will offer two types of BEV charging services. The Greenville CCD will serve as the home-base for “dwell charging” for up to 100 MHD BEVs. Dwell charging usually occurs while the vehicle is not in service and the charging can occur over night. Additionally, the Greenville CCD will also provide “opportunity charging” during workhours while the vehicle is in service and in-between freight trips. Opportunity charging usually lasts for approximately thirty minutes to one-hour at a higher power level to get the vehicle back on the road as quickly as possible. Forum intends to utilize the EBCE RE100 product for retail service at the Greenville CCD.

Maintenance:

The Greenville CCD will be staffed by Forum personnel to ensure uptime and reliability. The Charging Infrastructure Installers and Maintenance entities will comply with all industry standards and regulations.

All charging infrastructure and equipment will be installed and maintained by a contractor with the appropriate license and at least one electrician on each crew, at any given time, will hold an Electric Vehicle Infrastructure Training Program certification (EVITP).

Project Loan:

With total project costs of approximately \$14.3M and a \$4.5M loan, EBCE will be over collateralized in this financing with a Loan-To-Value (“LTV”) of 31%. The Loan to Value is the ratio of the loan to the value of the project, in this case $\$4.5M / \$14.3M = 31\%$. Typical project finance LTVs fall in the range of 50%-75%, depending on a variety of factors. This over-collateralization provides EBCE a strong buffer in the event of default. Additionally, EBCE will receive guarantees from the project parent company, FM Infra AssetCo, LLC, to fund any major equipment replacements or debt service payments, in the event that the project company is short on cash.

The original loan offering by EBCE for this project was for \$3M. However, while negotiating with Forum on the terms of the loan, EBCE has increased the security of the loan with both a parent guarantee and security in the charging assets on-site. These changes justify EBCE offering a larger \$4.5M loan for this project.

Loan Summary

| | |
|-----------------------------|----------------------------|
| Financing Type: | Secured Project Level Loan |
| Borrower Name: | FM Greenville, LLC |
| Borrower Parent Name: | FM Infra AssetCo, LLC |
| Amount: | \$4,500,000 |
| Interest Rate: | 5% |
| Term: | 10 years |
| Payment Frequency: | Quarterly |
| Payment Amount: | \$143,646 |
| Forecasted Interest Income: | \$1,245,855 |
| Loan to Value Ratio: | 31% |

Ongoing Reporting:

Forum will provide annual reporting on multiple items, including but not limited to charging infrastructure deployed, energy delivered, vehicles operating and emissions offsets.

Fiscal Impact

EBCE has allocated funding from approved Local Development Transportation Electrification budgets for this loan. EBCE expects to earn \$1,245,855 in interest over the term of the loan.

Committee Recommendation

Staff presented an Informational Item to the Executive Committee on April 5th, 2023.

Attachments

- A. Resolution
- B. Power Point Presentation

RESOLUTION NO. R-2023-XX

A RESOLUTION OF THE BOARD OF DIRECTORS

**OF THE EAST BAY COMMUNITY ENERGY AUTHORITY TO AUTHORIZE THE CEO TO
NEGOTIATE AND EXECUTE THE FORUM MOBILITY LOAN AGREEMENT**

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; and

WHEREAS EBCE seeks to support the adoption of Medium and Heavy Duty Vehicle Electrification across its service territory to reduce greenhouse gas and particulate emissions that disproportionately impact lower income and disadvantaged communities; and

WHEREAS EBCE issued a Request for Offers for Zero-Emission Medium and Heavy-Duty Goods Movement project loans in October of 2022 and received a conforming bid from Forum Mobility; and

WHEREAS The project proposed by Forum Mobility will deliver charging infrastructure and electric drayage trucks to operate in EBCE service territory; and

WHEREAS EBCE has substantially negotiated a loan agreement with Forum Mobility and hereby requests Board authorization for loan funding; and

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 10-year loan at 5% interest for \$4.5 million with Forum Mobility for the development of the Greenville Charging Depot located in Livermore pursuant to the terms described in the staff report attached to this agenda item and subject to the approval of the General Counsel.

Section 2. The loan approved pursuant to Section 1 of this Resolution is for an essential public project.

ADOPTED AND APPROVED this 19th day of April, 2023.

