



651 Commerce Drive
Roseville, CA 95678

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

Agenda – Legal Committee Meeting

Meeting Date: September 7, 2023 Legal Committee Meeting

Location: Meeting held at NCPA Headquarters and via Teleconference Posted Locations

Time: 8:30 a.m. PT

In compliance with the Brown Act, you may participate in person at the meeting location or via teleconference at one of the locations listed below. In either case, please (1) post the Agenda at a publicly accessible location at the participation location at least 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>Northern California Power Agency 651 Commerce Drive Roseville, CA 95678</p>	<p>City of Alameda Alameda City Attorney's Office 2263 Santa Clara Avenue, No. 280 Alameda, CA 94501</p>	<p>San Francisco Bay Area Rapid Transit District 2150 Webster Street, 1st Floor, Room 161 Oakland, CA 94612</p>
<p>City of Biggs Law Office of Gregory P. Einhorn 542 Quail Walk Way Rio Vista, CA 94571</p>	<p>City of Alameda 18217 Carmel Drive Castro Valley, CA 94546</p>	<p>City of Gridley Rich, Fuidge, Bordsen & Galyean 1129 D Street Marysville, CA 95901</p>
<p>City of Lodi 221 West Pine Street Lodi, CA 95240</p>	<p>City of Healdsburg Burke Williams & Sorenson 688 Roble Avenue Menlo Park, CA 94025</p>	<p>Plumas-Sierra Rural Electric Coop Somach, Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814</p>
<p>City of Lompoc [No posted location this month]</p>	<p>City of Palo Alto Office of the City Attorney Office 250 Hamilton Avenue Palo Alto, CA 94301</p>	<p>Port of Oakland Office of General Counsel 530 Water Street Oakland, CA 94607</p>
<p>City of Redding Office of the City Attorney 777 Cypress Avenue Redding, CA 96001</p>	<p>City of Palo Alto Assistant City Attorney Office 54 Bosworth Field Mendon, NY 14506</p>	<p>City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050</p>
<p>City of Roseville Civic Center-City Attorney's Office 311 Vernon Street Roseville, CA 95678</p>	<p>City of Shasta Lake [No teleconference location]</p>	<p>Truckee Donner PUD [No teleconference location]</p>
<p>City of Ukiah Rapport and Marston 405 West Perkins Street Ukiah, CA 95482</p>	<p>City of Alameda 10572 Avenida Magnifica San Diego, CA 92131</p>	

To participate by phone from posted meeting location: Dial: 1 (669) 900-6833

Meeting ID: 893 8392 9482

To participate via Zoom from posted location: <https://us06web.zoom.us/j/89383929482>

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.

The Committee may act on any of the items listed on this Agenda regardless of whether an item is described as an Action item, a Report, or an Informational or Discussion item. This Agenda may be 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.

- **Review Safety Procedures – NCPA Headquarters Facility**

- 1. CALL MEETING TO ORDER AND ROLL CALL**

- 2. PUBLIC COMMENT**

Any member of the public who desires to address the NCPA Legal Committee on any item considered by the Legal Committee at this meeting, before or during the Committee'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 NCPA Legal Committee on any item within the jurisdiction of the Legal Committee and not listed on the Agenda may do so at this time.

- 3. MEETING MINUTES - Seeking approval of the minutes of the Legal Committee meeting held on August 3, 2023 (Action Item)**

CLOSED SESSION

- 4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation:

A. Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency, Plaintiffs, v. California Department of Water Resources, Defendant, Sacramento County Superior Court, Case No. 34-2023-00338449*

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.

