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Commission Minutes

To: NCPA Commission
From: Carrie Pollo, Assistant Secretary to the Commission
Subject: NCPA Commission Meeting – April 25, 2024

1. *Call Meeting to Order and Introductions*

Chair Jerry Serventi called the meeting to order at 9:41 am at 651 Commerce Drive, Roseville, CA. Introductions were made and roll call was taken. Those in attendance are shown on the attached attendance list.

2. *Approve Minutes of the February 22, 2024 Commission Meeting* – These minutes were approved at the March 28, 2024 Commission meeting. No action was taken on this item.

PUBLIC FORUM

Chair Serventi asked if any members of the public were present who would like to address the Commission on the agenda items. No members of the public were present.

OPEN SESSION

Chair Serventi requested to amend the agenda to include an additional item.

General Counsel, Jane Luckhardt, provided the basis for adding an item to the agenda. Jane became aware of the item on April 24, 2024 when she received notice from a list serve. NCPA staff circulated and posted the agenda for the Commission meeting on April 18, 2024. This item needs immediate action. A motion to intervene is due on May 22, 2024, 30 days after petition is filed with the court. In addition, attorneys need time to draft the motion to intervene, circulate the draft for review, and file the motion with the court. The next Commission meeting is May 23, 2024.

MOTION: A motion was made by Sudhanshu Jain, and seconded by Pauline Rocucci to approve amending the agenda to add another case under Closed Session Item 25 – **CONFERENCE WITH LEGAL COUNSEL** – pursuant to Government Code Section 54956.9(d)(2) – Anticipated Litigation, two (2) cases – change to three (3) cases. The motion carried by 2/3 of those Members present on a roll call vote as follows:

	Vote	Abstained	Absent
Alameda	Y		
San Francisco BART	Y		
Biggs	Y		
Gridley			X
Healdsburg	Y		
Lodi	Y		
Lompoc	Y		
Palo Alto	Y		
Port of Oakland	Y		
Redding	Y		
Roseville	Y		
Santa Clara	Y		
Shasta Lake	Y		
Truckee Donner	Y		
Ukiah	Y		
Plumas-Sierra			X

REPORTS AND COMMITTEE UPDATES

3. General Manager’s Business Progress Report and Update

Randy Howard reported:

- Thanked everyone for attending today’s meeting.
- NCPA has been awarded a CEC Grant in the amount of \$7,113,672 for turbine technology upgrades at LEC.
- NCPA has also been awarded an APPA DEED grant for \$39,000 to support the planning and studies of the hydrogen transition at the LEC.
- NCPA received an APPA DEED Grant for a student intern in the accounting department.
- NCPA successfully negotiated an insurance settlement of \$6,169,682 related to the Geo turbine project loss.
- NCPA has been approved to move forward on a number of DOE 247 Grant opportunities this year related to the Hydroelectric Project, which are in the final stages of award.
- Several General Manager positions are becoming available including LADWP, Ava, and CMUA.

Chair Serventi thanked the staff for all of the Grants that NCPA has recently been awarded.

4. Executive Committee

Committee Chair Serventi reported the Executive Committee met this morning. A quorum of the Committee was established. Closed Session items were discussed during the meeting. The next Executive Committee meeting is scheduled for May 23, 2024.

5. Facilities Committee

Power Management Assistant General Manager, Tony Zimmer, reported that the Facilities Committee met on April 3, 2024. A quorum of the Committee was established. At that meeting the Committee discussed today’s Commission meeting Items 13 – 16 and 18, on the Consent Calendar and Items 19 – 20 and 22 – 23, under Discussion/Action. The Committee was supportive of the above-mentioned items. The Facilities Committee also met for a Special meeting on April 15, 2024. A quorum of the Committee was not established. At that meeting the Committee discussed today’s Commission meeting Item 17, under the Consent Calendar. The Committee was supportive of the above-mentioned item. The next Facilities Committee meeting is scheduled on May 1, 2024.

6. Finance Committee

Administrative Services Assistant General Manager, Monty Hanks reported that the Finance Committee has not met since the last Commission meeting. The next Finance Committee meeting is scheduled for May 7, 2024.

