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Commission Agenda

Date: May 23, 2024
Subject: NCPA Commission Meeting
Location: City of Santa Clara City Hall – 1500 Warburton Avenue, Santa Clara, CA 95050
Time: 9:00 am

In compliance with the Brown Act, you may participate at one of the meeting locations listed below or at NCPA, 651 Commerce Drive, Roseville, CA. In either case, please: 1) post this Agenda at a publicly accessible location at the participation location no later than 72-hours before the meeting begins, and 2) have a speaker phone available for any member of the public who may wish to attend at your location.

ALAMEDA MUNICIPAL POWER 2000 Grand Street Alameda, CA	BAY AREA RAPID TRANSIT DISTRICT 2150 Webster Street, 8 th Floor Oakland, CA	CITY OF GRIDLEY 685 Kentucky Street Gridley, CA
CITY OF HEALDSBURG CITY HALL 401 Grove Street Healdsburg, CA	CITY OF LODI CITY HALL 221 W. Pine Street Lodi, CA	CITY OF LODI 1331 Ham Lane Lodi, CA
CITY OF LOMPOC 100 Civic Center Plaza Lompoc, CA	PALO ALTO CITY HALL 3rd Floor 250 Hamilton Ave. Palo Alto, CA	PLUMAS-SIERRA REC 3524 Mullholland Way Sacramento, CA
LARRY PRICE Plumas-Sierra 971 Chandler Road Quincy, CA	THE PORT OF OAKLAND 530 Water Street Oakland, CA	JULIE WINTER REDDING 213 Shadowrun Court Redding, CA
CITY OF SHASTA LAKE 3570 Iron Court Shasta Lake, CA	TRUCKEE DONNER PUD 11570 Donner Pass Road Truckee, CA	CITY OF UKIAH 411 Clay Street Ukiah, CA

The Commission may take action on any of the items listed on this Agenda regardless of whether the matter appears on the Consent Calendar or is described as an Action Item, a Report or an Informational Item. This agenda is supplemented by Staff Reports which are available to the public upon request. Pursuant to California Government Code Section 54957.5, the following is the location at which the public can view Agendas and other public writings: NCPA Offices, 651 Commerce Drive, Roseville, California, or www.ncpa.com.

Time estimates are provided as part of the Commission's effort to manage its time at Commission meetings. Listed times are estimated only and are subject to change at any time, including while the meeting is in progress. The Commission reserves the right to use more or less time on any item, to change the order of items, and/or to continue items to another meeting.

Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public. To ensure participation in a particular item, we suggest arriving at the beginning of the meeting and remaining until the item is called.

Persons requiring accommodations in accordance with the Americans with Disabilities Act in order to attend or participate in this meeting are requested to contact the NCPA Secretary at (916) 781-3636 in advance of the meeting to arrange for such accommodations.

REVIEW SAFETY PROCEDURES

1. *Call Meeting to Order, Introductions and Roll Call (9:00 am – 9:10 am)*
2. *Approve Minutes of the March 28 and April 25, 2024 Commission Meetings (9:10 am – 9:15 am)*

PUBLIC FORUM

Any member of the public who desires to address the Commission on any item considered by the Commission at this meeting before or during the Commission's consideration of that item shall so advise the Chair and shall thereupon be given an opportunity to do so. Any member of the public who desires to address the Commission on any item within the jurisdiction of the Commission and not listed on the Agenda may do so at this time.

OPEN SESSION

REPORTS AND COMMITTEE UPDATES (9:15 am – 9:45 am)

3. General Manager's Business Progress Report and Update
4. Executive Committee
5. Facilities Committee
6. Finance Committee
7. Legal Committee
8. Legislative & Regulatory Affairs Committee
9. Members' Announcements & Meeting Reporting

CONSENT CALENDAR (9:45 am – 10:00 am)

All items on the Consent Calendar are considered routine and will be approved without discussion by a single roll call vote. Any Commissioner or member of the public may remove any item from the Consent Calendar. If an item is removed, it will be discussed separately following approval of the remainder of the Consent Calendar. Prior to the roll call vote to approve the Consent Calendar, the Commissioners will be polled to determine if any Member wishes to abstain from one or more items on the Consent Calendar.

10. *NCPA's Financials for the Month Ended April 30, 2024* – accept by all members.

11. **Treasurer's Report for the Month Ended April 30, 2024** – accept by all members.
12. **Resolution 24-55, Mechanical Analysis Repair, Inc. dba Martech – Five Year Multi-Task General Services Agreement; 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 with Mechanical Analysis Repair, Inc. dba Martech for machining and motor maintenance related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,500,000 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 \$1,500,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.
13. **Resolution 24-56, Environex, Inc. – Five Year Multi-Task Professional Services Agreement; Applicable to the following: All NCPA Facilities, NCPA Members, 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 Environex, Inc. for catalyst testing related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 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 \$1,000,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.
14. **Resolution 24-57, KSB, Inc – Five Year Multi-Task General Services Agreement; Applicable to the following: All NCPA Facilities, NCPA Members, 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 with KSB, Inc. for pump maintenance related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 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 \$1,000,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.
15. **Resolution 24-58, Kobelco Compressors America, Inc. – Five Year Multi-Task Agreement; Applicable to the following: All NCPA Facilities** – adopt resolution by all members authorizing the General Manager or his designee to enter into a Multi-Task Agreement for Purchase of Equipment, Materials, and Supplies with Kobelco Compressors America, Inc. for fuel gas compressors, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$750,000 over five years, for use at any facilities owned and/or operated by NCPA.
Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$750,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.
16. **Resolution 24-59, Kimberly Fields dba K. Weatherman Logging – Five-Year Multi-Task General Services Agreement; Applicable to the following: All NCPA Facilities, NCPA Members, SCPPA, and SCPPA Members** – adopt resolution authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement with Kimberly Fields dba K. Weatherman Logging for vegetation management related services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$1,000,000 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 \$1,000,000 over five years. This enabling agreement does not commit NCPA to any expenditure of funds.

