



Executive Committee Meeting

Friday, February 26, 2021

12:00 pm

Please click on the link below to join the webinar:

<https://us02web.zoom.us/j/998209098>

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Webinar ID: 998 209 098

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

1. Welcome & Roll Call

2. Public Comment

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

REGULAR AGENDA

- 3. Approval of Minutes from January 29, 2021**
- 4. California Community Choice Financing Authority Joint Powers Authority (Informational Item)**
Receive an update regarding the formation of the California Community Choice Financing Authority to issue municipal bonds for prepay transactions.
- 5. Legislative Position on SB 612 (Action Item)**
Take a “support” position on SB 612 (Portantino).
- 6. Legislative Update (Informational Item)**
Overview of relevant introduced legislative bills.
- 7. Summary of SMUD EnergyHELP (Informational Item)**
Summary of program and potential cost to set up similar for EBCE.
- 8. Committee Member and Staff Announcements including requests to place items on future Board Agendas**
- 9. Adjournment - to Date: Friday, March 26, 2021**
Time: 12:00pm



Executive Committee Meeting

Draft Minutes

Friday, January 29, 2021

12:00 pm

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1. Welcome & Roll Call

Present: Directors: Arriola (Tracy), Vice-Chair Kalb (Oakland), Chair Martinez (Emeryville)

2. 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 three minutes per speaker. The Board Chair may increase or decrease the time allotted to each speaker.

Barbara Stebbins thanked Stephanie Cabrera for her work as Board Clerk and on behalf of the wider community. Barbara Stebbins stated that Stephanie Cabrera represents the ideal for a person who works on behalf of the public.

Jessica Tovar spoke in support of the creation of a shut off prevention fund, and a fund to provide solar + battery storage for critical local community facilities. Jessica Tovar also stated that public meeting video recordings should be posted in a timely manner.

REGULAR AGENDA

EBCE is committed to protecting our environment and is proud to be a
[Certified California Green Business](#)

3. Approval of Minutes from December 4, 2020

Chair Martinez motioned to approve the minutes as amended:

A. Correct spelling of “whether”.

Vice-Chair Kalb seconded the motion which passed 3/0.

4. Prepay Overview (Informational Item)

Overview of Prepay Transactions

The Committee discussed:

- Timeline for review by the Board of Directors and the Finance, Administrative and Procurement subcommittee
- Risk factors in the Prepay Transaction financial structure

5. 2020 Renewable Energy & Storage RFO Update (Informational Item)

Provide an update on 2020 Renewable Energy & Storage Request for Offers

The Committee discussed:

- Geothermal-related offers
- Locally based outreach efforts

6. Net Energy Metering Policy Update - 2021 (Informational Item)

Recommendations to update the Net Energy Metering policy, effective April 2021

The Committee discussed:

- New community outreach and education
- Barriers to behind-the-meter storage adoption
- Relationship to the Energy Council Technical Advisory Group
- Definition of Net Surplus Compensation
- 2021 NEM policy implementation timeline
- Customer marketing about 2021 NEM policy update
- Solar + Storage implementation in the Critical Facilities Program
- Resilience Hubs outreach
- Local Development Update timeline

Jessica Tovar spoke in support of using 2021 NEM policy resources to add solar + battery storage to resilience hubs in Alameda County and Tracy. Jessica Tovar also spoke in support of working with small, local solar installers, and for utilizing alternative financial models such as on-bill financing.

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

Chair Martinez requested to place an item discussing shut off prevention, as described by Jessica Tovar in her public comment, on a future Board of Directors or Executive Committee agenda.

CEO Chaset announced that staff will place an item on a future Board agenda discussing the shut-off moratorium and the Arrearage Management Program.

CEO Chaset expressed his gratitude to Stephanie Cabrera for her contribution to EBCE, both operationally and culturally.

