



651 Commerce Drive
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Agenda – Annual (Regular) Legal Committee Meeting

Date: September 20, 2018

Subject: **September 26, 2018 Annual (Regular) Legal Committee Meeting**

Location: Hyatt Regency Monterey – Pebble Room, 1 Old Golf Course Road, Monterey, California, and via teleconference locations

Time: 1:00 p.m. Pacific Time

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 publically 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.

Northern California Power Agency c/o Hyatt Regency Hotel Pebble Rm. 1 Old Golf Course Road Monterey, California 93940	City of Alameda Alameda City Attorney's Office 2263 Santa Clara Avenue, No. 280 Alameda, CA 94501	Bay Area Rapid Transit District Office of General Counsel 300 Lakeside Dr., 23rd floor Oakland, CA 94612
Northern California Power Agency 651 Commerce Drive Roseville, CA 95678	City of Biggs Law Offices of Gregory P. Einhorn 854 Manzanita Court, Suite 110 Chico, CA 95926	City of Gridley Rich, Fuidge, Morris & Iverson, Inc. 1129 D Street Marysville, CA 95901
City of Healdsburg c/o Burke Williams 101 Howard Street, Suite 400 San Francisco, CA 94105	City of Lompoc Aleshire & Wynder, LLP 2361 Rosecrans Ave., Suite 475 El Segundo, CA 90245	Port of Oakland Office of General Counsel 530 Water Street Oakland, CA 94607
City of Santa Clara Santa Clara City Attorney's Office 1500 Warburton Ave. Santa Clara, CA 95050	Plumas-Sierra Rural Electric Coop. Somach, Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814	
City of Ukiah Rapport and Marston 405 West Perkins Street Ukiah, CA 95482	City of Palo Alto Palo Alto City Attorney's Office 250 Hamilton Avenue Palo Alto, CA 94301	

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.

Time estimates are provided as part of the Legal Committee effort to manage its time at the meetings. Listed times are estimated only and are subject to change at any time, including while the meeting is in progress. The Legal Committee 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.

1. CALL MEETING TO ORDER AND ROLL CALL (1:00-1:05 p.m.)

2. APPROVAL OF MEETING MINUTES (1:05-1:10 p.m.) Seeking approval of:

- Minutes of September 27, 2017 Annual (Regular) Meeting
- Minutes of March 12, 2018 Special Meeting
- Minutes of March 19, 2018 Special Meeting
- Minutes of May 21, 2018 Special Meeting
- Minutes of August 20, 2018 Special Meeting

3. PUBLIC COMMENT (1:10-1:15 p.m.)

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.

CLOSED SESSION

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1)

A. Northern California Power Agency, City of Redding, City of Roseville, and City of Santa Clara v. The United States, U.S. Court of Federal Claims, No. 14-817C. (1:15-2:00 p.m.)

B. FERC Dockets: (2:00-2:45 p.m.)

Transmission Planning Cases

*SCE Transmission Planning Process, *Southern California Edison Company*, ER18-370-000

*Technical Conference re: Transmission Planning in CAISO, *Transmission Planning within the California Independent System Operator Corporation*, AD18-12-000

*Complaint against PG&E re non-compliance with FERC Order No. 890 transmission planning requirements , *California Public Utilities Commission, Northern California Power Agency, State Water Contractors, and Transmission Agency of Northern California v. Pacific Gas and Electric Company*, EL17-45-000

Transmission Rate Cases

GridLiance West Incentives Filing, *GridLiance West Transco LLC*, ER18-1693-000

TO2018 Rate Filing, *Southern California Edison Company*, ER18-169

Order to Show Cause, *Trans Bay Cable LLC*, EL18-118-000

Order to Show Cause, *Startrans, IO, LLC*, EL18-115-000

Order to Show Cause, *Pacific Gas and Electric Company*, EL18-108-000

Order to Show Cause, *DATC Path 15, LLC*, EL18-91-000

2017 Grid Management Charge - Cost of Service Study Update, *California Independent System Operator Corporation*, ER18-91

Order to Show Cause, *San Diego Gas & Electric Co.*, EL18-67

Order to Show Cause, *Sunrise Transmission LLC*, EL18-66-000

Sycamore-Pensquitos 230 kV Transmission Line Project Petition for Declaratory Order, *Citizens Energy Corporation*, EL18-29

