

1 [Approving Issuance of an RFP for CleanPowerSF.]

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3 **Ordinance approving issuance of a Request for Proposals for Community Choice**  
4 **Aggregation (CCA) Services for the San Francisco CCA program, commonly known as**  
5 **CleanPowerSF.**

6 NOTE: Additions are *single-underline italics Times New Roman*;  
7 deletions are ~~*strike-through italics Times New Roman*~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strike-through normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Background.

11 A. Ordinance 86-04 established a Community Choice Aggregation (CCA) program  
12 pursuant to Public Utilities Code Sections 218.3, 331.1, 366, 366.2, 381.1, 394, and 394.25,  
13 finding that CCA provides a means by which the City may help ensure the provision of clean,  
14 reasonably priced, and reliable electricity to San Francisco customers. Ordinance 86-04  
15 further found that a CCA Program could provide a means for the City to increase the scale  
16 and cost-effectiveness of conservation, energy-efficiency and renewable energy in San  
17 Francisco and directed City departments to investigate the use of bonds issued under Section  
18 9.107.8 of the Charter to augment CCA. Ordinance 86-04 also stated that the Board of  
19 Supervisors would review and approve a Draft Request for Proposals (RFP) for a CCA  
20 program and established certain requirements for the RFP.

21 B. Ordinance 147-07 set forth requirements for the CCA program based on a June  
22 6, 2007 Program Description and Revenue Bond Action Plan and Draft Implementation Plan.  
23 (Draft IP) The Ordinance stated that "The Board of Supervisors expects to consider  
24 modifications to the Draft IP as the development of the CCA Program progresses. In  
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1 particular, the Board of Supervisors expects that the City will gain additional material  
2 information regarding the suppliers, costs, and financing mechanisms, among other things,  
3 from the Request for Information (RFI) that will be issued following adoption of this ordinance  
4 as well as from other work performed in connection with the CCA Program." (Page 7, lines  
5 11-16.)

6 C. As required by Ordinance 147-07, the Public Utilities Commission (PUC) issued  
7 a Request for Information (RFI) from potential suppliers in November 2007. In April 2009 the  
8 PUC issued a Request for Qualifications (RFQ) from potential suppliers.

9 D. At a joint meeting on September 25, 2009, the PUC and the San Francisco  
10 Local Agency Formation Commission (LAFCo) considered documents submitted by their  
11 respective staffs related to issuance of an RFP, which documents are on file with the Clerk of  
12 the Board of Supervisors in File No. \_\_\_\_\_.

13 E. The PUC and LAFCo directed their respective staffs to work together to finalize  
14 expeditiously an RFP seeking suppliers to implement a CCA program for San Francisco. The  
15 PUC and LAFCo directed that the RFP clearly identify all CCA program goals, state a strong  
16 preference that all proposers meet all program goals, and ensure that any qualified proposals  
17 that meet all CCA program goals will receive more points than proposals that do not meet all  
18 CCA program goals.

19 F. Ordinance 146-07 provides that the LAFCo may consider and make  
20 recommendations to the PUC and Board of Supervisors regarding the RFP. The LAFCo  
21 intends to consider the Draft RFP on October 16, 2009, and provide recommendations to the  
22 Board of Supervisors by separate LAFCo Resolution.

23 Section 2. Approvals.

24 A. The Board of Supervisors finds that it is reasonable to allow some flexibility in  
25 meeting the CCA RFP requirements and program criteria set forth in Ordinances 86-04 and

1 147-07, consistent with the direction provided by the PUC and LAFCo on September 25,  
2 2009, in order to encourage robust responses and to facilitate a successful CCA program.

3 B. The Board of Supervisors authorizes the General Manager of the PUC, in  
4 consultation with the Executive Officer of the LAFCo, to issue an RFP for services to  
5 implement CleanPower SF.

6 C. The Board of Supervisors authorizes further approvals which may be required  
7 under this Ordinance or Ordinances 86-04, 146-07, and 147-07, to be made by Resolution of  
8 the Board of Supervisors to the extent otherwise permitted by law.

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10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: \_\_\_\_\_  
13 THERESA L. MUELLER  
14 Deputy City Attorney  
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