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Commission Agenda

Date: February 22, 2024

Subject: NCPA Commission Meeting

Location: NCPA Headquarters, 651 Commerce Drive, Roseville CA

Time: 9:30 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.

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	PALO ALTO CITY HALL Ground Level 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 SANTA CLARA City Hall 1500 Warburton Avenue Santa Clara, CA	CITY OF SHASTA LAKE 4332 Vallecito Street Shasta Lake, CA
CITY OF LOMPOC 100 Civic Center Plaza Lompoc, 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 (9:30 am – 9:40 am)*
2. *Approve Minutes of the January 5, 2024 Special Commission Meeting and January 18, 2024 Commission Meeting (9:40 am – 9:45 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 (9:45 am – 10:15 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 (10:15 am – 10:30 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 December 31, 2023*** – approval by all members.
11. ***Treasurer's Report for the Month Ended December 31, 2023*** – accept by all members.
12. ***Disposal of Northern California Power Agency Surplus Property*** – note and file the report by all members for the disposal of the following: 2000 Expedition from Hydro.
Fiscal Impact: This report has not direct fiscal impact to the Agency.
13. ***Debt and Interest Rate Management Report Ending December 31, 2023*** – accept by all members.
Fiscal Impact: There is no fiscal impact in accepting the Debt and Interest Rate Management Report for the period ending December 31, 2023. There were no material changes, and no defaults and the ratings remained the same on the rated projects.
14. ***Resolution 24-23, American Power Systems, LLC – Five Year Multi-Task General Services Agreement for Battery Testing Related Services; Applicable to the following: All Northern California Power Agency (NCPA) Facilities, NCPA Members, Southern California Public Power Authority (SCPPA), and SCPPA Members*** – authorizing the General Manager or his designee to enter into a Multi-Task General Services Agreement with American Power Systems, LLC for battery testing related 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.
15. ***Resolution 24-24, KW Emerson, Inc. – Five Year Multi-Task General Services Agreement for General Maintenance 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 Multi-Task General Services Agreement with KW Emerson, Inc. for general 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.
16. ***Resolution 24-25, Alliance Cooling Products and Construction, Inc. – First Amendment to Five Year Multi-Task General Services Agreement for Maintenance 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 Alliance Cooling Products and Construction, Inc. for maintenance services, including cooling tower structures and equipment, stretford systems, buildings, structures, fiberglass piping, and other miscellaneous maintenance, with any non-substantial changes recommended and approved by the NCPA General Counsel, increasing the not to exceed amount from \$1,000,000 to \$6,000,000 and amending Exhibit B – Compensation Schedule and Hourly Fees, 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 \$1,000,000 to \$6,000,000 over the remainder of the contract term. This enabling agreement does not commit NCPA to any expenditure of funds.

17. Resolution 24-31, Frontier Energy, Inc.– First Amendment to Three Year Multi-Task Consulting Services Agreement for Electrification Education and Outreach Services; Applicable to the following: Northern California Power Agency (NCPA), NCPA Members, the 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 Consulting Services Agreement (MTCSA) with Frontier Energy, Inc. 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 and to update the Scope of Services and Compensation Schedule, for continued use by NCPA, NCPA Members, by SCPPA, and SCPPA Members.

Fiscal Impact: Upon execution, the total not to exceed amount of the agreement will remain at \$1,000,000 for the amended contract term. This enabling agreement does not commit NCPA to any expenditure of funds.

18. Resolution 24-32, Kanner & Associates, LLC—One Year Multi-Task Consulting Services Agreement—with a right to renew up to additional two years—for Federal Legislative Consulting Services; Applicable to the following: Northern California Power Agency (NCPA) – authorizing the General Manager or his designee to enter into a Multi-Task Consulting Services Agreement and Option Agreement with Kanner and Associates, LLC consulting for federal legislative and regulatory consulting services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$300,000 for a one-year agreement including a right to renew for up to two additional years, for use by NCPA.

Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$300,000.00 for one year including the right to renew for up to two additional years. The fee for these federal legislative services will be paid as a \$25,000 monthly retainer, including approved travel expenses. There is no change to the cost of the retainer from the previous contract, and this retainer amount has remained the same since July 2011. NCPA expenditures for these services are limited to the amount authorized for federal legislative advocacy by the NCPA Commission in the agency’s annual budget.

19. Resolution 24-28, Approval of Western Area Power Administration (WAPA) 2024 Renewable Energy Credit (REC) Program Letter of Agreement 24-SNR-03048 – adopt resolution by all members authorizing the General Manager or his designee to execute the WAPA 2024 REC Program Letter of Agreement 24-SNR-03048, on behalf of NCPA, including any non-substantive modifications to the WAPA 2024 REC Program Letter of Agreement 24-SNR-03048 approved by NCPA’s General Counsel.

