



651 Commerce Drive
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Agenda – Legal Committee Meeting

Meeting Date: August 1, 2024 Legal Committee Meeting
Location: Meeting held at NCPA Headquarters and via Teleconference Posted Locations
Time: 9:00 a.m.

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.

Northern California Power Agency 651 Commerce Drive Roseville, CA 95678	City of Alameda Alameda City Attorney's Office 2263 Santa Clara Avenue, No. 280 Alameda, CA 94501	San Francisco Bay Area Rapid Transit District 2150 Webster Street, 1 st Floor, Room 161 Oakland, CA 94612
City of Biggs Law Office of Gregory P. Einhorn 542 Quail Walk Way Rio Vista, CA 94571	City of Alameda 18217 Carmel Drive Castro Valley, CA 94546	City of Gridley Rich, Fuidge, Bordsen & Galyean 1129 D Street Marysville, CA 95901
City of Lodi 221 West Pine Street Lodi, CA 95240	City of Healdsburg Burke Williams & Sorenson 5625 White Mountain Court Martinez, CA 94553	Plumas-Sierra Rural Electric Coop Somach, Simmons & Dunn 500 Capitol Mall, Suite 1000 Sacramento, CA 95814
City of Lompoc Aleshire & Wynder, LLP 2682 Rosemary Lane San Bernardino, CA 92407	City of Palo Alto Office of the City Attorney Office 250 Hamilton Avenue Palo Alto, CA 94301	Port of Oakland Office of General Counsel 530 Water Street Oakland, CA 94607
City of Redding Office of the City Attorney 777 Cypress Avenue Redding, CA 96001	City of Palo Alto Assistant City Attorney Office 54 Bosworth Field Mendon, NY 14506	City of Santa Clara 1500 Warburton Avenue Santa Clara, CA 95050
City of Roseville Civic Center-City Attorney's Office 311 Vernon Street Roseville, CA 95678	City of Alameda 10572 Avenida Magnifica San Diego, CA 92131	Truckee Donner PUD [No teleconference location]
City of Ukiah Rapport and Marston 405 West Perkins Street Ukiah, CA 95482	City of Shasta Lake [No teleconference location]	

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.

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 following Legal Committee meetings: regular meeting held on March 7, 2024; special meeting held on April 15, 2024; and regular meeting held on May 2, 2024. The regular meeting scheduled for April 2, 2024 was cancelled. (*Action Item*)

CLOSED SESSION

- 4. CONFERENCE WITH LEGAL COUNSEL** - Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation one (1) case:

Case Name: *Pacific Gas and Electric Company, Plaintiff, v. DKM, LLC, a California limited liability company; Calaveras County Water District; Northern California Power Agency; et al., Defendants*, Calaveras County Superior Court, Case No. 24CV47310.

- 5. CONFERENCE WITH LEGAL COUNSEL** - pursuant to Government Code Section 54956.9(d)(2) – Anticipated Litigation, one (1) case.

OPEN SESSION

6. REPORT FROM CLOSED SESSION

- 7. GUARANTEED SERVICE** – Committee discussion of how members inform customers that the utility does not guarantee service.
- 8. LIFELINE CUSTOMERS** – Committee discussion on how members contact or support lifeline customers and what services member utilities provide.

9. ADJOURNMENT



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NCPA Legal Committee Meeting Minutes

Date: Thursday, March 7, 2024
Time: 9:00 a.m. Pacific Standard Time
Location: 651 Commerce Drive, Roseville, CA or via teleconference
Subject: NCPA Legal Committee Regular Meeting

1. Call Meeting to Order and Roll Call

The Legal Committee meeting was called to order at 9:02 a.m. by Chair Amy Bartell. At the time of roll call, the following members were present via Zoom:

Alameda Municipal Power-Lonnie Eldridge; Biggs-Gregory Einhorn; Gridley-Anthony Galyean; Healdsburg-Alan Cohen; Lompoc-Joe Pannone; Palo Alto-Amy Bartell, Plumas-Sierra-Michael Vergara; Port of Oakland-Rachel Sommovilla; Redding-Christian Curtis; Roseville-Joe Mandell, Santa Clara-Daniel Ballin, and Ukiah-Darcy Vaughn. A quorum was present.