OPEN SESSION

5. REPORT FROM CLOSED SESSION

6. CPUC REQUESTS FOR INFORMATION - Discussion of requests from the California Public Utilities Commission for inspections of and detailed information regarding publicly owned utilities' substation operations and maintenance records. *(Discussion Item)*

7. LEGAL COMMITTEE MEETING DATES FOR 2024 – Seeking approval of the regular meeting dates for the Legal Committee for calendar year 2024. *(Discussion/Action Item)*

8. ELECTION OF LEGAL COMMITTEE CHAIR TO BECOME EFFECTIVE AT THE CLOSE OF THE OCTOBER 6, 2023 MEETING – Committee to receive nominations for the position of Chair of the Legal Committee, which election will become effective on October 6, 2023, when the gavel is passed from now serving Chair Barry DeWalt *(Discussion/Action Item)*

9. ELECTION OF LEGAL COMMITTEE VICE CHAIR TO BECOME EFFECTIVE AT THE CLOSE OF THE OCTOBER 6, 2023 MEETING – Committee to receive nominations for the position of Vice Chair of the Legal Committee, which election will become effective on October 6, 2023. *(Discussion/Action Item)*

10. LEGAL COMMITTEE CHARTER – Seeking approval of the Northern California Power Agency Legal Committee Charter. *(Discussion/Action Item)*

11. GENERAL COUNSEL UPDATES - NCPA's General Counsel will update the Committee on miscellaneous business matters of interest. *(Information Item)*

12. ADJOURNMENT



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NCPA Legal Committee Meeting Minutes

Date: Thursday, August 3, 2023
Time: 8:30 a.m. Pacific Standard Time
Location: 651 Commerce Drive, Roseville, CA or via teleconference
Subject: NCPA Legal Committee Meeting

1. Call Meeting to Order and Roll Call

The Legal Committee meeting was called to order at 8:34 a.m. by Chair Barry DeWalt. At the time of roll call, the following members were present by telephone:

Alameda Municipal Power-Lonnie Eldridge; BART-Mary Wilke; Healdsburg-Samantha Zutler; Lompoc-Joe Pannone, Palo Alto-Amy Bartell, Redding-Barry DeWalt, Roseville-Joe Mandell, Santa Clara-Daniel Ballin, and Ukiah-David Rapport. A quorum was present.

Rachel Sommovilla-Port of Oakland joined the meeting after roll call. Also participating in the meeting were NCPA General Manager Randy Howard, NCPA General Counsel Jane Luckhardt, and NCPA administrative support Linda Stone.

2. Public Comment

The Chair read the notification regarding Public Comment and asked if any member of the public would like to address the Committee. There was no public comment.

3. Meeting Minutes

The minutes of the Legal Committee meetings held on June 1, 2023, were presented by staff for review and approval. Amy Bartell (Palo Alto) made a motion to approve the minutes as presented; second by Lonnie Eldridge (AMP). There was no discussion. A roll call vote was taken, as follows. The motion passed.

Vote Summary on Motion	
Participant	Vote
Alameda Municipal Power	Yes
BART	Yes
Biggs	Absent
Gridley	Absent
Healdsburg	Yes
Lodi	Absent
Lompoc	Yes
Palo Alto	Yes
Plumas-Sierra	Absent
Port of Oakland	Yes
Redding	Yes
Roseville	Yes
Santa Clara	Yes
Shasta Lake	Absent
Truckee Donner PUD	Absent
Ukiah	Yes
Vote Summary	
Total Yes	10
Total Noes	0
Total Abstain	0
Total Absent	6
Result:	Passed

The Chair acknowledged the Legal Committee did not establish a quorum for its noticed meeting on July 6, 2023.

6. Legal Committee Meeting During NCPA Annual Conference

Jane Luckhardt previewed the Committee about the discussion she is planning during the Legal Committee meeting at NCPA's Annual Conference on October 4 in Monterey. Since Barry DeWalt has announced his retirement and the October 4th meeting will be his last, the gavel will pass to the new chair. Matthew Slentz of Colantuono, Highsmith & Whatley will be speaking on rate issues and restrictions on public utility rates. He will discuss permissible rate structures, income graduated fixed charges, and general fund transfers. Randy Howard commented about not only the legal issues but how the impacts and capabilities of technology itself affects what we can do. Rachel Sommovilla requested that in addition to residential, the presentation also include the industrial and commercial rates. The committee had a robust discussion.