Fiscal Impact: Costs associated with entering into the WAPA 2024 REC Program Letter of Agreement 24-SNR-03048 are estimated to be less than \$10,000 for the term of the agreement, and will be allocated according to Base Resource percentages of the represented Members. NCPA’s administrative costs for development and administration of the agreement will be allocated to Members in accordance with approved cost allocation methodologies as described in the NCPA annual budget.

20. Amended Resolution 21-120, Execute Amended Confirmation Number 0236 for CLEAResult Consulting, Inc. Services to the City of Santa Clara/Silicon Valley Power and Issue a Corresponding Change Order to the Existing Purchase Order Under the Support Services Program for Services through December 17, 2025 –

adopt Amended Resolution 21-120 by all members authorizing the NCPA General Manager or his designee to execute Amended Confirmation Number 0236, with any non-substantive changes as approved by the NCPA General Counsel, and issue a Change Order to the existing Purchase Order to CLEAResult Consulting, Inc. for electric vehicle charging infrastructure assistance, electrification education, and electrification assessment services through December 17, 2025.

Fiscal Impact: There is no fiscal impact to NCPA. The services provided by CLEAResult to SVP will be billed to and paid by SVP pursuant to the terms of the Support Services Program Agreement. NCPA's administrative costs will be reimbursed by SVP.

21. Resolution 24-18, Approval of Northern California Power Agency's Casualty Insurance Program Renewal for March 2024 to March 2025 – adopt resolution by all members authorizing the General Manager or his designee to negotiate and bind the Casualty Insurance program for the term starting March 1, 2024, and ending March 1, 2025, at a not-to-exceed premium of \$2,500,000 for the Northern California Power Agency and Lodi Energy Center.

Fiscal Impact: The total cost to renew the Casualty Insurance program is estimated not-to-exceed \$2,500,000. This amount is already included in the Risk Management budget; no budget augmentation is required.

22. Resolution 24-20, GDS Nexant Cost Allocation Model Update for Fiscal Year 2025 – adopt resolution by all members approving the annual updates to the Nexant Model to allocate budgeted costs to members for Fiscal Year 2025.

Fiscal Impact: The annually updated Nexant determinants will result in a change to all members' allocated shares of Power Management costs in varying amounts. Table 1 of Appendix A provides indicative changes in allocated Nexant Power Management costs to members based on current Fiscal Year 2024 budget after applying updated Calendar Year 2023 determinants to the model.

Consent Items pulled for discussion: _____

DISCUSSION/ACTION ITEMS (10:30 am – 11:15 am)

23. Resolution 24-26, Lake Alpine Handrails and Walkway Replacement Project; Applicable to the following: Northern California Power Agency (NCPA) Hydroelectric Project – adopt resolution by all members authorizing the Lake Alpine Handrail and Walkway 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 \$1,690,000, and authorizing \$235,000 from the approved FY24 budget and the remaining \$1,455,000 collected in the FY25 Hydroelectric budget. A FEMA claim has been submitted and if any collections are received, funds will be refunded during the final settlements for the fiscal year they were received.

Fiscal Impact: The total cost of the Lake Alpine Handrail and Walkway Replacement Project is estimated to be \$1,690,000 which includes maintenance work, engineering and inspection services during the project, and contingency funds. This Project will be funded using \$235,000 of the available FY24 budget and the remaining \$1,455,000 collected in the FY25 Hydroelectric budget. A breakdown of project costs is included in the table below.

Funding	Amount
Maintenance P.O.	\$1,322,810
Engineering Services During Work (12%)	\$159,000
Contingency (14%)	\$208,190
Total	\$1,690,000

FEMA has indicated that this project is a candidate for reimbursement. NCPA staff provided the FEMA inspection team with an inspection tour of the site on September 18, 2023, and continues to work closely with FEMA providing responses to all of their requests for information. If any FEMA collections are received, they will be refunded during the final settlements for the fiscal year they were received.

24. Resolution 24-27, FERC 2409 Part 12 Independent Consultant Inspection (IC) Project – Applicable to the following: Northern California Power Agency (NCPA) Hydroelectric Project – adopt resolution by all members authorizing the FERC 2409 Part 12 Independent Consultant (IC) Inspection 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 \$709,500, and authorizing \$70,950 from the approved FY24 budget and the remaining \$638,550 collected in the FY25 Hydroelectric budget.

Fiscal Impact: The total cost of the FERC 2409 Part 12 Independent Consultant (IC) Inspection Project is estimated to be \$709,500, which includes research, dam safety engineering, inspections, workshops, risk analyses, and reporting. In order to meet the FERC deadlines of April and June 2025, this Project will be funded using \$70,950 of available resources in the FY24 budget and the remaining \$638,550 collected in the FY25 Hydroelectric budget. FERC issued new regulations to NCPA on November 11, 2023, and provided clarifying review schedule timelines during a mandatory pre-bid FERC-Licensee conference call on January 11, 2024 which necessitates the issuance of a FERC Part 12 IC inspection contract in early March 2024 in order to maintain FERC regulatory compliance. A breakdown of project costs is included in the table below.