Elisa Márquez, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board

APRIL 2023

Forum Mobility - Greenville Charging Infrastructure Loan



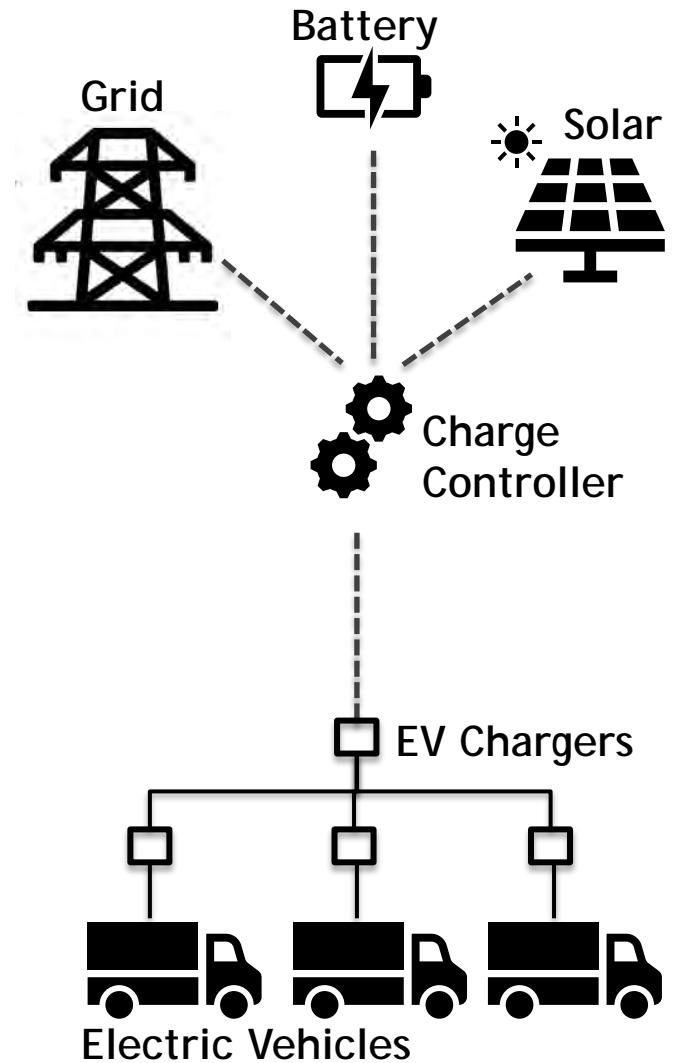
MD/HD Charging Program Loan Overview

To support the development of medium and heavy-duty electric vehicle charging infrastructure, EBCE offered a low interest loan for projects that can be online in 2024.

- EBCE Budget approved in June, 2022
- RFO issued in September, 2022
- Applications submitted October, 2022
- EBCE began due diligence December, 2022
- Anticipated loan closing April, 2023
- Project commercial operations July, 2024
- EBCE funding September, 2024

What Does The Greenville Project Look Like?

- Offering to Customers:
 - Full Service – truck, charging, vehicle servicing, & software optimization – multi-year contract with known pricing
 - Charging as a Service – Charging only through multi-year contract w/ known pricing
- Site is a 4.4-acre brownfield, less than a half mile from I-580
- Total build cost of \$14.3M
- Capable of charging 100 MD/HD electric vehicles / day
- Prevailing wages are required
- Committed to EBCE's RE 100 product
- Commitment to add solar, battery storage and Bi-directional direct current fast charging electric vehicle charging infrastructure after initial project deployment
- Forecasted emissions avoided over 10-year project life - PM: 178 tons, PM10: 178 tons, PM2.5: 178 tons, SOx: 166 tons, NOx: 2,535 tons, CO2: 93,752 tons, CH4: 3.802 tons, N2O: 0.7605



More on the Loan

- \$4.5 million to support facility construction
- Funded once project has reached commercial operations
- 10-year term @5% interest rate
- 12 months of capitalizing interest & 9 years of level amortization
- Loan secured by a deed of trust
- Principle & interest expense guaranteed by holding co, FM Asset Co.
- No closing fees & EBCE pays its own legal fees
- \$1.25M in forecasted revenue from \$4.5M loan
- EBCE funding leveraged with 3.2x in additional capital

Forum Mobility

- As an organization, Forum Mobility is targeting the 28,700 drayage trucks serving ports and railyards in CA, which if transitioned to zero-emissions, would avoid 2.4M metric tons of carbon dioxide emissions
- Team Experience:
 - End-to-end experience with sustainable energy infrastructure project delivery
 - Combined experience overseeing \$10B+ in sustainable infrastructure
- Planning 2 additional charging hubs in EBCE service territory



Staff Report Item 17

TO: East Bay Community Energy Board of Directors

FROM: Izzy Carson, Power Resources Manager

SUBJECT: Emissions Overview (Information Item)

DATE: April 19, 2023

Recommendation

Receive a presentation showing the history of the Bright Choice plan's emission factor and future emission reduction targets.