Also participating in the meeting were Natalia Ebersole-Redding, Ericka Murphy-Lompoc, NCPA General Manager Randy Howard; NCPA General Counsel Jane Luckhardt, NCPA Assistant General Manager Power Management Tony Zimmer, Assistant General Manager Legislative and Regulatory Jane Cirrincione, 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 February 1, 2024 regular meeting were presented by staff for review and approval. Joe Pannone (Lompoc) made a motion to approve the minutes as presented; seconded by Joe Mandell (Roseville). There was no discussion. A roll call vote was taken, as follows. The motion passed.

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Vote Summary on Motion	
Participant	Vote
Alameda Municipal Power	Yes
BART	Absent
Biggs	Yes
Gridley	Yes
Healdsburg	Yes
Lodi	Absent
Lompoc	Yes
Palo Alto	Yes
Plumas-Sierra	Yes
Port of Oakland	Yes
Redding	Yes
Roseville	Yes
Santa Clara	Yes
Shasta Lake	Absent
Truckee Donner PUD	Absent
Ukiah	Yes
Vote Summary	
Total Yes	12
Total Noes	0
Total Abstain	0
Total Absent	4
Result:	Motion Passed.

CLOSED SESSION

The Committee went into Closed Session at 9:05 a.m.

Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(d)(1) – FERC Dockets: Rate Cases.

The meeting reconvened to Open Session at 9:16 a.m.

4. Report from Closed Session

Chair Amy Bartell and NCPA General Counsel Jane Luckhardt advised that no reportable action was taken during Closed Session.

5. Transmission Owner Rate Case Program Agreement

Mary Wilke of BART joined the meeting during this discussion. Tony Zimmer presented a PowerPoint and led a discussion of NCPA's new Transmission Owner Rate Case Program Agreement under development to provide such services to Members who elect to participate in activities that pertain to proceedings that effect transmission costs. Tony discussed the structure of the agreement, its scope of services, its administration, cost allocations, and other key provisions. Discussion was had

regarding allocation of costs, the administration provision that formal actions of the Commission will require an affirmative vote of 80% or more of the Participants, and whether it is a weighted vote. Tony Zimmer said he will update section 3.5 of the agreement to make clear the intent of project participation percentage. The group also discussed section 5 and notice requirements for withdrawal. The agreement has been undergoing many edits to clean up the agreement before it goes to the NCPA Commission for approval. Tony said he appreciated the great comments and asked that any further comments be provided to him.

6. Third Phase Agreement Related to Power Purchase Agreements Discussion

The NCPA Agreement Structure chart was not specifically discussed during the meeting, but Tony Zimmer referred to it in his discussion of the Transmission Owner Rate Case Program Agreement.

7. Grace Solar Project

Jane Luckhardt presented a PowerPoint with overview of the Project Participation Agreement (PPA) for this 50MW project, a site map of the project location, and the PPA key terms. She also discussed the Third Phase Agreement and the Members expressing interest in participating. She said NCPA and NextEra, the project developer, are actively working to negotiate the final form of the PPA. Jane inquired if any Legal Committee members are interest in serving on an Ad Hoc committee to review the Grace Solar project documents. Dan Ballin of Santa Clara has already provided comments and will serve, together with Mike Vergara on behalf of Plumas-Sierra, and Rachel Sommovilla for the Port of Oakland. The goal is for approval of the PPA in April and member approval in May 2024.

8. CEQA Approval Related to the Power Purchase Agreement Process

Due to time constraints, Jane Luckhardt touched briefly on her approach to the environmental review process as it relates to approval of Third Phase Agreements and Power Purchase Agreements. Dan Ballin said that he has language from existing PPAs regarding CEQA that he will provide.

9. General Counsel Updates

None.

10. Adjournment.

The meeting was adjourned at 10:01 a.m.

