



651 Commerce Drive,
Roseville, CA 95678

phone (916) 781-3636
fax (916) 783-7693
web www.ncpa.com

Commission Agenda

Date: December 1, 2022
Subject: NCPA Commission Meeting
Location: NCPA, 651 Commerce Drive, Roseville, CA 95678
Time: 9:30 am

* In compliance with the Brown Act, you may participate at one of the meeting locations listed below. 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. *

<p>SAN FRANCISCO BAY AREA RAPID TRANSIT 300 Lakeside Drive Oakland, CA</p>	<p>CITY OF HEALDSBURG CITY HALL 401 Grove Street Healdsburg, CA</p>	<p>PALO ALTO CITY HALL Ground Level 250 Hamilton Ave. Palo Alto, CA</p>
<p>LARRY PRICE Plumas-Sierra 971 Chandler Road Quincy, CA</p>	<p>MIKE BROZO Plumas-Sierra 3524 Mulholland Way Sacramento, CA</p>	<p>THE PORT OF OAKLAND 530 Water Street Oakland, CA</p>
<p>JULIE WINTER REDDING 213 Shadowrun Court Redding, CA</p>	<p>REDDING ELECTRIC 3611 Avtech Parkway Redding, CA</p>	<p>SILICON VALLEY POWER 881 Martin Ave. Santa Clara, CA</p>
<p>CITY OF SHASTA LAKE 4332 Vallecito Street Shasta Lake, CA</p>	<p>TRUCKEE DONNER PUD 11570 Donner Pass Road Truckee, CA</p>	<p>CITY OF UKIAH City Hall Annex 411 W. Clay Street Ukiah, CA</p>

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 – 9:35 am)*
2. *Approve Minutes of the November 3, 2022, Regular Commission Meeting (9:35 am – 9:40 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 (9:40 am – 10:00 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 (10:00 am – 10:10 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 October 31, 2022 – approval by all members.

11. Treasurer's Report for the Month Ended October 31, 2022 – 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: Scrap metal, heat exchanger from HVAC, valves and motors from Geothermal Plant.

Fiscal Impact: This report has no direct fiscal impact to the Agency.

13. Resolution 22-116, Performance Mechanical, Inc. – Five Year Multi-Task General Services Agreement for General T&M 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 Multi-Task General Services Agreement with Performance Mechanical, Inc. for general T&M maintenance services, with any non-substantial changes recommended and approved by the NCPA General Counsel, which shall not exceed \$4,000,000 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 \$4,000,000 over five years.

14. Resolution 22-117, TNT Industrial Contractors, Inc. – Five Year Multi-Task General Services Agreement for General T&M 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 Multi-Task General Services Agreement with TNT Industrial Contractors, Inc. for general T&M maintenance 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.

Fiscal Impact: Upon execution, the total cost of the agreement is not to exceed \$2,000,000 over five years.

15. Resolution 22-119, Approval of the FY 2021-2022 Annual Billing Settlements – adopt resolution and the attachments thereto by all members regarding the FY 2021-2022 Annual Billing Settlements.

Fiscal Impact: Upon approval by the Commission, the amount of \$5,733,207 will be distributed to participants. NCPA member refund amounts will be deposited into their respective General Operating Reserve accounts. Non-members will receive a refund or collection miscellaneous billing in early December.