Background and Discussion

Staff is presenting an overview of the Bright Choice plan's emission factor to the Board. This presentation is in response to requests for additional information on Bright Choice emissions and the history and methodology of how this is calculated.

Bright Choice History

In October 2018, the Board adopted a 2018 calendar year emission factor of 142 pounds of carbon-dioxide equivalent per mega-watt hour (lb-CO₂^e/MWh) for the Bright Choice energy product, a product approved in 2018 that was established to provide a choice for customers for electricity at a lower price than PG&E as a comparable renewable product.

2020 Changes Impacting Procurement and Emissions Reporting

Carbon Free Allocation

In 2019 Pacific Gas and Electric (PG&E) initiated a formal large hydro and nuclear electricity allocation process determined by load share, with deliveries starting in 2020. The acceptance of this allocation did not have incremental cost to Community Choice Aggregators (CCAs) due to the Power Charge Indifference Adjustment (PCIA), a non-by passible charge set annually, under which all customers pay.

The fundamental question of whether to accept nuclear electricity from the allocation came down to a trade-off between having nuclear electricity as part of East Bay Community Energy's (EBCE) portfolio and lower greenhouse gas (GHG) emissions, or not having nuclear and accepting higher GHG emissions. Ultimately the Board elected to accept the large hydro allocation and reject the nuclear allocation.

With the introduction of the Carbon-Free Allocation, EBCE's large hydro portfolio was expected to be more in line with PG&E, and therefore renewable energy was a more appropriate focus.

Bright Choice Procurement Floor

In 2020 the Bright Choice renewable target was amended to establish a clean energy procurement floor that was intended to be higher than PG&E. The procurement floor was derived based on PG&E's prior year renewable energy power content forecast, plus an additional 5% renewables.

While the 5% buffer was included as to mitigate uncertainty in PG&E's provided forecast, it was noted at the April 2020 Board meeting that there was a possibility that in a given year EBCE's renewable percentage may be less than PG&E's. This approach did have increasing forecasting challenges due to a lack of visibility into PG&E's annual renewable target. Furthermore, the reporting lag on power content means that actual values are not fully validated until their Power Content Label is produced, which occurs in the Fall of the year after the power is procured.

Assembly Bill (AB) 1110

In 2016, AB 1110 was passed which modified the Power Source Disclosure Report (PSDR) methodology and impacted the information shared with customers on the Power Content Label (PCL). The new methodology required electricity suppliers, EBCE included, to disclose the GHG emissions intensity associated with its electricity sources. The California Energy Commission (CEC) updated the PSDR regulations implementing AB 1110 effective May 2020.

AB 1110 required replacing that emission factors can only be marketed using the newly adopted PSDR regulations methodology and that other methods for calculating emissions factors like The Climate Registry (TCR), a national emissions accounting methodology that was widely used by load serving entities, including CA utilities, CCAs and cities could not be used for calculating and disclosing emission factors to customers. The global emissions perspective of TCR was replaced with a California specific methodology, with the most significant change being in the application of the associated GHG emissions from firm and shaped Renewable Energy Credit (REC) purchases, also known as Portfolio Content Category (PCC) 2 RECs. PCC2 RECs are a California Renewable Portfolio Standard (RPS) renewable product that are by in large solar, wind and hydro resources, generated outside of California. Under the new CA specific methodology, these PCC2 RECs, regardless of source, are given an equivalent emissions factor equal to unspecified power, resulting in a material increase in reported emissions.

Path to Zero Emissions 2030

In December of 2020, the Board adopted a clean energy goal for all electricity within EBCE’s portfolio to have zero net emissions by 2030. In April of 2022, a path to reach that zero emissions goal was approved by the Board, which included annual targets for renewables and large hydro (as a percentage of sales) to reach that goal. Two months later in June of 2022, the renewable targets were increased by an additional 5%.