Funding	Amount
Part 12 (IC) Contract Estimate	\$645,000
Contingency (10%)	\$64,500
Total	\$709,500

25. Amended Resolution 21-109, Fourth Amendment to Resolution 21-109 NCPA Geothermal Plant 2, Unit 4 Overhaul Project; Applicable to the following: NCPA Geothermal Facility – adopt resolution by all members approving the Fourth Amendment to Resolution 21-109 for the NCPA Geothermal Plant 2 Unit 4 Overhaul Project increasing the total not-to-exceed amount of this project from \$7,400,000 to \$7,591,623 for settlement of the final invoice to close out the project.

Fiscal Impact: Throughout this project, a number of change orders to the agreement with RTS were executed, resulting in an updated total project cost of \$7,312,440.43. The proposed Fourth Amendment to Resolution 21-109 would increase the not to exceed amount by \$191,623, for an updated total project authorization of \$7,591,623. This additional work will be funded from the cancelled Intertie Switch Project, which was budgeted at \$1,750,000. Of that, \$990,725 was previously authorized for additional

turbine related work related to this project. There remain sufficient funds from this project to cover the remaining costs of the work.

26. Resolution 24-19, Appointment to the NCPA Finance Committee – adopt resolution by all members appointing Teri Alderson, acting Assistant General Manager of Administration for Alameda Municipal Power, as a member of the Finance Committee.
Fiscal Impact: There is no fiscal impact in appointing Teri Alderson as a member of the Finance Committee.

27. Resolution 24-22, Approval to Explore the Merits and Risks of an Energy Prepayment Transaction – adopt resolution by all members authorizing the General Manager to direct staff to explore the merits and risks of a prepayment bond transaction regarding the Geysers Power Purchase Agreement. Staff will return to the Commission with a recommendation to continue moving forward or to discontinue this effort.
Fiscal Impact: Rates as of October 2023 showed an estimated savings (or discount) of ~\$6/MWh from the contract price, equivalent to ~\$60 million in retail ratepayer savings over the 12-year term of the PPA. This is net of all cost of issuance expenses. Please note that a higher interest rate environment helps provide higher savings.

28. Resolution 24-21, Approval of Revisions to NCPA's Energy Risk Management Regulations – adopt resolution by all members approving revised Energy Risk Management Regulations.
Fiscal Impact: There is no fiscal impact to approving the revisions to NCPA's Energy Risk Management Regulations.

CLOSED SESSION ITEMS (11:15 – 12:00)

29. CONFERENCE WITH LEGAL COUNSEL – pursuant to Government Code Section 54956.9(d)(1) – Existing 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.

30. CONFERENCE WITH LEGAL COUNSEL – pursuant to Government Code Section 54956.9(d)(1) – Anticipated Litigation, one (1) case.

31. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION –
 a) Labor negotiations pursuant to Government Code Section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resources Manager Brynna Bryant; Unrepresented Public Employee: General Manager; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Employee: One Category: General Manager.

32. CONFERENCE WITH LABOR NEGOTIATORS AND PERFORMANCE EVALUATION –
 a) Labor negotiations pursuant to Government Code Section 54957.6: Agency representatives: NCPA Executive Committee Members and Human Resources Manager Brynna Bryant; Unrepresented Public Employee: General Counsel; and b) Performance evaluation pursuant to Government Code Section 54957: Unrepresented Public Employee: One Category: General Counsel.

OPEN SESSION

REPORT FROM CLOSED SESSION

DISCUSSION/ACTION ITEMS (12:00 pm – 12:15 pm)

33. Resolution 24-29, Approval of the Second Amendment to the Amended Employment Agreement for Randy S. Howard, General Manager – adopt resolution by all members approving the Second Amendment to the Amended Employment Agreement for Randy S. Howard; authorize the Chair of the Commission to execute the Second Amendment to the Amended Employment Agreement for Randy S. Howard; authorize the Chair of the Commission to provide a one-time employer contribution of 3.5% to the General Manager’s 401A account effective as soon as administratively possible, and approve the General Manager’s Performance Goals for 2024.
Fiscal Impact: The cost associated with the General Manager’s compensation change is covered within the current fiscal year budget. No budget augmentation is required.

34. Resolution 24-30, Approval of the Seventh Amendment to the Employment Agreement with Jane E. Luckhardt, General Counsel – adopt resolution by all members approving the Seventh Amendment to the Employment Agreement between NCPA and Jane E. Luckhardt; authorize the Chair of the Commission to execute the Seventh Amendment to the Employment Agreement; authorize the Chair of the Commission to adjust the annual salary to 99.89% of the General Counsel classification control point per the 2024 NCPA Administrative Wage Schedule, effective as of the first pay period in 2024, and approve the General Counsel’s Performance Goals for 2024.
Fiscal Impact: The cost associated with the General Counsel’s compensation change is covered within the current fiscal year budget. No budget augmentation is required.

NEW BUSINESS

ADJOURNMENT