8. Adjourned.



Staff Report Item 4

TO: East Bay Community Energy Executive Committee

FROM: Howard Chang, Chief Operating Officer

SUBJECT: California Community Choice Financing Authority Joint Powers Authority (Informational)

DATE: February 26, 2021

Recommendation

Receive an update regarding the formation of the California Community Choice Financing Authority to issue municipal bonds for prepay transactions.

Background and Discussion

Prepay Overview:

As discussed now at Board and Board Committee meetings, an energy prepayment - or 'prepay' - is a long-term financial transaction available to municipal utilities and tax-exempt entities such as CCAs that enables a meaningful power procurement cost savings opportunity. This prepayment structure has historically been utilized for natural gas procurement and is now being applied towards renewable energy. EBCE and Silicon Valley Clean Energy (SVCE) are currently jointly preparing a prepay transaction. A number of other CCAs are also in the process of initiating a similar structure.

Issuing Entity Overview:

Prepays utilize the municipal bond market and therefore need a bond issuing entity in order to participate. The issuing entity is the final party to the prepay transaction that EBCE and SVCE need to secure to fully prepare to transact. While there are 'issuers for hire' in the California municipal bond market should the conduit not be in place in time for an optimal market execution of the EBCE-SVCE transaction, there are a number of advantages to CCAs to establish a conduit issuance JPA. The primary reasons are control and oversight in the bond issuance process and cost savings. Utilizing an available issuance JPA can cost in excess of \$200,000 annually.

California Community Choice Financing Authority Overview:

The Joint Exercise of Powers Act, being California Government Code Sections 6500 and following (the “Act”), permits two or more public agencies to create, by agreement, a joint powers authority for the purpose of jointly exercising any common power and certain additional powers provided for in the Act, including the power to issue bonds for the purposes specified in the Act. Central Coast Community Energy, East Bay Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy (together, “the CCAs”) propose to enter into a joint powers agreement (the “Joint Powers Agreement”) to create the California Community Choice Financing Authority (the “CCCFA”) to serve as a conduit financing joint powers authority. CCCFA’s primary objective will be to assist its members by financing or refinancing projects and other programs on behalf of its members by, among other things, issuing or incurring bonds, notes, commercial paper, installment purchase, lease purchase and similar agreements and certificates of participation therein, and other evidences of indebtedness, and it will exercise powers beneficial for such purposes. This will be a project financing based public agency, rather than policy making agency. It is not intended to be a policy-maker or advocate, though it may, from time to time, advance or support public policies in support of its purpose that do not conflict with interests or policies advanced by any Member.

Membership in the CCCFA will be divided into two tiers: the first tier will consist of Founding Members and the second will consist of Associate Members (as such terms are defined in the Joint Powers Agreement). The Board of Directors of the CCCFA will consist of one representative of each of the Founding Members, which will initially consist of Central Coast Community Energy, East Bay Community Energy, Marin Clean Energy, and Silicon Valley Clean Energy. Associate Members may be added to the CCCFA pursuant to the terms of the Joint Powers Agreement, provided that any such Associate Member possesses the power to purchase and sell electric energy and enter into related contracts for such purposes. Each Director shall be the Chief Executive Officer, General Manager, Executive Director, or designee of the Chief Executive Officer, General Manager, or Executive Director, of each Founding Member and shall be appointed by and serve at the pleasure of the Founding Member that the Director represents.

In the preparation of the proposed JPA Agreement, the CEOs and General Counsels decided to propose that the directors be administrative staff of the members due to the very technical nature of this JPA which is project financing rather than policy oriented. Also, it was felt that continuity on the Board is important due to the fact that the project financing agreements will be long-term obligations and having directors with a long-term knowledge base is important with respect to decision-making on this Board.

Pursuant to the Act, and subject to the limitations in Section 6508.1 of the Act, the Joint Powers Agreement specifies that the debts, liabilities and obligations of the CCCFA, including bonds issued by the CCCFA, will not constitute debt, liabilities or

obligations of any member. If a member agency desires to withdraw, it may do so with board approval as long as the founding members retain a minimum of three members, so as not to cause the obligations of the CCCFA to consolidate on any individual members balance sheet.