*PG&E TO19 Rate Increase Filing, *Pacific Gas & Electric Company*, ER17-2154-000

DATC Path 15's Triennial Rate Filing, *DATC Path 15, LLC*, ER17-998-000

GridLiance West Formula Rate Filing, *GridLiance West Transco LLC*, ER17-706-000

*Complaint against PG&E TO rates, *California Public Utilities Commission v. Pacific Gas and Electric Company*, EL17-95

Protest of GridLiance FPA section 203 application to acquire transmission assets from Valley Electric, *GridLiance West Transco LLC*, EC17-49-000

Trans Bay's Triennial Rate Filing, *Trans Bay Cable LLC*, ER16-2632-000

*PG&E's TO18 Rate Increase Filing, *Pacific Gas & Electric Company*, ER16-2320-000

PG&E Incentive Request, *Pacific Gas & Electric Co.*, EL16-47-000

PGE TO17 Rate Case, *Pacific Gas and Electric Company*, ER15-2294-000

PG&E TO16 Rate Case, *Pacific Gas and Electric Company*, ER14-2529-000

TO6 formula rate docket, *Southern California Edison Company*, ER11-3697-000

CAISO Tariff or FERC Policy

*Congestion Revenue Rights Auction Efficiency Track 1B Amendment, *California Independent System Operator Corporation*, ER18-2034-000

Tariff Clarifications Amendment, *California Independent System Operator Corporation*, ER18-1787-000

Tariff Waiver re Demand Response Resources, *California Independent System Operator Corporation*, ER18-1699-000

Tariff Compliance Filing to FERC Order 842, *California Independent System Operator Corporation*, ER18-1616-000

*Congestion Revenue Rights Auction Efficiency Track 1A Amendment, *California Independent System Operator Corporation*, ER18-1344-000

Commitment Cost Enhancements Phase 3 Amendment, *California Independent System Operator Corporation*, ER18-1169-000

Limited Tariff Waiver - Availability Assessment Hours, *California Independent System Operator Corporation*, ER18-838

Resource Adequacy Availability Incentive Mechanism Amendment, *California Independent System Operator Corporation*, ER18-728

*CPM Risk of Retirement Amendment, *California Independent System Operator Corporation*, ER18-641

Expedited Interconnection Procedures Enhancements Amendment, *California Independent System Operator Corporation*, ER18-626

Aliso Canyon Emergency Gas-Electric Coordination Amendment, *California Independent System Operator Corporation*, ER18-375

*Metcalf RMR Agreement, *Metcalf Energy Center, LLC*, ER18-240

*Gilroy RMR Agreement, *Gilroy Energy Center, LLC*, ER18-230

*La Paloma Resource Adequacy Complaint, *CXA La Paloma, LLC v. CAISO*, EL18-177-000

Lake Elsinore Pumped Storage Facility Petition for Declaratory Ruling, *Nevada Hydro Company, Inc.*, EL18-131-000

Proposal to Integrate Electricity Storage into Organized Markets under RM16-23, *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, RM18-9-000

Grid Resilience in Regional Transmission Organizations and Independent System Operators, *Grid Resilience in Regional Transmission Organizations and Independent System Operators*, AD18-7-000

Reliability Services Phase 1b and 2 Amendment, *California Independent System Operator Corporation*, ER18-1

Aliso Canyon Phase 3 Electric-Gas Coordination Enhancement Amendment, *California Independent System Operator Corporation*, ER17-2568

Tariff Waiver - Availability Assessment of Hours 2018, *California Independent System Operator Corporation*, ER17-2263

Black Start Phase 2 Amendment, *California Independent System Operator Corporation*, ER17-2237

Removal of conceptual statewide plan requirement from Planning Process, *California Independent System Operator Corporation*, ER17-2179-000

Operating Agreement between CAISO and MWD, *California Independent System Operator Corporation*, ER17-2068-000

Amendment No. 1 to MEEA with WAPA - Sierra Nevada Region, *California Independent System Operator Corporation*, ER17-2061-000

Market Redesign and Technology Upgrade Directives, *California Independent System Operator Corporation*, ER17-1459-000

Creation of Certified Small Participating Transmission Owner, *California Independent System Operator Corporation*, ER17-1432-000

Extension of PIRP Protective Measures Amendment, *California Independent System Operator Corporation*, ER17-1337-000