The path to zero emissions also removed the use of Pacific Gas and Electric’s (PG&E) prior year renewable content forecast as the basis for the annual procurement floor for Bright Choice. This step de-coupled the renewable content of Bright Choice from PG&E renewable content forecasts and established the annual steps that would lead to zero emission electricity in 2030.

Bright Choice Annual Renewable and Carbon Free Electricity Targets

The table below shows renewable and carbon free content targets through 2030 for Bright Choice, including estimates for unspecified power based on those targets, as well as estimates for emission factors in future years, and the CA RPS percentages for comparison.

Table 1: Bright Choice: Renewable, Carbon Free Percentages by Year, Unspecified Power estimates and PCL Emissions Factor for Bright Choice

| Year | Bright Choice | | | | CA-RPS % |
|------|---------------|---------------|---------------|----------------------|-------------|
| | Renewable % | Carbon Free % | Unspecified % | PSDR Emission Factor | Renewable % |
| 2018 | 41% | 62% | 38% | n/a | 29% |
| 2019 | 60% | 87% | 13% | n/a | 31% |
| 2020 | 40% | 55% | 45% | 591 | 33% |
| 2021 | 42% | 60% | 40% | 564 | 36% |
| 2022 | 50% | 68% | 32% | 545 | 39% |
| 2023 | 54% | 71% | 29% | 540 | 41% |
| 2024 | 58% | 75% | 25% | 455 | 44% |
| 2025 | 61% | 79% | 21% | 390 | 47% |
| 2026 | 65% | 84% | 17% | 317 | 49% |
| 2027 | 69% | 88% | 13% | 243 | 52% |
| 2028 | 73% | 92% | 8% | 164 | 55% |
| 2029 | 76% | 98% | 2% | 66 | 57% |
| 2030 | 80% | 100% | 0% | - | 60% |

There are two primary factors influencing Bright Choice emissions. The largest source of emissions in EBCE’s portfolio is power content from emitting generation sources and for Bright Choice this is unspecified power which is the balance of carbon free electricity purchases (which includes renewable) and total sales. Unspecified electricity is not purchased for Bright Choice for content purposes but is reflective of the total sales net of carbon free content. The second factor influencing the Bright Choice emissions is renewable content from PCC2 RECs since the PSDR emissions reporting regulations require EBCE to report emissions for these renewable purchases when the source of the energy is not specified. Annual increases in the renewable and carbon free content result in annual reductions in the emission factor and unspecified power for Bright Choice.

Not shown in the above table but reflected in the estimates for emission factors is an annual reduction in the purchase of PCC2 RECs for the Bright Choice plan whereby 2030 all of the renewable electricity for Bright Choice would come from PCC1 RECs.

Fiscal Impact

There are no fiscal impacts as this item provides information only on Bright Choice product emissions.

Attachments

- A. Presentation

APRIL 19, 2023

Bright Choice Emissions Overview



Overview

- What is Power Content
- EBCE Product Overview
- Renewable Energy Credits and Portfolio Content Category Classifications
- EBCE Bright Choice Target History
- PG&E Carbon Free Allocation
- Bright Choice Amendment to Power Content
- Emissions Accounting Methodology
- Where we are now
- CCA Comparison
- 2022 Snapshot

What is the Power Content Label (PCL)?

PCL

- Published annually, based on prior calendar year generation from owned or contracted-for resources
- Detailed breakdown on sources of energy used to provide electricity
- Resembles a nutrition label for electricity
- The PCL submission requires a formal 3rd party audit and is reviewed and approved by the CEC