By entering in the CCCFA JPA Agreement, EBCE will have the opportunity, but not the obligation, to structure a prepay transaction and issue the bonds through the CCCFA. The only costs imposed by the JPA Agreement on the members are the administrative costs of CCCFA, which do not include any project costs. Administrative costs will be paid in accordance with policy that will be developed by the founding members. The costs are not substantial as the staffing of this JPA will be limited with most staffing and operating costs supported by individual members. Additional costs will include retaining an independent auditor.

Timeline:

The CCAs are actively developing the JPA documentation for each CCA to bring forward for their own Board approval. Staff plans to bring an action item to the full EBCE Board for approval of the JPA at the March 17, 2021 meeting.

Attachments

None.



Staff Report Item 5

TO: East Bay Community Energy Board of Directors

FROM: Melissa Brandt, Senior Director of Public Policy and Deputy General Counsel

SUBJECT: Legislative Position on SB 612 (Action Item)

DATE: February 26, 2021

Recommendation

Take a “support” position on SB 612 (Portantino).

Background and Discussion

Senator Portantino introduced Senate Bill (SB) 612 on February 18, 2021. The bill is coauthored by Senators Allen, Becker, McGuire, and Wiener, and Assembly Members Bauer-Kahan, Berman, Bloom, Boerner Horvath, Kalra, Lee, Levine, Mullin, Stone, and Wood. Both Assembly Members Bauer-Kahan and Lee represent parts of EBCE’s service territory. SB 612 is sponsored by the California Community Choice Association (CalCCA).

As currently drafted, SB 612 is an intent bill, the intent being that the Legislature enact legislation related to public utilities to ensure fair and equal access to the benefits of legacy resources held in investor-owned utility (IOU) portfolios and address the management of the resources to maximize value for all customers.

SB 612 is expected to be amended within the next few weeks, as Senate rules allow, to add additional detail. The objective of SB 612 is to ensure that CCA customers have access to the beneficial attributes from the IOUs’ legacy resources, which CCA customers already pay for through the Power Charge Indifference Adjustment (PCIA). In February 2020, a working group including CalCCA and Southern California Edison submitted a consensus proposal in the California Public Utilities Commission (CPUC)’s PCIA proceeding that would ensure equitable distribution of the IOUs’ legacy resource attributes. However, the CPUC to date has failed to take any action on the proposal.

Although PG&E has historically committed to transfer some of their legacy resource attributes to EBCE and other CCAs through a CPUC advice letter process, the transfer has been at PG&E's initiation and discretion, and only for a year at a time. The lack of a longer-term commitment to transfer attributes creates significant uncertainty which affects EBCE's procurement and financial planning, and ultimately increases EBCE customer costs. SB 612 aims to rectify this uncertainty and ensure that CCA customers receive the benefits associated with the PCIA costs they bear.

EBCE has been actively working with CalCCA on SB 612. SB 612 aligns with all three of EBCE's general legislative principles as laid out in EBCE's Legislative Program. Accelerating Decarbonization: EBCE will have additional, long-term access to renewable and greenhouse gas-free energy attributes. Promoting Local Development: EBCE will have greater certainty about its procurement position, enabling additional local investments. Maintaining Community Choice Autonomy: EBCE will maintain its autonomy to accept or decline additional attributes from legacy resources. Furthermore, SB 612 aligns with EBCE's public policy position on nonbypassable charges, which includes supporting legislation that promotes a level playing field between CCAs and other market participants. Being able to access EBCE customers' share of attributes that EBCE customers already pay for is key to realizing a level playing field. Given the above, EBCE staff recommend taking a "support" position on SB 612.

SB 612 is expected to be amended in March and is pending referral to a policy committee.