Metering Rules Enhancements Amendment, *California Independent System Operator Corporation*, ER17-949-000

Technical Requirements for Automatic Voltage Regulators For Resources Providing Reactive Power Capability, *California Independent System Operator Corporation*, ER17-490-000

Proposed Rule on Reform to Cost Allocation and Transparency, *Uplift Cost Allocation and Transparency in Markets Operated by Regional Transmission Organizations and Independent System Operators*, RM17-2-000

MRTU, *California Independent System Operator Corporation*, ER06-615-061

NCPA Contracts/Member Interests

Port of Oakland Unexecuted IA (SA 347), *Pacific Gas and Electric Company*, ER17-2536

Silicon Valley Power Replacement IA and TFAs, *Pacific Gas & Electric Co.*, ER17-1750-000

Notice of Termination of Silicon Valley Power IA, *Pacific Gas & Electric Co.*, ER17-1735-000

*NCPA Request for Continued Waiver of Separation of Functions Requirements, *Northern California Power Agency*, TS17-1-000

EIM-Related Dockets

Consolidated EIM Initiatives and Resource Modeling Enhancements, *California Independent System Operator Corporation*, ER18-461

Powerex Canadian EIM Entity Agreement, *California Independent System Operator Corporation*, ER18-251

Salt River Project EIM Implementation Agreement, *California Independent System Operator Corporation*, ER17-2559

EIM Implementation Agreement with the Los Angeles Department of Water and Power, *California Independent System Operator Corporation*, ER17-2120-000

EIM Implementation Agreement with Powerex, *California Independent System Operator Corporation*, ER17-1796-000

California Energy Crisis Refund Litigation

San Diego Gas & Elec. Co. v. Sellers, etc., EL00-95-000, and related dockets
City of Seattle v. FERC, etc., EL01-10-000 and related dockets

5. REPORT FROM CLOSED SESSION (2:45-2:50 p.m.)

6. ADJOURNMENT



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Minutes

To: NCPA Legal Committee
From: Trisha Zimmer
Subject: September 27, 2017 NCPA Legal Committee Meeting Minutes

1. CALL MEETING TO ORDER AND ROLL CALL

The meeting was called to order at 1:09 p.m. by Chair Barry DeWalt at The Silverado Resort, 1600 Atlas Peak Road, Napa, CA. as well as the teleconference locations listed on the agenda. At roll call the following members were present:

Redding – Barry DeWalt, Biggs – Gregory Einhorn*, Gridley - Tony Galyean, Lodi – Janice Magdich, Palo Alto – Molly Stump*, Plumas-Sierra Rural Electric Cooperative – Michael Vergara*, Roseville – Joe Mandell, San Francisco Bay Area Rapid Transit District – Marco Gomez*, and Ukiah – David Rapport. A quorum of the Committee was established.

Persons attending via teleconference are designated by an asterisk (*).

Also attending were: NCPA General Counsel Jane Luckhardt, NCPA General Manager Randy Howard, NCPA Assistant General Manager Jane Cirrincione, Assistant General Manager David Dockham, Industry and Restructuring Supervisor Tony Zimmer, Lisa Dowden, Latif Nurani, Katherine Mapes and Amber Martin (Spiegel and McDiarmid), David Ralston (Foley & Lardner), and Administrative Assistant Trisha Zimmer.

2. APPROVAL OF MINUTES

Meeting minutes from September 21, 2016, April 13, 2017, June 12, 2017, July 31, 2017 were recommended for approval. A motion was made by Joe Mandell (Roseville) and seconded by Molly Stump (Palo Alto) recommending approval of the Legal Committee meeting minutes as listed above. All members present were in favor. The motion passed.

3. PUBLIC COMMENT

There was no public comment.

4. CLOSED SESSION

The Committee convened to closed session and discussed all cases listed on the Agenda.

5. REPORT FROM CLOSED SESSION

General Counsel Jane Luckhardt reported that there was no reportable action taken. The meeting reconvened to open session.

6. ADJOURNMENT

The meeting was adjourned at 3:02 p.m.