Respectfully submitted,
Linda Stone



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Special Legal Committee Meeting Minutes

Date: Monday, April 15, 2024
Time: 11:00 a.m. Pacific Standard Time
Location: 651 Commerce Drive, Roseville, CA or via teleconference
Subject: NCPA Special Legal Committee Meeting

1. Call Meeting to Order and Roll Call

The Special Legal Committee meeting was called to order at 11:02 a.m. by Vice Chair Joe Mandell. At the time of roll call, the following members were present via Zoom:

Alameda Municipal Power-Lonnie Eldridge; BART-Mary Wilke; Biggs-Gregory Einhorn; Gridley-Anthony Galyean; Healdsburg-Alan Cohen; Lompoc-Ericka Murphy; Palo Alto-Aylin Bilir, Plumas-Sierra-Michael Vergara; Port of Oakland-Rachel Sommovilla; Redding-Christian Curtis; Roseville-Joe Mandell, and Santa Clara-Luis Haro. A quorum was present.

Also participating in the meeting were Natalia Ebersole-Redding, NCPA General Counsel Jane Luckhardt, and NCPA administrative support Linda Stone.

Lodi-Katie Lucchesi joined the meeting at 11:07 a.m. Basil Wong-Santa Clara joined the meeting at 11:09 a.m. Ukiah-Darcy Vaughn joined the meeting at 11:29 a.m.

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.

CLOSED SESSION

The Committee went into Closed Session at 11:07 a.m.

3. CONFERENCE WITH LEGAL COUNSEL - Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation regarding the following:

FERC Docket: Rate Case: *Pacific Gas and Electric Company*, Federal Energy Regulatory Commission, Docket No. ER24-219

D.C. Circuit: *Pacific Gas and Electric Company v. Federal Energy Regulatory Commission*, D.C. Circuit Case No. 24-1074

4. **CONFERENCE WITH LEGAL COUNSEL** - pursuant to Government Code Section 54956.9(d)(1) – Anticipated Litigation, one (1) case.

The meeting reconvened to Open Session at 11:53 a.m.

5. **Report from Closed Session**

NCPA General Counsel Jane Luckhardt advised that no reportable action was taken during Closed Session.

6. **Adjournment.**

The meeting was adjourned at 11:54 a.m.

Respectfully submitted,
Linda Stone

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NCPA Legal Committee Meeting Minutes

Date: Thursday, May 2, 2024
Time: 9:00 a.m. Pacific Standard Time
Location: 651 Commerce Drive, Roseville, CA or via teleconference
Subject: NCPA Legal Committee Regular Meeting

1. Call Meeting to Order and Roll Call

The Legal Committee meeting was called to order at 9:03 a.m. by Chair Amy Bartell. At the time of roll call, the following members were present via Zoom:

Alameda Municipal Power-Lonnie Eldridge; Biggs-Gregory Einhorn; Gridley-Anthony Galyean; Healdsburg-Alan Cohen; Lodi-Katie Lucchesi; Lompoc-Ericka Murphy; Palo Alto-Amy Bartell, Redding-Christian Curtis; Roseville-Joe Mandell, Santa Clara-Daniel Ballin, and Ukiah-David Rapport. A quorum was present.

Also participating in the meeting were Natalia Ebersole-Redding, Darcy Vaughn-Ukiah, NCPA General Manager Randy Howard, NCPA General Counsel Jane Luckhardt, and NCPA administrative support Linda Stone.

Rachel Sommovilla-Port of Oakland joined the meeting at 9:12 a.m. during Closed Session.

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.

CLOSED SESSION

The Committee went into Closed Session at 9:08 a.m.

3. **CONFERENCE WITH LEGAL COUNSEL** - Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation one (1) case:
Case Name: *Pacific Gas and Electric Company, Plaintiff, v. DKM, LLC, a California limited liability company; Calaveras County Water District; Northern California Power Agency; et al., Defendants, Calaveras County Superior Court, Case No. 24CV47310.*

4. CONFERENCE WITH LEGAL COUNSEL - pursuant to Government Code Section 54956.9(d)(2) – Anticipated Litigation, two (2) cases.

The meeting reconvened to Open Session at 9:44 a.m.

4. Report from Closed Session

Chair Amy Bartell and NCPA General Counsel Jane Luckhardt advised that no reportable action was taken during Closed Session.

Some comments were made about possible future agenda items for discussion including rooftop solar ordinances, maximum permitting fees, development ordinances, wildfire liability issues, and a high-level review of Pathways Initiative.

5. Adjournment.

The meeting was adjourned at 9:52 a.m.

Respectfully submitted,
Linda Stone

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