| 2021 POWER CONTENT LABEL | | | | | | | | |
|---|---------------|---------------|-------------------------|---------------------------------|---|---------------|---------------|-------------------|
| East Bay Community Energy | | | | | | | | |
| ebce.org/documents-and-resources | | | | | | | | |
| Greenhouse Gas Emissions Intensity (lbs CO ₂ e/MWh) | | | | Energy Resources | | | | |
| Renewable 100 | Brilliant 100 | Bright Choice | 2021 CA Utility Average | Eligible Renewable ¹ | Renewable 100 | Brilliant 100 | Bright Choice | 2021 CA Power Mix |
| 0 | 0 | 564 | 456 | | 100.0% | 35.8% | 42.3% | 33.6% |
| | | | | Biomass & Biowaste | 0.0% | 0.0% | 0.5% | 2.3% |
| | | | | Geothermal | 0.0% | 0.0% | 0.0% | 4.8% |
| | | | | Eligible Hydroelectric | 0.0% | 0.0% | 0.2% | 1.0% |
| | | | | Solar | 50.0% | 17.9% | 19.0% | 14.2% |
| | | | | Wind | 50.0% | 17.9% | 22.6% | 11.4% |
| | | | | Coal | 0.0% | 0.0% | 0.0% | 3.0% |
| | | | | Large Hydroelectric | 0.0% | 64.2% | 15.9% | 9.2% |
| | | | | Natural Gas | 0.0% | 0.0% | 0.0% | 37.9% |
| | | | | Nuclear | 0.0% | 0.0% | 1.7% | 9.3% |
| | | | | Other | 0.0% | 0.0% | 0.1% | 0.2% |
| Unspecified Power ² | 0.0% | 0.0% | 40.0% | 6.8% | | | | |
| TOTAL | 100.0% | 100.0% | 100.0% | 100.0% | | | | |
| Percentage of Retail Sales Covered by Retired Unbundled RECs ³ : | | | | | 0% | 0% | 0% | |
| ¹ The eligible renewable percentage above does not reflect RPS compliance, which is determined using a different methodology. ² Unspecified power is electricity that has been purchased through open market transactions and is not traceable to a specific generation source. ³ Renewable energy credits (RECs) are tracking instruments issued for renewable generation. Unbundled renewable energy credits (RECs) represent renewable generation that was not delivered to serve retail sales. Unbundled RECs are not reflected in the power mix or GHG emissions intensities above. | | | | | | | | |
| For specific information about this electricity portfolio, contact: | | | | | East Bay Community Energy 1-833-699-EBCE (3223) | | | |
| For general information about the Power Content Label, visit: | | | | | http://www.energy.ca.gov/pcl/ | | | |
| For additional questions, please contact the California Energy Commission at: | | | | | Toll-free in California: 844-454-2906 Outside California: 916-653-0237 | | | |

EBCE's Customer Products

Renewable 100

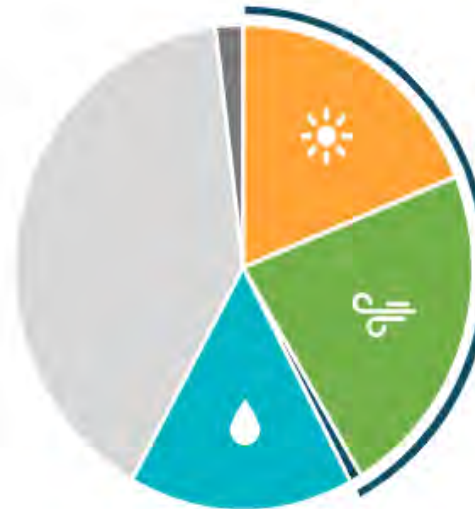
100% renewable energy from California solar & wind power at a slightly higher price than PG&E



100% eligible renewable

Bright Choice

Our basic plan, which costs less than PG&E



42.3% eligible renewable power

KEY

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

Renewable Energy Credits and Portfolio Content Category Classifications

Renewable Energy Credits (RECs):

- Represent clean energy attributes of renewable electricity
- Each REC is equivalent to one MWh of renewable electricity generated
- Limitations to the amount that each group can count towards RPS requirements
- Classified into three distinct categories Portfolio Content Categories (PCC)

| | |
|-------|--|
| PCC 1 | Energy and REC are from same source and delivered into a California Balancing Authority (CBA) without any substitution |
| PCC 2 | Substitute Energy not from the same source as REC |
| PCC 3 | Electricity Products Not Qualified as PCC 1 or PCC 2, Including Unbundled RECs |

Bright Choice History

Bright Choice plan was created to provide electricity to customers at a lower price than PG&E as a comparable product.

