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## Agenda – Legal Committee Meeting

**Meeting Date:** April 7, 2022 Legal Committee Meeting  
**Location:** Meeting held at NCPA Headquarters and via Teleconference Posted Locations  
**Time:** 8:30 a.m. PDT

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>Bay Area Rapid Transit</b> [No teleconference location]
<b>City of Biggs</b> Law Office of Gregory P. Einhorn 854 Manzanita Court, No. 110 Chico, CA 95926	<b>City of Gridley</b> Rich, Fuidge, Bordsen & Galyean 1129 D Street Marysville, CA 95901	<b>City of Healdsburg</b> Burke Williams & Sorenson One California Street, Suite 3050 San Francisco, CA 94111
<b>City of Lodi</b> 221 West Pine Street Lodi, CA 95240	<b>City of Lompoc</b> Aleshire & Wynder, LLP 6001 Boeing Place Los Angeles, CA 90045	<b>Plumas-Sierra Rural Electric Coop</b> Somach, Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814
<b>City of Palo Alto</b> Palo Alto City Attorney's Office 250 Hamilton Avenue Palo Alto, CA 94301	<b>City of Palo Alto</b> Assistant City Attorney Office 54 Bosworth Field Mendon, NY 14506	<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 Roseville</b> Civic Center-City Attorney's Office 311 Vernon Street Roseville, CA 95678	<b>City of Santa Clara</b> Santa Clara City Attorney's Office 1500 Warburton Ave. Santa Clara, CA 95050
<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 Shasta Lake</b> [No teleconference location]

**To participate by phone from posted meeting location:** Dial: 1-669-900-6833  
 Meeting ID: 875 5661 3488

**To participate via Zoom from posted meeting location:** <https://us06web.zoom.us/j/87556613488>

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 held on March 3, 2022. (Action Item)**

**CLOSED SESSION**

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

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

**A.** Case Name: *Northern California Power Agency, City of Redding, City of Roseville, and City of Santa Clara v. the United States, United States Court of Federal Claims No. 14-817-C.*

**B.** Case Name: *Voluntary Petitions for Filing of Chapter 11 Bankruptcy, PG&E Corporation, Debtor, and Pacific Gas and Electric Company, Debtor, United States Bankruptcy Court, Northern District of California, San Francisco Division, jointly administered under No. 19-30088*

**C.** Case Name: *City of Santa Clara dba Silicon Valley Power and Northern California Power Agency, Claimants, v. California Department of Water Resources, Respondent, American Arbitration Association, Case No. 01-22-0001-3527.*

**OPEN SESSION**

- 5. REPORT FROM CLOSED SESSION**

- 6. LEGAL SERVICES AGREEMENT BETWEEN NCPA AND LAW OFFICES OF SUSIE BERLIN** – Seeking a recommendation for Commission approval of a three-year Legal Services Agreement with the Law Offices of Susie Berlin for State Regulatory services, with an annual not to exceed amount of \$380,000 and total not to exceed amount of \$1,140,000 for the three-year term. The annual and total dollar amounts are not a guarantee that NCPA will pay those full amounts, but are merely a limit of potential expenditures under the agreement. The agreement includes the possibility for amendment to extend the term for up to two additional years. The agreement is the result of a formal Request for Qualifications and Proposals process conducted by NCPA.
- 7. LEGAL SERVICES AGREEMENT BETWEEN NCPA AND COLANTUNO HIGHSMITH WHATLEY, PC** - Seeking a recommendation for Commission approval of a three-year Legal Services Agreement with Colantuno Highsmith & Whatley, PC for outside Assistant General Counsel services to be provided by David J. Ruderman, with a not to exceed amount of \$500,000. The dollar amount is not a guarantee that NCPA will pay the full amount, but is merely a limit of potential expenditures under the agreement. The agreement includes the possibility for amendment to extend the term for up to two additional years. The agreement is the result of a formal Request for Qualifications and Proposals process conducted by NCPA.
- 8. TO18 RATE CASE DECISION** – Update regarding the favorable Decision issued in the TO18 Rate Case which found significant overcharges were applied to NCPA Members which will result in future refunds/credits.
- 9. GENERAL COUNSEL UPDATES** - NCPA's General Counsel will update the Committee on miscellaneous business matters of interest.
- 10. ADJOURNMENT**