7. Legal Committee

General Counsel Jane Luckhardt reported the Legal Committee cancelled its regularly scheduled Legal Committee meeting for the month of April. The Committee met for a Special meeting on April 15, 2024 to discuss Closed Session items listed on today's agenda.

8. Legislative & Regulatory Affairs Committee

NCPA hosted its 20th Annual Federal Policy Conference in Washington, DC last week. NCPA co-hosts this advocacy event each year together with our partners at the Northwest Public Power Association (NWPPA) and together we cover 9 western states during our advocacy visits while we are there. We heard from policy leaders and key stakeholders on key issues including the hydrogen tax credit, supply chain, the Central Valley Project, and Farm Bill asks related to sediment removal at McKays Reservoir and wood waste removal associated with vegetation management around transmission lines. We had high-level meetings at the US Forest Service and the US Department of Energy—and met personally with several of our House members and also US Senator Laphonsa Butler and Representative Adam Schiff (thanks to Kathy Watanabe who made the in-person Schiff meeting possible). Thank you to all NCPA members who joined us for this important policy event—we appreciate the time you devote to these efforts and the excellent work you do in advancing the agency's federal policy priorities in Washington, DC.

NCPA representatives will be continuing to actively engage in Washington DC next week as we will be leading the Transmission Access Policy Study Group (TAPS) Spring Conference that will include FERC Chair Willie Phillips as a keynote presenter, as well as Jim Robb, President and CEO of NERC and Sue Kelly of the NERC Board. There will also be a panel of key legislative staff addressing transmission policy issues.

Next, Michael DeBortoli will be representing the agency at the Department of Energy's upcoming 2024 Annual Merit Review and Peer Evaluation Meeting (AMR) where hydrogen and fuel cell projects funded by DOE will be presented. The meeting will include presentations by all of the ARCHES hub awardees. This is an important event related to the Department's support of hydrogen development that was also highlighted for us by the hydrogen office in meetings last week.

9. Members' Announcements & Meeting Reporting

Councilmember Pauline Roccucci, from the City of Roseville, reported that she attended the annual Cap-to-Cap Event held in Washington, DC from April 13 – 17, 2024. It was a well-attended event with approximately 425 people in attendance. There were great discussions and information regarding wildfire mitigation.

CONSENT CALENDAR

Prior to the roll call vote to approve the Consent Calendar, the Commissioners were polled to determine if any Member wished to pull an item or abstain from one or more items on the Consent Calendar. No items were requested to be pulled from the Consent Calendar. No Members wished to abstain from any items.

MOTION: A motion was made by Jenelle Osborne and seconded by Sudhanshu Jain to approve the Consent Calendar consisting of Agenda Items 10 through 18. The motion carried by a majority of those Members present on a roll call vote as follows:

	Vote	Abstained	Absent
Alameda	Y		
San Francisco BART	Y		
Biggs	Y		
Gridley			X
Healdsburg	Y		
Lodi	Y		
Lompoc	Y		
Palo Alto	Y		
Port of Oakland	Y		
Redding	Y		
Roseville	Y		
Santa Clara	Y		
Shasta Lake	Y		
Truckee Donner	Y		
Ukiah	Y		
Plumas-Sierra			X

10. NCPA’s Financials for the Month Ended February 29, 2024 – approval by all Members.

11. NCPA’s Financials for the Month Ended March 31, 2024 – accept by all Members.

12. Treasurer’s Report for the Month Ended March 31, 2024 – accept by all Members.

13. Disposal of Northern California Power Agency Surplus Property – note and file the report by all members for the disposal of the following: Scrap Metal.
Fiscal Impact: This report has not direct fiscal impact to the Agency.

14. Resolution 24-42, Allied Power Group, LLC – Five Year Multi-Task General Services Agreement and Agreement for Purchase of Equipment, Materials and Supplies for Inspection and Maintenance Related Services and Materials; Applicable to the following: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement and Agreement for Purchase of Equipment, Materials and Supplies with Allied Power Group, LLC for inspection and maintenance related services and materials, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000 over five years, for use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA and SCPPA Members.
Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.