2018 – Bright Choice was a Board approved product, with an approved power content set at 85% carbon free

- October 2018 – Board approved use of The Climate Registry (TCR) carbon accounting methodology and 2018 calendar year emissions factor target of 142 lb-CO₂e/MWh (Actual 2018 emissions was 101 lb-CCO₂e/MWh)
- TCR is a national emissions accounting methodology that was widely used by load serving entities, including CA IOUs and CCAs, and cities

2019 PG&E Carbon Free Allocation

- PG&E initiated a formal large hydro and nuclear allocation process determined by load share, with deliveries starting in 2020. The acceptance of this allocation had zero incremental cost to CCAs due to PCIA
- EBCE initiated discussions in the November 2019 ExComm meeting followed by extensive discussions on risks, benefits, and costs with the Board and CAC at the December 2019 and January 2020 Board meetings
 - Fundamental question for accepting nuclear or not came down to a trade-off between having nuclear and lower greenhouse gas emissions, or not having nuclear and **accepting higher greenhouse gas emissions**
 - EBCE board elected to accept the large hydro allocation



2020 Amendment to Bright Choice Power Content Guidelines

- With the introduction of the carbon free allocation, EBCE's large hydro portfolio content was expected to be generally in line with PG&E, and therefore Renewable Energy was a much more appropriate focus
- Renewables target was amended to reflect a clean energy procurement floor based on PG&E's prior year renewable energy power content forecast + 5% buffer for uncertainty

$$2020 \text{ Bright Choice Renewable \%} = [2019 \text{ PG\&E Renewable Forecast}] + 5\% = 39.5\%$$

- Challenges existed under this approach due to lack of visibility into PG&E's annual renewable target and a changing RPS banking strategy. Furthermore, the reporting lag means that actual values are not fully validated until the fall of the year after the power is procured

Assembly Bill (AB) 1110

- Regulations modifying power content reporting methodology and emissions accounting methodology were initially implemented in 2020.
- AB 1110 fundamentally required replacing the previously accepted TCR emissions methodology, which took a global emissions perspective, with a California-centric emissions methodology
- Requires retail sellers to:
 - Include emissions from PCC 2 RECs resulting in a material increase in reported emissions
 - Resources, regardless of source (solar, wind, hydro) are given an equivalent emissions factor based on imported energy into CAISO, typically unspecified system power.

Where are we now?

- In December 2020, the Board adopted a clean energy goal for all electricity within EBCE's portfolio to have zero net emissions by 2030
- In April 2022, a path to reach that zero emissions goal in 2030 was approved, which included annual targets for renewable and large hydro (as a percentage of sales)
- Targets were increased by an additional 5% in June 2022

Note: 2019 renewables procurement increased significantly to address scarcity in large hydro generation due to drought conditions

| Year | Bright Choice | | | | | CA-RPS % |
|------|---------------|---------------|---------------|----------------------|----------------------|-------------|
| | Renewable % | Carbon Free % | Unspecified % | TCR*-Emission Factor | PSDR Emission Factor | Renewable % |
| 2018 | 41% | 62% | 38% | 101 | n/a | 29% |
| 2019 | 60% | 87% | 13% | 135 | n/a | 31% |
| 2020 | 40% | 55% | 45% | n/a | 591 | 33% |
| 2021 | 42% | 60% | 40% | n/a | 564 | 36% |
| 2022 | 50% | 68% | 32% | n/a | 545 | 39% |
| 2023 | 54% | 71% | 29% | n/a | 540 | 41% |
| 2024 | 58% | 75% | 25% | n/a | 455 | 44% |
| 2025 | 61% | 79% | 21% | n/a | 390 | 47% |
| 2026 | 65% | 84% | 17% | n/a | 317 | 49% |
| 2027 | 69% | 88% | 13% | n/a | 243 | 52% |
| 2028 | 73% | 92% | 8% | n/a | 164 | 55% |
| 2029 | 76% | 98% | 2% | n/a | 66 | 57% |
| 2030 | 80% | 100% | 0% | n/a | - | 60% |