- 16. Resolution 22-120, Delegate Investment Duties to the Treasurer-Controller for Calendar Year 2023** – adopt resolution by all members delegating to the Treasurer-Controller the authority to establish proper safeguards, controls, and procedures to maintain NCPA funds in a lawful, rational, and prudent manner including the investment of such funds until the authority is revoked or expires, and shall make a report each month of those transactions to the Commission.
Fiscal Impact: There is no direct dollar impact to this proposed policy. The resolution delegates authority to the Treasurer-Controller for the investment activities of the Agency.
- 17. Resolution 22-121, Authorize Northern California Power Agency General Manager to Execute Confirmation Number 0282 for Ascend Analytics, LLC Services to the City of Vernon/Vernon Public Utilities and Issue a Corresponding Purchase Order Under the Shared Services Agreement** – adopt resolution by all members authorizing the NCPA General Manager or his designee to execute Confirmation Number 0282, with any non-substantive changes as approved by the NCPA General Counsel and SCPA General Counsel, and issue a corresponding Purchase Order to Ascend Analytics, LLC for Integrated Resource Plan services to the City of Vernon/Vernon Public Utilities.
Fiscal Impact: There is no fiscal impact to NCPA. The services provided by Ascend Analytics, LLC to Vernon will be billed to and paid by Vernon pursuant to the terms of the Confirmation under the Shared Services Agreement. NCPA's administrative costs will be reimbursed by Vernon.
- 18. Resolution 22-122, Revised Deposit Calculation for Third Phase Agreements, Market Purchase Program, Gas Purchase Program, NCPA Green Power Program, and Single Member Services Agreements** – adopt resolution by all members authorizing the General Manager or his designee to temporarily implement revised deposit calculation requirements for the Third Phase Agreements, Market Purchase Program, Gas Purchase Program, NCPA Green Power Program, and Single Member Service Agreements (collectively “Programs”) based on the highest single-month contract cost(s) plus the two highest months of negative Mark-to-Market over the upcoming twelve months until final recommendations of the Reserve and Program Security Deposit Study can be approved by the Commission. In addition, each Program deposit calculation requirement shall be updated biannually during the first and third quarters and/or market purchase(s).
Fiscal Impact: Approval of Resolution 22-122 will not have a direct impact on the appropriations already authorized by the approval of the FY2023 budget. This action will temporarily modify how the Security Deposit Calculation is performed for each respective agreement until final recommendations can be approved by the Commission.
- 19. Resolution 22-123, Approval of Meter Data Management Agent Services Agreement between the Northern California Power Agency and Trimark Associates, Inc.; This Agreement is for use at BART Facilities Only** – adopt resolution by all members approving the Meter Data Management Agent Services Agreement between Northern California Power Agency (NCPA) and Trimark Associates, Inc., and authorize the General Manager or his designee to enter into a Meter Data Management Agent Services Agreement between NCPA and Trimark, on behalf of NCPA, to supply Meter Data Management Agent (MDMA) services to the San Francisco Bay Area Rapid Transit District (BART), including any non-substantial modifications to the Meter Data Management Agent Services Agreement recommended and approved NCPA's General Counsel.
Fiscal Impact: The Meter Data Management Agent Services Agreement includes a not to exceed amount of \$300,000 for a term of two (2) years. Pursuant to the BART SMSA, all

charges and costs for MDMA services supplied to NCPA on behalf of BART, will be passed through to BART by including such charges and costs in BART's All Resources Bill.

- 20. Resolution 22-125, Approval of Authority to Execute a Third Amendment to the Antelope Expansion 1B, LLC Power Purchase Agreement** – adopt resolution by all members authorizing the General Manager of NCPA to execute a Third Amendment to the Power Purchase Agreement between NCPA and Antelope Expansion 1B, LLC (PPA), to extend the Outside Commercial Operation Date to February 28, 2023, as such may be required, including any modifications to the Third Amendment to the PPA approved by NCPA's General Counsel.
Fiscal Impact: Work associated with developing a Third Amendment to the PPA will be undertaken pursuant to approved Power Management budget categories, and costs associated with this effort are allocated in accordance with approved cost allocation methodologies as described in the NCPA annual budget.

Consent Items pulled for discussion: _____

DISCUSSION / ACTION ITEMS (10:10 am – 11:00 am)

- 21. Resolution 22-118, PG&E Negotiated Gas Transmission Rate Agreement Extension** – adopt resolution by all members authorizing the General Manager or his designee to negotiate and execute an extension of the Negotiated Gas Transmission Rate Agreement executed in 2019 between NCPA and PG&E, not to exceed the proposed 2023 volumetric rate.
Fiscal Impact: The negotiated rate structure will allow NCPA's Combustion Turbines (LEC, CT2, and CT1) to be more competitive in the market, which will allow for a higher capacity factor and increased margins.
- 22. Resolution 22-124, Approval of Purchase Agreements Between Geysers Power Company, LLC and Northern California Power Agency, and the Third Phase Agreement for Purchase Agreements with Geysers Power Company, LLC** – adopt resolution by all members approving: (i) the Purchase Agreements between Geysers Power Company, LLC, and Northern California Power Agency (NCPA), and (ii) the Third Phase Agreement for Purchase Agreements with Geysers Power Company, LLC, and authorize the General Manager of NCPA, acting on behalf of NCPA, to enter into (i) the Purchase Agreements between Geysers Power Company, LLC, and NCPA, and (ii) the Third Phase Agreement for Purchase Agreements with Geysers Power Company, LLC, including any modifications to the Purchase Agreements or Third Phase Agreement recommended and 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 resource adequacy capacity and renewable energy products delivered to NCPA under the Purchase Agreements 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 resource adequacy capacity and renewable energy products. NCPA's costs for development and administration of the Purchase Agreements 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.