15. Resolution 24-43, Cornerstone Land Services, LLC – First Amendment to Five-Year Multi-Task General Services Agreement for Vegetation Management Related Services; Applicable to the following: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members – adopt resolution by all members authorizing the General Manager or his designee to enter into a First Amendment to the Multi-Task General

Services Agreement with Cornerstone Land Services, LLC for vegetation management related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, increasing the not-to-exceed \$200,000 to \$1,000,000, with no change to the contract term, for continued use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

Fiscal Impact: Upon execution, the total not to exceed amount of the agreement will increase from \$200,000 to \$1,000,000 over the remainder of the contract term. This enabling agreement does not commit NCPA to any expenditure of funds.

- 16. Resolution 24-44, Mountaineering Engineering Corp – Five-Year Multi-Task Professional Services Agreement for On-site Maintenance Contractor Oversight and Related Engineering Inspection Services; Applicable to the following: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task Professional Services Agreement with Mountaineering Engineering Corp for on-site maintenance contractor oversight and related engineering inspection services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$500,000 over five years, for use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA and SCPPA Members.

Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$500,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.

- 17. Resolution 24-52, NovaSync – Five-Year Multi-Task Professional Services Agreement for Cyber Security Maturity Improvement and Risk Assessment Software Development Services; Applicable to the following: All Northern California Power Agency (NCPA) Facilities (except the Lodi Energy Center), NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Five-Year Multi-Task Professional Services Agreement with NovaSync for cyber security maturity improvement and risk assessment software development services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$2,000,000, over five years for use at any facilities owned and/or operated by NCPA, NCPA Members, by SCPPA, and SCPPA Members, and delegating authority to the General Manager or his designee to execute any pass through cyber security grant related agreements with APPA and DOE.

Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.

- 18. Resolution 24-50, Northern California Power Agency's Cyber Insurance Liability Program Renewal for May 2024 to May 2025** – adopt resolution by all members authorizing the General Manager or his designee to negotiate and bind the Cyber Liability Insurance program for the term starting May 1, 2024, and ending May 1, 2025, at a not-to-exceed premium of \$265,000 for the Northern California Power Agency, which includes the Lodi Energy Center.

Fiscal Impact: The total cost of the policy year 2024 Cyber Liability Insurance program is estimated not to exceed \$265,000. This amount is already included in the Risk Management budget; therefore, no budget augmentation is required. The cost is split 90% to Integrated Systems Support which is included in the Nexant allocation model, and 10% to the A&G allocation methodology.

DISCUSSION/ACTION ITEMS

19. Resolution 24-45, NCPA Preliminary Studies and Investigations Procedure; Applicable to the following: All Northern California Power Agency (NCPA) Facilities and NCPA Members – adopt resolution by all members approving the NCPA Preliminary Studies and Investigations Procedure (GS-201), establishing a process for the use of funds in the Preliminary Studies and Investigations (PS&I) budget account, including the requirements for project evaluation approvals, funds tracking, and reimbursement.

Fiscal Impact: There are no fiscal impacts associated with the development of this procedure. As detailed in the procedure, NCPA staff will seek Commission approval prior to spending any funds from the PS&I Budget Account.

MOTION: A motion was made by Sudhanshu Jain and seconded by Pauline Roccucci recommending the Commission adopt Resolution 24-45 approving the NCPA Preliminary Studies and Investigations Procedure (GS-201), establishing a process for the use of funds in the Preliminary Studies and Investigations (PS&I) budget account, including the requirements for project evaluation approvals, funds tracking, and reimbursement. The motion carried by a majority of those members present on a roll call vote as follows:

	Vote	Abstained	Absent
Alameda	Y		
San Francisco BART	Y		
Biggs	Y		
Gridley			X
Healdsburg	Y		
Lodi	Y		
Lompoc	Y		
Palo Alto	Y		
Port of Oakland	Y		
Redding	Y		
Roseville	Y		
Santa Clara	Y		
Shasta Lake	Y		
Truckee Donner	Y		
Ukiah	Y		
Plumas-Sierra			X

20. Resolution 24-46, Phase 1 – Engineering Design Package for the NCPA Geothermal Plant 2 480V MCC Building Replacement Project; Applicable to the following: NCPA’s Geothermal Facility – adopt resolution by all members authorizing Phase 1 – Engineering Design Package for the Geothermal Plant 2 480V MCC Building Replacement Project and delegating authority to the General Manager or his designee to award bids, execute agreements, and to issue purchase orders for the project in accordance with NCPA purchasing policies and procedures, without further approval by the Commission, for a total not to exceed amount of \$350,000, with \$100,000 to be funded from the FY24 budget, and the remaining \$250,000 collected in the FY25 Geothermal budget.