- 17. Resolution 24-54, Cool the Earth – First Amendment to Three Year Multi-Task Consulting Services Agreement; Applicable to the following: All NCPA Facilities, NCPA Members, the 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 Consulting Services Agreement (MTCSA) with Cool the Earth for Electrification Education and Outreach Services, with any non-substantial changes recommended and approved by the NCPA General Counsel, to extend the term of the Agreement for an additional two-year period, for continued use by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

Fiscal Impact: The total not to exceed amount of the agreement will remain at \$750,000 for the amended contract term. This enabling agreement does not commit NCPA to any expenditure of funds.

- 18. Amended Resolution 24-02, Second Amendment to Resolution 24-02 Authorizing the Application of \$6,100,000 of Geo Insurance Claim Proceeds to Plant 1, Unit 2 Turbine Overhaul Project, thus Reducing the Need for the Transfer of Geo Decommissioning Reserve from \$7,200,000 to \$1,100,000** – adopt resolution by all members approving the Second Amendment to Resolution 24-02 authorizing the application of \$6,100,000 Geo insurance claim proceeds to fund the Geo Plant 1, Unit 2 Turbine Overhaul Project, thus reducing the need for the transfer of Geo Decommissioning Reserve funds from \$7,200,000 to \$1,100,000 to pay for the repairs.

Fiscal Impact: Approval of this resolution creates a favorable fiscal impact by removing the need to increase future collections required for the Geo Decommissioning Reserve.

- 19. Resolution 24-62, Approval of the NCPA Investment Policy and Guidelines No. 200-100** – adopt resolution by all members authorizing revisions to NCPA’s Investment Policy and Guidelines No. 200-100.

Fiscal Impact: There is no direct dollar impact to this proposed policy. The resolution approves the Agency policy surrounding investments. The policy follows the California Government Code, Sections 53600 and 53635 et seq. and in some cases is more restrictive so that the Agency can achieve investment goals, define rules, and reduce exposure to liability and loss.

Consent Items pulled for discussion: _____

DISCUSSION/ACTION ITEMS (10:00 am – 10:30 am)

- 20. Resolution 24-60, Geothermal Plant 2, Unit 4 Cooling Tower Improvement Project; Applicable to the following: NCPA’s Geothermal Facility** – adopt resolution by all members authorizing the Geothermal Plant 2, Unit 4 Cooling Tower Improvement 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 \$800,000, to be funded from the FY24 Geothermal Facility budget.

Fiscal Impact: The total cost is anticipated not to exceed \$800,000. Funds of \$800,00 for the project were included in the approved FY24 Geothermal Budget.

- 21. Resolution 24-61, Phase 1 – SEGEP Surge Tanks Refurbishment Project; Applicable to the following: NCPA’s Geothermal Facility** – adopt resolution by all members authorizing the SEGEP Surge Tank Refurbishment 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 \$1,200,000, and delegating authority to the General Manager to authorize 50% of the funding to come from the Geothermal Facility FY 2024 budget with the remaining 50% of the funding to be billed to and collected from Calpine Corporation.

Fiscal Impact: The total project cost is anticipated not to exceed \$1,200,000. Since NCPA is performing the procurement and invoicing due to its contractual obligations, NCPA will initially pay all project costs and will then invoice Calpine for its 50% share. Funds for the \$600,000 NCPA share of the project were included in the approved FY2024 Geothermal Facility Budget, and Calpine Corporation has agreed through our contractual procedures to fund their share of \$600,000 for the project through monthly billing cycles. Per the terms in Section 6 – Allocation and Payment of Costs of the Amended and Restated Steam Suppliers Joint Operating Agreement Southeast Geysers Effluent Pipeline Project, payment is due to NCPA within 15-days of the invoice date.

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.

23. Resolution 24-63, Grace Orchard Energy Center, LLC Renewable Power Purchase Agreement and Third Phase Agreement for Renewable Power Purchase Agreement with Grace Orchard Energy Center, LLC – adopt resolution by all members approving (i) the Renewable Power Purchase Agreement between Northern California Power Agency (NCPA) and Grace Orchard Energy Center, LLC (PPA), and (ii) the Third Phase Agreement for Renewable Power Purchase Agreement with Grace Orchard Energy Center, LLC (Third Phase Agreement), and to authorize the General Manager of NCPA to enter into the PPA and Third Phase Agreement on behalf of NCPA, including any modifications to the PPA and Third Phase Agreement approved by the NCPA General Counsel.

Fiscal Impact: Pursuant to the terms and conditions of the Third Phase Agreement, each Participant acknowledges and agrees to be bound by the terms and conditions of the Third Phase Agreement, and that the Third Phase Agreement is written as a “take-or-pay” agreement, and any Products delivered to NCPA under the PPA shall be delivered to each Participant in proportion to such Participant’s Project Participation Percentage as set forth in Exhibit A of the Third Phase Agreement, and each Participant shall accept and pay for its respective percentage of such Products.

NCPA’s costs for development and administration of the PPA and the Third Phase Agreement will be allocated to Members in accordance with the Third Phase Agreement, the Power Management and Administrative Services Agreement, the Amended and Restated Facilities Agreement, and approved cost allocation methodologies as described in the NCPA annual budget.

CLOSED SESSION ITEMS (10:30 – 11:30 am)

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

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)(2) – Anticipated Litigation, two (2) cases.

OPEN SESSION

REPORT FROM CLOSED SESSION

NEW BUSINESS

ADJOURNMENT

js/cp