23. Resolution 22-126, Find: 1) the California Energy Commission (CEC) exercised its exclusive jurisdiction and licensed Northern California Power Agency's Geothermal Plant 2 on December 29, 1982, 2) the CEC's power plant site certification program has been certified by the Secretary of Resources as a California Environmental Quality Act (CEQA) equivalent program (14 C.C.R. §15251[jj]), 3) all maintenance activities are subject to the conditions of certification adopted by the CEC, 4) the Geothermal Plant 2 Unit 4 Overhaul Project is a maintenance project subject to and consistent with the CEC's license as all work will be done within the existing power plant building, and 5) to the extent this project is not covered by the above, the proposed activities qualify for CEQA categorical exemptions found in the CEQA Guidelines Sections 15301(b), 15302(c) and 15311(c) (Classes 1, 2 and 11 as described in Title 14 of the California Code of Regulations at §§15000 et seq.) – adopt resolution by all members finding: 1) the California Energy Commission (CEC) exercised its exclusive jurisdiction and licensed Northern California Power Agency's Geothermal Plant 2 on December 29, 1982, 2) the CEC's power plant site certification program has been certified by the Secretary of Resources as a California Environmental Quality Act (CEQA) equivalent program (14 C.C.R. §15251[jj]), 3) all maintenance activities are subject to the conditions of certification adopted by the CEC, 4) the Geothermal Plant 2 Unit 4 Overhaul Project is a maintenance project subject to and consistent with the CEC's license as all work will be done within the existing power plant building, and 5) to the extent this project is not covered by the above, the proposed activities qualify for CEQA categorical exemptions found in the CEQA Guidelines Sections 15301(b), 15302(c) and 15311(c) (Classes 1, 2 and 11 as described in Title 14 of the California Code of Regulations at §§15000 et seq.)
Fiscal Impact: Approval of these CEQA findings has no direct fiscal impact to the Agency.

24. Amend Resolution 21-109, NCPA Geothermal Plant 2, Unit 4 Overhaul Project Modifying the Scope and Requesting Additional Funds; Applicable to the following: NCPA Geothermal Facility – adopt amended resolution 21-109 by all members for the NCPA Geothermal Plant 2 Unit 4 Overhaul Project, modifying the scope of work and increasing the total not-to-exceed amount of this project from \$3,500,000 to \$5,000,000, and delegating authority to the General Manager or his designee to award bids, execute agreements, and to issue purchase orders for the project, and authorizing the use of \$1,500,000 from the Maintenance Reserve.
Fiscal Impact: The project is currently funded to \$3,500,000 from the Maintenance Reserve. This amendment will result in an updated total not to exceed amount to \$5,000,000. An additional \$1,500,000 of funds is being requested from Members for project completion. Any funds received from insurance proceeds will be deposited back into the Maintenance Reserve account.

The Geothermal Plant 2 Unit 4 Overhaul Project additional scope forecast is shown below:

- Proposed Project Costs: \$1,127,048.00
- 33% Contingency: \$372,952.00
- **Additional Project Authorization Total: \$1,500,000.00**

INFORMATIONAL ITEMS (11:00 am – 11:15 am)

25. NCPA Geothermal Steam Field Model Update – update and staff presentation.

CLOSED SESSION ITEMS (11:15 am – 11:30 am)

26. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

A. Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation, three (3) cases:

- 1) Case Name: *Northern California Power Agency, City of Redding, City of Roseville, and City of Santa Clara v. the United States*, Court of Federal Claims No. 14-817C.
- 2) Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency v. California Department of Water Resources*, Sacramento County Superior Court, Case No. 34-2022-00323425.
- 3) Case Name: *In Re PG&E Corporation and Pacific Gas and Electric Company: United States District Court, Northern District of California*, Case No. 4:22-cv-02833-HSG.

B. Pursuant to Government Code Section 54956.9(d)(2) – Potential Litigation, one (1) case.

OPEN SESSION

REPORT FROM CLOSED SESSION

NEW BUSINESS

ADJOURNMENT