Fiscal Impact

SB 612 has the potential to lower EBCE's procurement costs and thus customer costs by ensuring the availability of ongoing transfers of valuable attributes from legacy resources in PG&E's portfolio.

Attachments

None.

FEBRUARY 26, 2021

Legislative Update



Key Deadlines for the 2021 Legislative Year

Staff Report Item 6

- 1/8: Governor submitted budget
- 1/11: Legislature reconvened
- 2/19: Bill introduction deadline
- 4/30: Policy cmtes to move fiscal bills to fiscal cmtes (1st house)
- 5/7: Policy cmtes to move nonfiscal bills to floor (1st house)
- 5/21: Fiscal cmtes must move bills to floor (1st house)
- 6/4: Each house to pass bills introduced in that house
- 6/15: Budget bill must be passed
- 7/14: Policy cmtes to meet and report bills (2nd house)
- 8/27: Fiscal cmtes to move bills to floor (2nd house)
- 9/10: Last day for each house to pass bills
- 10/10: Last day for Governor to sign/veto bills

Key Energy Themes Emerging in 2021

Staff Report Item 6

- Building Decarbonization
- Clean Energy + Storage – technologies, counting rules, tariffs
- De-Energization
- Grid Reliability / Resource Adequacy
- Central Procurement

Preliminary Bill Tracker - Assembly

Staff Report Item 6

Bill #	Author	Description	Status	EBCE Position
AB 33	Ting	Prohibits natural gas connections for new public bldgs.; prohibits gas corporations from providing service extension or line installation allowances after 1/1/2022.	Asm U&E Cmte	WATCH
AB 64	Quirk	Requires agencies to develop strategy to achieve zero-carbon electricity policy in cost-effective and environmentally friendly manner, including energy storage methods/technologies.	Asm U&E Cmte	WATCH
AB 427	Bauer-Kahan	Requires CPUC to establish rules governing the intersection of demand response, energy storage including customer-sited distributed generation plus storage, and RA.	Asm U&E Cmte	WATCH
AB 525	Chiu	Requires CEC to develop plan to achieve 10,000 MW offshore wind by 2040; requires CPUC to include offshore wind in IRP.	Asm U&E Cmte	WATCH
AB 1088	Mayes	Establishes CA Procurement Authority to fill in procurement gaps if LSEs lack adequate RA and IRP resources; serves as POLR if IOU exits retail service.	Awaiting referral	WATCH
AB 1139	Gonzalez	Specifies avg CARE discount level. Repeals current NEM tariff and requires new NEM tariff based on wholesale rates. Requests for customer self-gen interconnection to be processed <30 days or IOU must explain to CPUC and customer why not.	Awaiting referral	WATCH
AB 1161	E.Garcia	Requires Dept of Water Resources (DWR) to procure 100% of electricity for state agencies by 12/31/2030. Requires LSEs to provide confidential pricing info to DWR.	Awaiting referral	WATCH

Preliminary Bill Tracker - Senate Staff Report Item 6

Bill #	Author	Description	Status	EBCE Position
SB 18	Skinner	Requires ARB to prepare strategic plan for accelerating green hydrogen.	Sen EUC Cmte	WATCH
SB 31	Cortese	Requires CEC to promote existing & new bldg. decarb incl through EPIC.	Sen EUC Cmte	WATCH
SB 32	Cortese	Requires cities/counties to amend elements of general plans to decarbonize newly constructed commercial & residential bldgs.	Sen Governance & Finance Cmte	WATCH
SB 52	Dodd	Adds deenergization events to state of emergency and local emergency.	Sen Gov Org Cmte	WATCH
SB 67	Becker	Accelerates 100% renewable/zero-carbon goals on a 24/7 basis.	Sen Rules Cmte	WATCH
SB 68	Becker	Building decarb: reduces barriers to upgrading electric service panels.	Sen Rules Cmte	WATCH
SB 99	Dodd	Requires CEC to develop grant program for local governments to develop community energy resilience plans.	Sen EUC Cmte	WATCH
SB 345	Becker	Requires CPUC to define nonenergy benefits & incorporate in DER evals.	Sen EUC Cmte	WATCH
SB 423	Stern	Requires CPUC to ensure LSE RA reliability during extreme events.	Awaiting referral	WATCH
SB 529	Hertzberg	Spot bill re centralized RA.	Awaiting referral	WATCH
SB 533	Stern	Requires IOU collaboration with CCAs on microgrid development. Requires CPUC/CAISO to develop methodology for counting RA from distributed energy storage.	Awaiting referral	WATCH
SB 612	Portantino	CalCCA-sponsored spot bill: access to benefits of IOU legacy resources.	Awaiting referral	[SUPPORT]