7. Legal Committee Charter

Jane Luckhardt presented a starting point for a Charter for the Legal Committee to identify its purpose, structure and operations, and information about its meetings. The committee liked the idea of adopting a Charter. Staff will send the draft to the Committee members for input and the item will be on the next meeting to consider for adoption. The Committee requested staff include the subject matter jurisdiction of the Legal Committee.

8. General Counsel Updates

Jane Luckhardt said NCPA has a great slate of speakers planned for the Annual Conference. Randy Howard said Dan Hartman of PFM Financial will discuss direct pay, renewable projects going forward, and insight out of Washington, D.C. The Chairman of the Board of NERC will speak on reliability of the grid and NERC's concerns as to the pace of change, along with other excellent panel discussions and keynote speakers.

9. Adjournment.

The meeting was adjourned at 9:19 a.m.

Respectfully submitted,

Linda Stone

DRAFT

2024 Legal Committee Regular Meeting Schedule

For consideration:

Option A. Meet Quarterly	Option B. Meet Bi-Monthly	Option C. Meet Monthly	Option D. Other - TBD
January 11	January 11	January 11	
		February 1	
	March 7	March 7	
April 4		April 4	
	May 2	May 2	
		June 6	
July 18	July 18	July 18	
		August 1	
		September 5	
September 25, 2:00 pm Napa – Annual Meeting	September 25, 2:00 pm Napa – Annual Meeting	September 25, 2:00 pm Napa – Annual Meeting	
		November 7	
	November 7		

Note: Generally monthly meetings have been held on the first Thursday of the month, starting at 8:30 a.m. PT, and scheduled for one hour.

The January meeting was adjusted to the second Thursday and the July meeting was adjusted due to the 4th of July holiday and other NCPA scheduled committee meetings.

NORTHERN CALIFORNIA POWER AGENCY

LEGAL COMMITTEE CHARTER

PURPOSE

The Amended and Restated Rules of Procedure for the Commission of the Northern California Power Agency (NCPA), also known as the NCPA Bylaws, created the Legal Committee. The purpose of the Legal Committee is to consider and report on such legal matters as are referred to it by the Commission, the Executive Committee, the General Manager, or the General Counsel.

STRUCTURE AND OPERATIONS

The Legal Committee shall consist of the principal attorney for each NCPA Member (City Attorney or General Counsel), or his or her designee. Each committee member may also designate an alternate representative(s) to serve on the Legal Committee. Each NCPA Member of the Committee shall be entitled to cast one vote.

The Legal Committee is a standing, advisory committee, and is subject to the Brown Act.

The Legal Committee shall elect its Chair and Vice Chair at an annual meeting, or at a regular meeting if a vacancy occurs. The terms of office for the Chair and Vice Chair shall be indefinite terms and such service shall be at the pleasure of the Legal Committee. NCPA General Counsel will appoint staff to record minutes of the meetings.

MEETINGS

Frequency. The Legal Committee shall regularly meet at least four times each year, or more frequently as circumstances dictate. Each year, the Legal Committee will consider and approve the regular meeting dates for the following calendar year. The Legal Committee's annual meeting shall occur during NCPA's Annual Conference that typically takes place in September or October.

Conduct. The Chair will lead all meetings, and if the Chair is unable to attend, the Vice Chair will serve as the alternate Chair. If both the Chair and Vice Chair are unavailable, a member of the committee may serve as an alternate Chair.

A quorum is required for the Legal Committee to conduct Agency business and shall consist of those principal attorneys for each NCPA Member, or their designated representatives or alternate representatives, representing a numerical majority of the NCPA Members. The Committee may act on any items listed on an Agenda regardless of whether the matters appears or is described as an Action Item, a Report, a Discussion Item, or an Information Item.

JURISDICTION

The Legal Committee shall consider and report on legal matters within the purview of NCPA as established by the Amended and Restated Joint Powers Agreement, and in support of NCPA's mission to provide cost effective wholesale power leading to a reliable and resilient carbon neutral supply, ratepayer focused power management, sustainable generating assets, energy-related services, and advocacy on behalf of public power consumers through joint action.