

SILICON VALLEY CLEAN ENERGY AUTHORITY

RESOLUTION NO. 2022-04

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY MODIFYING THE DELEGATION OF AUTHORITY TO THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE NON-STANDARD PRICING AGREEMENTS WITH ELIGIBLE LARGE COMMERCIAL AND INDUSTRIAL CUSTOMERS, TO INCLUDE APPROVAL OF SUPPLY AGREEMENTS FOR SUPPLY ORIGINATED AND FURNISHED BY THE CUSTOMER FOR THE PURPOSE OF DIRECTLY SERVING THAT CUSTOMER'S LOAD UNDER A NON-STANDARD PRICING AGREEMENT

THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the Silicon Valley Clean Energy Authority ("SVCE") was formed on March 31, 2016, pursuant to a Joint Powers Agreement to promote, develop, conduct, operate, and manage energy programs in Santa Clara County;

WHEREAS, Silicon Valley Clean Energy launched service under a community choice aggregation program on April 3, 2017;

WHEREAS, commercial and industrial customers make up a substantial majority of SVCE's electric load;

WHEREAS, commercial and industrial customers are critical partners in helping SVCE and its member agencies reduce carbon emissions and meet climate action planning goals;

WHEREAS, the state of California adopted new legislation to re-open the cap for Direct Access to the wholesale markets for commercial and industrial customers under SB 237 in September 2018;

WHEREAS, in the expanded Direct Access marketplace, current SVCE commercial and industrial customers may opt out to receive DA service under more flexible or lower-cost tariff structures;

WHEREAS, SVCE seeks to provide clean, carbon-free electricity services that meet customer needs, at rates that are competitive and contribute positively to SVCE's financial position;

WHEREAS, the Direct Access marketplace is highly competitive, requiring that SVCE structure non-standard pricing agreement terms in a highly responsive, time-sensitive fashion;

WHEREAS, in order to expedite the approval of non-standard pricing agreements consistent with Direct Access marketplace requirements, the Board adopted Resolution No. 2019-12 in June 2019 to delegate to the Chief Executive Officer the authority to negotiate directly with eligible commercial and industrial accounts in accordance with the Board approved Non-Standard Pricing Agreement Policy (the "Current Policy");

WHEREAS, Board of Director approval is required for procurement agreements for power supply (e.g. energy, environmental products) serving SVCE's customer load, where the agreement is longer than 5 years;

WHEREAS, SVCE wishes to offer Non-Standard Pricing Agreements that include SVCE procurement of supply resources originated and furnished by the Customer, for the purpose of directly serving that Customer’s load under a Non-Standard Pricing Agreement by revising the Current Policy to delegate to the Chief Executive Officer the authority to negotiate and enter into such agreements;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SILICON VALLEY CLEAN ENERGY AUTHORITY DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The Board hereby modifies the Current Policy as follows: (i) delegation of authority to the Chief Executive Officer to negotiate and execute non-standard pricing agreements with an eligible large commercial or industrial customer (“Customer”), shall include authority to approve such agreements that include supply originated and furnished by the Customer for the purpose of directly serving that Customer’s load under a Non-Standard Pricing Agreement; and (ii) such agreements shall be reviewed and approved as to form by SVCE counsel.

PASSED AND ADOPTED this 9th day of February 2022, by the following vote:

JURISDICTION	NAME	AYE	NO	ABSTAIN	ABSENT
City of Campbell	Director Gibbons	✓			
City of Cupertino	Director Willey	✓			
City of Gilroy	Director Hilton	✓			
City of Los Altos	Director Fligor	✓			
Town of Los Altos Hills	Director Tyson	✓			
Town of Los Gatos	Director Rennie	✓			
City of Milpitas	Director Chua	✓			
City of Monte Sereno	Director Ellahie	✓			
City of Morgan Hill	Director Martinez Beltran	✓			
City of Mountain View	Director Abe-Koga	✓			
County of Santa Clara	Director Lee	✓			
City of Saratoga	Director Walia	✓			
City of Sunnyvale	Director Klein	✓			

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Chair

ATTEST:

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Andrea Pizano, Board Clerk