- Continue to review and analyze bills and amendments
- Monitor existing bills on our watch list; determine when EBCE should formally take a position
- Monitor Governor's Budget request: \$1.5B for Zero Emission Vehicles (ZEV):
 - Extend AB 8 and securitize \$1B for EV and hydrogen infrastructure through CEC, including loans, primarily for light- and heavy-duty vehicle charging stations
 - \$50M from general fund for EV charging at state facilities
 - \$465M for vehicle incentives
 - 10-year delay in property tax assessment for ZEV charging and refueling stations completed by 1/1/24
- Engage with CalCCA on legislative efforts
 - Collaborate with CalCCA on SB 612



Staff Report Item 7

TO: East Bay Community Energy Executive Committee

FROM: Annie Henderson, VP Marketing and Account Services

SUBJECT: Summary of SMUD EnergyHELP (Informational Item)

DATE: February 26, 2021

Recommendation

Receive a summary overview of the SMUD EnergyHELP program, as an example of what a municipal utility is doing to support customers struggling to pay bills; how this does and does not apply to EBCE; and, plans for future customer payment support programs through Connect Communities

Background

The Sacramento Municipal Utility District (SMUD) is a municipal utility that provides customers with electricity service as well as the distribution of power. The SMUD EnergyHELP¹ program allows a customer to identify a specified amount be added to their bill each month and then donated to a charity partner of the customer's choice. According to SMUD's website, 14,000 customers participate in the program which has supported 37,000 households (<5% of EBCE accounts) in its nearly 17 years of operation. Donations are not directly applied to specific customer bills to avoid arrearage that could result in disconnection.

The charity partners are non-profit organizations that provide various social services. A list of charities and services are provided in the table below.

Charity Partner	Services
Community Resource Project	Improving opportunities for people in need through energy efficiency, health and education.
Folsom Cordova Community Partnership	Enhancing the health, education, and well-being of our community by assisting those in need

¹ <https://www.smud.org/en/In-Our-Community/Help-your-Community>

LAO Family Community Development Inc.	Advancing the economic well-being of our community through employment, housing, education and support services
Sacramento Food Bank & Family Services	Giving a hand up, rather than a hand out through grassroots community involvement
The Salvation Army	Devoted to meeting human needs in the Sacramento community for over 100 years
Travelers Aid Utility Assistance	Providing aid throughout the Sacramento community since 1896

Analysis & Discussion

SMUD provides both generation service and delivery service. This differs from EBCE who provides only generation service, while PG&E charges customers for delivery. In our case, a customer may be disconnected only by PG&E.

In the normal course of business, PG&E will disconnect an electricity customer for nonpayment per Electric Rule 11² as summarized below:

- PG&E must provide a 15-day, 48-hour, and 24-hour notice.
- PG&E must offer payment arrangements for a twelve (12) month duration.
- PG&E offers to enroll eligible customers in all applicable benefit programs administered by PG&E
- Customers shall not be disconnected if they currently have a Low-Income Home Energy Assistance Program (LIHEAP) pledge pending.
- PG&E shall visit, in-person, special needs profiled customers that have previously been identified as Medical Baseline, Life Support, or has self-certified that they have a serious illness or condition that could become life threatening if service is disconnected, within the 48 hours prior to, or at the time of, service termination.
- Service may be terminated to any customer, including special needs profiled customers who do not comply with a payment arrangement.
- When the customer and PG&E have agreed upon payment arrangements, PG&E will not terminate service as long as the customer complies with the arrangements. However, if the customer fails to comply, PG&E may terminate services the customer is receiving after notice is given.