Total Emissions Inclusive of Renewable 100 Product

| Year | All Plans | | | | CA-RPS % |
|------|-------------|---------------|----------------------|----------------------|-------------|
| | Renewable % | Carbon Free % | TCR*-Emission Factor | PSDR-Emission Factor | Renewable % |
| 2018 | 42% | 88% | 82 | <i>n/a</i> | 29% |
| 2019 | 65% | 88% | 113 | <i>n/a</i> | 31% |
| 2020 | 39% | 61% | <i>n/a</i> | 488 | 33% |
| 2021 | 42% | 65% | <i>n/a</i> | 464 | 36% |
| 2022 | 61% | 75% | <i>n/a</i> | 406 | 39% |
| 2023 | 68% | 78% | <i>n/a</i> | 391 | 41% |
| 2024 | 69% | 81% | <i>n/a</i> | 338 | 44% |
| 2025 | 72% | 84% | <i>n/a</i> | 288 | 47% |
| 2026 | 75% | 88% | <i>n/a</i> | 234 | 49% |
| 2027 | 77% | 91% | <i>n/a</i> | 179 | 52% |
| 2028 | 80% | 94% | <i>n/a</i> | 121 | 55% |
| 2029 | 83% | 97% | <i>n/a</i> | 62 | 57% |
| 2030 | 86% | 100% | <i>n/a</i> | - | 60% |

CCA Comparison

| | RPS | Hydro | % Nuclear | Non-nuke Carbon Free | Unspecified | Rate | 2021 Cost Differential w/ PG&E | Lbs CO2e/MWh |
|----------------|--------|--------|-----------|-------------------------|-------------|----------|--------------------------------------|-----------------|
| Peninsula | 49.20% | 50.80% | 0.00% | 100.00% | 0.00% | \$0.1439 | 1.29% | 5 |
| Silicon Valley | 44.10% | 35.90% | 20.00% | 80.00% | 0.00% | \$0.1459 | 2.65% | 18 |
| MCE | 60.50% | 36.80% | 0.90% | 97.30% | 1.70% | \$0.1490 | 4.68% | 75 |
| CleanPowerSF | 55.40% | 37.60% | 0.10% | 93.00% | 6.90% | \$0.1196 | -18.72% | 82 |
| PG&E | 47.70% | 4.00% | 39.30% | 51.70% | 0.00% | \$0.1420 | 0.00% | 98 |
| Sonoma | 49.70% | 40.60% | 0.50% | 90.30% | 9.20% | \$0.1353 | -4.98% | 130 |
| San Jose | 36.00% | 31.30% | 31.30% | 67.30% | 1.30% | \$0.1487 | 4.48% | 162 |
| 3CE | 38.40% | 11.80% | 0.00% | 50.20% | 49.80% | \$0.0910 | -56.07% | 494 |
| Pioneer | 30.80% | 0.40% | 20.40% | 31.20% | 48.40% | \$0.1287 | -10.33% | 542 |
| EBCE | 42.30% | 15.90% | 1.70% | 58.20% | 40.00% | \$0.1373 | -3.41% | 564 |
| King City | 40.00% | 0.00% | 0.00% | 40.00% | 60.00% | \$0.1524 | 6.81% | 567 |
| Redwood Coast | 33.10% | 10.50% | 0.00% | 43.60% | 56.40% | \$0.1509 | 5.89% | 615 |
| Valley | 12.60% | 10.90% | 0.00% | 23.50% | 76.50% | \$0.1521 | 6.65% | 722 |

Contributing factors to higher/lower emissions

- Acceptance or rejection of nuclear allocation
- Rates compared to PG&E
- Renewable and Hydro content
- Unspecified Power



*2021 Power Content Labels data
 *PG&E residential rates as of 1/1/2023

2022 Snapshot

Note that these are draft power content forecast positions for 2022 and subject to change following formal reconciliation and audit. Formal PCL and emissions data to be released on October 1st.

| | PG&E* | EBCE |
|----------------------|--------|--------|
| Eligible Renewable | 40.00% | 47.77% |
| Large Hydro | 7.00% | 22.75% |
| Nuclear | 49.00% | 0.00% |
| Unspecified | 0.00% | 29.48% |
| Total Carbon Free | 96.00% | 70.52% |
| Carbon Free non-Nuke | 47.00% | 70.52% |

Questions?

Thank You

Izzy Carson

Power Resources Manager

2023 EBCE Subcommittee Appointments

Marketing, Regulatory and Legislative Subcommittee

Member Bartlett
Member Barrientos
Member Jorgens
Member Wright
Member Patino
Member Roche (Chair)

Finacial, Administrative and Procurement Subcommit

Member Cox
Member Andersen
Member Gonzalez
Member Bedolla
Member Bauters (Chair)

Executive Committee

Member Tiedemann
Member Hu
Member Kalb
Member Marquez
Member Balch (Chair)