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## Agenda – Legal Committee Meeting

**Meeting Date:** March 7, 2024 Legal Committee Meeting  
**Location:** Meeting held at NCPA Headquarters and via Teleconference Posted Locations  
**Time:** 9:00 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.

<b>Northern California Power Agency</b> 651 Commerce Drive Roseville, CA 95678	<b>City of Alameda</b> Alameda City Attorney's Office 2263 Santa Clara Avenue, No. 280 Alameda, CA 94501	<b>San Francisco Bay Area Rapid Transit District</b> 2150 Webster Street, 1 <sup>st</sup> Floor, Room 161 Oakland, CA 94612
<b>City of Biggs</b> Law Office of Gregory P. Einhorn 542 Quail Walk Way Rio Vista, CA 94571	<b>City of Alameda</b> 18217 Carmel Drive Castro Valley, CA 94546	<b>City of Gridley</b> Rich, Fuidge, Bordsen & Galyean 1129 D Street Marysville, CA 95901
<b>City of Lodi</b> 221 West Pine Street Lodi, CA 95240	<b>City of Healdsburg</b> Burke Williams & Sorenson 5625 White Mountain Court Martinez, CA 94553	<b>Plumas-Sierra Rural Electric Coop</b> Somach, Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814
<b>City of Lompoc</b> Aleshire & Wynder, LLP 6001 Boeing Place Los Angeles, CA 90045	<b>City of Palo Alto</b> Office of the City Attorney Office 250 Hamilton Avenue Palo Alto, CA 94301	<b>Port of Oakland</b> Office of General Counsel 530 Water Street Oakland, CA 94607
<b>City of Redding</b> Office of the City Attorney 777 Cypress Avenue Redding, CA 96001	<b>City of Palo Alto</b> Assistant City Attorney Office 54 Bosworth Field Mendon, NY 14506	<b>City of Santa Clara</b> 881 Martin Avenue Santa Clara, CA 95050
<b>City of Roseville</b> Civic Center-City Attorney's Office 311 Vernon Street Roseville, CA 95678	<b>City of Shasta Lake</b> [No teleconference location]	<b>Truckee Donner PUD</b> [No teleconference location]
<b>City of Ukiah</b> Rapport and Marston 405 West Perkins Street Ukiah, CA 95482	<b>City of Alameda</b> 10572 Avenida Magnifica San Diego, CA 92131	<b>City of Lompoc</b> 2682 Rosemary Lane San Bernardino, CA 92407

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](http://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 February 1, 2024 (*Action Item*)

### **CLOSED SESSION**

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

A. 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**

**4. REPORT FROM CLOSED SESSION**

- 5. TRANSMISSION OWNER RATE CASE PROGRAM AGREEMENT** - Update regarding development of the Transmission Owner Rate Case Program and consideration of the proposed Transmission Owner Rate Case Program Agreement. (*Information/Discussion/Possible Action Item*)

- 6. THIRD PHASE AGREEMENT RELATED TO POWER PURCHASE AGREEMENTS DISCUSSION** - Participants in a Third Phase Agreement have executed the Amended and Restated Facilities Agreement which establishes the framework under which Project Agreements are created for the development, design, financing, construction, and operation of specific NCPA Projects including entering into a Power Purchase Agreement (PPA) with a counterparty on behalf of a member participant(s). For NCPA to fulfill the obligations of the PPA, member participants Agree to take delivery of and pay for such electric capacity and energy and to pay NCPA for all costs it incurs for undertaking these activities. Staff will discuss NCPA's agreement structure that supports the Third Phase Agreements. (*Information/Discussion Item*)

- 7. GRACE SOLAR PROJECT** – Staff will provide an update on the Project and discuss the current Third Phase Agreement and Power Purchase Agreement. (*Information/Discussion Item*)

- 8. CEQA APPROVAL RELATED TO THE POWER PURCHASE AGREEMENT PROCESS** – General Counsel Jane Luckhardt will discuss her approach to the environmental review process as it relates to approval of Third Phase Agreements and Power Purchase Agreements. (*Information/Discussion Item*)

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

**10. ADJOURNMENT**