Fiscal Impact: The total cost of Phase 1 – Engineering Design Package for the Geothermal Plant 2 480V MCC Building Replacement Project is anticipated not to exceed \$350,000. \$100,000 in funds for Phase 1 of the project were included in the approved FY24 Geothermal Budget. The remaining \$250,000 from this project will be collected in the FY25 Geothermal Budget.

➤ **This item was pulled from the agenda. No vote was taken.**

21. Resolution 24-41, Consolidation of Administrative Assistant/Office Administrator Series – adopt resolution by all members authorizing the General Manager to consolidate the Administrative Assistant/Office Administrator series by reclassifying the Office Assistant I and II to Administrative Clerk and Administrative Assistant/Office Administrator I under the revised Administrative Assistant/Office Administrator series. **Fiscal Impact:** There would be no initial fiscal impact – progression in levels would continue to be approved by the Manager, Assistant General Manager, and the General Manager.

MOTION: A motion was made by Jenelle Osborne and seconded by James “Bo” Sheppard recommending the Commission adopt Resolution 24-41 authorizing the General Manager to consolidate the Administrative Assistant/Office Administrator series by reclassifying the Office Assistant I and II to Administrative Clerk and Administrative Assistant/Office Administrator I under the revised Administrative Assistant/Office Administrator series. The motion carried by a majority of those members present on a roll call vote as follows:

	Vote	Abstained	Absent
Alameda	Y		
San Francisco BART	Y		
Biggs	Y		
Gridley			X
Healdsburg	Y		
Lodi	Y		
Lompoc	Y		
Palo Alto	Y		
Port of Oakland	Y		
Redding	Y		
Roseville	Y		
Santa Clara	Y		
Shasta Lake	Y		
Truckee Donner	Y		
Ukiah	Y		
Plumas-Sierra			X

22. Resolution 24-47, Exhibit C, Revision 26 to Contract 96-SNR-00110 (WAPA O&M Funding Commitment) – adopt resolution by all members authorizing the General Manager or his designee to execute Exhibit C, Revision 26 to Contact 96-SNR-00110, on behalf of NCPA, including any non-substantive modifications to Exhibit C, Revision 26 to Contract 96-SNR-00110 approved by NCPA’s General Counsel.

Fiscal Impact: WAPA will invoice and collect funds according to a monthly schedule. Approximately one (1) month following payment, WAPA will return funds to NCPA through a bill credit on the monthly WAPA power bill. Therefore, the net fiscal impact is approximately zero dollars (\$0.00). Costs associated with this commitment will be allocated to the Assigning Members based on Western Allocation percentages. NCPA’s authority to act on behalf of the Assigning Members is provided through the Assignment Administration Agreement (AAA Agreement), which requires an affirmative vote of all Assigning Members.

➤ **All Assigning Members were not present at this meeting so this item was pulled from the agenda. No vote was taken.**

23. Resolution 24-51, Approval of the FY2025 Annual Budget – adopt resolution by all members approving the FY2025 Annual Budget and Working Capital and Funding

Requirement as detailed in the attached budgetary support and Annual Budget document.

Fiscal Impact: The Executive Summary section of the budget document contains an analysis of the overall budget. The total proposed net annual budget cost for FY2025 is approximately \$566.1 million, which represents a decrease of \$108.7 million dollars or 16.1% from the FY2024 budget as summarized in the attached schedule. Allocation of the FY2025 Annual Budget between members and LEC participants is based on participation levels in NCPA programs and projects and the approved cost allocations. The final funding allocation for each member is attached to this staff report and shown in Section 13 of the budget document.