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Minutes – Special Legal Committee Meeting

To: NCPA Legal Committee
From: Linda Stone
Subject: March 12, 2018 NCPA Special Legal Committee Meeting Minutes

1. Call Meeting to Order and Roll Call

The meeting was called to order at 2:32 p.m. by Vice Chair Molly Stump at the NCPA headquarters office, 651 Commerce Drive, Roseville, California, and at the posted teleconference locations listed on the agenda. At roll call the following members were present by telephone:

Alameda Municipal Power-Alan Cohen, BART-Marco Gomez; Biggs-Gregory Einhorn, Healdsburg-Samantha Zutler, Lodi-Janice Magdich, Lompoc-Joe Pannone, Palo Alto-Molly Stump, Plumas-Sierra-Michael Vergara, Port of Oakland-Donnell Choy, Roseville-Joe Mandell, and Santa Clara-Brian Doyle. A quorum was present.

Also attending were: NCPA General Counsel Jane Luckhardt, NCPA General Manager Randy Howard, NCPA Assistant General Manager Jane Cirrincione, and NCPA Administrative support, Linda Stone.

2. Public Comment

There was no public comment.

3. Hometown Connections, Inc.

NCPA General Counsel Jane Luckhardt briefed the legal committee about the Agency's opportunity to become a founding member of a chartable nonstock Delaware corporation called Hometown Connections, Inc., together with joint powers agencies including American Municipal Power, Inc., Missouri Public Utility Alliance, Vermont Public Power Supply Authority and Alabama Municipal Electric Authority. The new entity intends to acquire the assets of Hometown Connections International from American Public Power Association and Alabama Municipal Electric Authority; American Municipal Power, Inc. will contribute its Advanced Metering Infrastructure (AMI) program to the new HCI.

The transaction is structured to create a new corporation so that the liabilities and obligations of the former corporation stay with that corporation.

The potential benefits of membership in the new HCI include larger buying power through national pricing and opportunities, economies of scale, and access to the robust AMI system at competitive rates.

The committee members were asked to provide comments on the draft documents and identify any concerns they may have about whether the document terms adequately protect NCPA from liability should the Commission decide to become a founding member of the new Hometown Connections, Inc. Several of the committee members asked questions and offered general comments. They requested additional time to fully review the documents provided to enable them to provide better guidance and feedback. It was the unanimous consensus of those committee members present that a further meeting should be scheduled in one week's time to further discuss the matter.

4. Adjournment

The meeting was adjourned at 3:33 p.m.



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Meeting Notes

To: NCPA Legal Committee
From: Linda Stone
Subject: March 19, 2018 Meeting Notes

1. Call Meeting to Order and Roll Call

The meeting was called to order at 2:35 p.m. by Vice Chair Molly Stump at the NCPA headquarters office, 651 Commerce Drive, Roseville, California, and at the posted teleconference locations listed on the agenda. At roll call the following members were present by telephone:

Biggs-Gregory Einhorn, Lodi-Janice Magdich, Palo Alto-Molly Stump, Plumas-Sierra-Michael Vergara, and Roseville-Joe Mandell. There was not a quorum of the members present. Therefore this is not a meeting for Brown Act purposes.

Also attending were: NCPA General Counsel Jane Luckhardt, NCPA Assistant General Manager Jane Cirrincione, and NCPA Administrative support, Linda Stone.

NCPA General Counsel Jane Luckhardt proceeded with an information only discussion.

2. Not applicable.

3. Hometown Connections, Inc.

NCPA General Counsel Jane Luckhardt asked if there were any questions about the draft organizational documents for the new HCI entity previously distributed for review. Discussion began with focus on the draft bylaws. Suggestions were made for putting certain provisions into a set of procedures instead of including them in the bylaws document for ease of modifying as time goes on. Discussion was also had about the Request for Private Letter Ruling as well as the Asset Purchase Agreement. The discussion concluded with talk about reasons for HCI's reorganization and the potential growth in need for AMI and management services at this time.

4. Ad Hoc Committee to Address Inverse Condemnation Risk Associated with Wild Fires Caused by Electric Transmission or Distribution Lines.

The Agency has become aware of legislation in the works relative to the inverse condemnation standard holding utilities liable for damages caused by fire even if they performed all required maintenance and adequately took care of their lines. General Counsel asked if the persons present have any interest in the legislation and potential legislative solutions. Mike Vergara and Janice Magdich volunteered to provide assistance to NCPA's General Counsel on the issue.

5. Adjournment

The meeting was adjourned at 3:08 p.m.