EBCE may send a customer to PG&E service based on its Delinquent Accounts and Collections Policy, most recently updated in January 2021³, based on the following:

- Customer with an outstanding balance for EBCE charges exceeds \$250 in charges overdue for more than 90 days.
- The customer will be provided 60 days to pay or make payment arrangements.
- If payment in full is not received within 60 days from the date of notification, or the terms of an activated payment arrangement are not fulfilled, the EBCE

² https://www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_RULES_11.pdf

³ https://res.cloudinary.com/diactiwk7/image/upload/v1610763039/Item_12_-_Extension_of_Payment_Policy_Suspendr.pdf

customer account may be closed and returned to PG&E bundled generation service.

Forgiving or paying off EBCE charges on customer accounts could, in theory, help avoid disconnection if the customer utilizes those savings to pay off outstanding balances due to PG&E. However, if a customer continues to carry a balance with PG&E and does not take any of the above noted actions, per Rule 11, even with a zero balance with EBCE, a customer could still be disconnected.

Rather than mirror this SMUD program, staff recommends we find meaningful ways to avoid customer disconnections. A portfolio of efforts is managed through the Connected Communities Program.

- **Focus Groups** - EBCE is convening focus groups with customers that have experienced arrearage and disconnections to understand the challenges customers have in paying their bills. The first round of focus groups has been completed in English, Spanish, and Cantonese. These focus groups have identified a series of insights that EBCE will continue to explore in a second round of meetings, which will include a session in Tagalog. EBCE will use the insights gained from these focus groups to structure outreach and bill payment programs and discounts for customers struggling to pay their bills.
- **CARE/FERA Enrollment** - EBCE conducts regular direct email outreach to provide potential participants with information and enrollment applications for CARE and FERA, which provide discounts of 17 to 35% on energy bills. EBCE has created an information page on our website with a video about how qualification guidelines and ways to enroll at ebce.org/care.
- **Disadvantaged Community Green Tariff (DAC-GT) and Community Solar Green Tariff (CS-GT)** - These programs will give CARE customers living in the top 25% of CalEnviroScreen 3.0 census tracts an additional 20% discount on their bundled rate. There are approximately 15,000 accounts that are eligible for DAC-GT and CS-GT across EBCE's service territory. EBCE will be rolling out this program after the CPUC approves the advice letter submitted in September 2020. EBCE will be able to offer this discount to approximately 1,800 accounts and will be evaluating the impact of this discount on customer arrearages and likelihood of disconnection.
- **Arrearage Management Program (AMP)** - This Program is a CPUC-sponsored program that provided customers with debt forgiveness if they are able to pay current bills over the course of a year. Eligible customers can erase 1/12 of their current debt each month they pay their current due amount. This will allow customers to erase their debt balance over the course of a full year. EBCE will be encouraging customers to participate in this program and evaluating the results to determine the effectiveness of this intervention in reducing arrearage and likelihood of disconnection.

- **Solar PV for customers in arrears** - EBCE is partnering with Grid Alternatives to leverage the Disadvantaged Communities Single-Family Affordable Solar Homes (DAC-SASH) incentive to provide solar photovoltaic systems to a limited number of homeowners in EBCE territory that are in arrears and face the threat of disconnection. EBCE is funding the cost gap between available incentives and the cost of installing a solar system to offer this program to customers. Grid Alternatives is completing customer outreach and using local labor to install the systems.