MOTION: A motion was made by Jenelle Osborne and seconded by Pauline Roccucci recommending the Commission adopt Resolution 24-51 approving the FY2025 Annual Budget and Working Capital and Funding Requirement as detailed in the attached budgetary support and Annual Budget document. The motion carried by a majority of those members present on a roll call vote as follows:

	Vote	Abstained	Absent
Alameda	Y		
San Francisco BART		X	
Biggs	Y		
Gridley			X
Healdsburg	Y		
Lodi	Y		
Lompoc	Y		
Palo Alto	Y		
Port of Oakland	Y		
Redding	Y		
Roseville	Y		
Santa Clara	Y		
Shasta Lake	Y		
Truckee Donner	Y		
Ukiah	Y		
Plumas-Sierra			X

CLOSED SESSION ITEMS

Non-essential Members and NCPA staff left the meeting for closed session items.

Chair Serventi asked General Counsel to move the Commission into Closed Session at 10:30 am to discuss Closed Session items 24 and 25. General Counsel Jane Luckhardt took the Commission into Closed Session.

24. CONFERENCE WITH LEGAL COUNSEL – pursuant to Government Code Section 54956.9(d)(1) and (4) – Existing and Potential Litigation regarding the following cases:

A) FERC Docket: Rate Case: *Pacific Gas and Electric Company, Federal Energy Regulatory Commission, Docket No. ER24-219*

D.C. Circuit: *Pacific Gas and Electric Co. v. Federal Energy Regulatory Commission, D.C. Circuit Case No. 24-1074*

B) FERC Dockets: Rate Cases:

FERC TO18:

- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. ER16-2320
- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. EL18-108

FERC TO19:

- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. ER17-2154
- *California Public Utilities Commission, et al. v. Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. EL17-95

FERC TO20:

- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. ER19-13
- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. ER19-1816
- *Pacific Gas and Electric Co.*, Federal Energy Regulatory Commission, Docket No. ER20-2265

D.C. Circuit:

- *Pacific Gas and Electric Co. v. Federal Energy Regulatory Commission*, D.C. Circuit Case No. 21-1061 (lead), consolidated with Case Nos. 21-1135, 21-1172, 21-1204, 22-1095, 22-1113.

25. CONFERENCE WITH LEGAL COUNSEL – pursuant to Government Code Section 54956.9(d)(1) – Anticipated Litigation, two (2) cases – changed to three (3) cases.

OPEN SESSION

RECONVENED TO OPEN SESSION

All meeting attendees rejoined the public meeting at 11:35 am.

REPORT FROM CLOSED SESSION

Closed Session Disclosure: General Counsel Jane Luckhardt reported there was no reportable action taken in closed session.

NEW BUSINESS

No new business was discussed.

ADJOURNMENT

The April 25, 2024 Commission meeting was adjourned at 11:38 am by Chair Serventi.

Respectfully submitted,

//
JERRY SERVENTI
Commission Chair

Prepared by,

//
CARRIE POLLO
Assistant Secretary to the Commission



Commission Meeting

April 25, 2024

COMMISSIONERS

Attendance List

NCPA Commissioners are requested to sign, but signature by members of the public is voluntary.

MEMBER	NAME
1 - ALAMEDA	Jerry Jensen
2 - BIGGS	Bob Sheppard
3 - GRIDLEY	
4 - HEALDSBURG	Terry Crowley
5 - LODI	Cameron Bregman
6 - LOMPOC	Jenelle Osborne
7 - PALO ALTO	Vicki Veentker
8 - PLUMAS-SIERRA REC	
9 - PORT OF OAKLAND	Khaly Nguyen
10 - REDDING	Julie Winter
11 - ROSEVILLE	Pauline Rocca
12 - SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	Yuliya Schmidt
13 - SANTA CLARA	Sudhanshu Jain
14 - SHASTA LAKE	James Takichara
15 - TRUCKEE DONNER	Jared Carpenter
16 - UKIAH	Cindy Samers



Commission Meeting
April 25, 2024
Attendance List

NCPA Commissioners, Alternates & Staff are requested to sign, but signature by members of the public is voluntary.

NAME	AFFILIATION
Michael DeBortoli	NCPA
MONTY HANKS	NCPA
Jane Cirrincione	NCPA
Tony Zimmer	NCPA
Dan Beans	Roseville
Randy Howard	NCPA
Jane Leckhardt	NCPA
Carnie Pollo	NCPA