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Minutes – Special Legal Committee Meeting

To: NCPA Legal Committee
From: Linda Stone
Subject: May 21, 2018 NCPA Special Legal Committee Meeting Minutes

1. Call Meeting to Order and Roll Call

The meeting was called to order at 9:33 a.m. by Chair Barry DeWalt at the NCPA headquarters office, 651 Commerce Drive, Roseville, California, and at the posted teleconference locations listed on the agenda. At roll call the following members were present by telephone:

Alameda Municipal Power-Alan Cohen, BART-Marco Gomez; Healdsburg-Samantha Zutler, Lodi-Janice Magdich, Lompoc-Joe Pannone, Palo Alto-Molly Stump, Plumas-Sierra-Michael Vergara, Port of Oakland-Donnell Choy, Redding-Barry DeWalt, Roseville-Joe Mandell, and Santa Clara-Brian Doyle. A quorum was present.

Also attending were: Bob Schmitt from Roseville, NCPA General Counsel Jane Luckhardt, NCPA Assistant General Manager Jane Cirrincione, and NCPA Administrative support, Linda Stone.

2. Public Comment

There was no public comment.

3. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): one case

At 10:14 a.m. the Committee convened to closed session. The Legal Committee returned to open session at 10:24 a.m.

4. Report from Closed Session

General Counsel Jane Luckhardt reported that no reportable action was taken during closed session.

5. Inverse Condemnation Ad Hoc Committee Report and Update

Jane Luckhardt advised the Committee that Mike Vergara and Janice Magdich volunteered to provide assistance to NCPA's General Counsel on this issue. She said the IOUs are seeking support to modify the liability standard associated with power lines from a strict liability standard to the flood liability test (more reasonableness standard). Reference was made to the Anaheim question and whether the group is more concerned about wild fires or the Anaheim scenario. Several of the counsel present voiced comments about the reasonableness standard and those present agreed that moving in that direction would be a good thing.

6. General Counsel Updates

Jane Luckhardt briefed the committee about a request from Riverside that NCPA file support for a request for publication regarding a favorable appellate court decision in a proposition 26 challenge. She said the request became moot because the Court immediately granted the request. She noted for the Members' counsel, if you ever receive such a request, please let her know as NCPA is here to support you.

Also, Jane noted the case entitled *Citizens for Fair REU Rates v. City of Redding* is scheduled for oral argument on Wednesday, May 30th before the California Supreme Court. She said a link to the court's website would be provided for the live video should anyone be interested in watching the argument.

7. Adjournment

The meeting was adjourned at 10:38 a.m.



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Minutes – Special Legal Committee Meeting

To: NCPA Legal Committee
From: Linda Stone
Subject: August 20, 2018 NCPA Special Legal Committee Meeting Minutes

1. Call Meeting to Order and Roll Call

The meeting was called to order at 9:33 a.m. by Chair Barry DeWalt at the NCPA headquarters office, 651 Commerce Drive, Roseville, California, and at the posted teleconference locations listed on the agenda. At roll call the following members were present by telephone:

Alameda Municipal Power-Alan Cohen, BART-Marco Gomez; Healdsburg-Samantha Zutler, Lodi-Janice Magdich, Lompoc-Joe Pannone, Palo Alto-Molly Stump, Plumas-Sierra-Michael Vergara, Port of Oakland-Donnell Choy, Redding-Barry DeWalt, Roseville-Joe Mandell, Santa Clara-Brian Doyle, Truckee Donner PUD-Steve Hollabaugh, and Ukiah-David Rapport. A quorum was present.

Also attending were: Bob Schmitt from Roseville, NCPA General Counsel Jane Luckhardt, NCPA General Manager Randy Howard, NCPA Assistant General Manager Jane Cirrincione, Attorneys David Ralston and Frank Murray of Foley & Lardner, and NCPA Administrative support, Linda Stone.

2. Public Comment

There was no public comment.

3. Closed Session – Conference with Legal Counsel – Existing Litigation Pursuant to Government Code Section 54956.9(d)(1): one case

At 9:34 a.m. the Committee convened to closed session. Attorneys Ralston and Murray were present in closed session until 10:00 a.m. when they left the meeting. The Legal Committee returned to open session at 10:38 a.m.

4. Report from Closed Session

Jane Luckhardt reported that no reportable action was taken during closed session.

5. General Counsel Update

Jane Luckhardt advised she had nothing further to report at this time.

6. Adjournment

The meeting was adjourned at 10:39 a.m.