

1 [Appropriating \$19,500,000 of Available Fund Balance to Support Required Reserves and
 2 Creating Special Funds for the CleanPowerSF Program at the Public Utilities Commission]

3 **Ordinance appropriating \$19,500,000 of Hetch Hetchy fund balance at the Public**
 4 **Utilities Commission to support CleanPowerSF Community Choice Aggregation**
 5 **program consistent with the contractual requirements and budgetary authorizations as**
 6 **approved by the San Francisco Public Utilities Commission and the Board of**
 7 **Supervisors and adding administrative code sections 10.100.372 and 10.100.373 to**
 8 **establish the CleanPowerSF Customer Fund and the CleanPowerSF Reserve Fund.**

9

10 Note: Additions are *single-underline italics Times New Roman*;
 11 deletions are ~~*strikethrough italics Times New Roman*~~.
 12 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. The sources of funding outlined below are herein appropriated to reflect the
 15 funding available in Fiscal Year 2011-2012.

16

17 **SOURCES Appropriation**

| Fund | Index/Project Code | Subobject | Description | Amount |
|------------------------------------|--------------------|-----------|----------------|----------------------------|
| 5TAAAAAA – Hetch Hetchy | TBD | 99999B | Available Fund | \$19,500,000 |
| | | | Balance | |
| Total SOURCES Appropriation | | | | <u>\$19,500,000</u> |

21

22
 23 Section 2. The uses of funding outlined below are herein appropriated in FY 2011-2012 for
 24 CleanPowerSF and reflect the projected uses of funding to support the Public Utilities
 25

1 Commission's contractual obligations under the CleanPowerSF Community Choice
2 Aggregation Program.

3

4 **USES Appropriation**

| 5 | Fund | Index Code/ 6 Project Code | Subobject | Description | Amount |
|----|---------------------------------|-------------------------------|-----------|--------------------------|---------------------|
| 7 | 5TXXXXX – | CUH978 | 097XX | Lockbox Reserves – | \$2,500,000 |
| 8 | Community Choice | | | Working Capital | |
| 9 | Aggregation | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | 5TXXXXX – | CUH978 | 097XX | Operating Reserves– | \$1,500,000 |
| 13 | Community Choice | | | Working Capital | |
| 14 | Aggregation | | | | |
| 15 | | | | | |
| 16 | 5TXXXXX – | CUH978 | 097XX | Security Reserves– | \$15,000,000 |
| 17 | Community Choice | | | Energy Cost, Termination | |
| 18 | Aggregation | | | Contingency | |
| 19 | | | | | |
| 20 | 5TXXXXX – | CUH978 | 097XX | Operating Reserves – | \$500,000 |
| 21 | Community Choice | | | Customer Services | |
| 22 | Aggregation | | | | |
| 23 | | | | | |
| 24 | Total USES Appropriation | | | | \$19,500,000 |
| 25 | | | | | |

1 Section 4. Adding Section 10.100.372 to the Administrative Code, establishing the San
2 Francisco Public Utilities Commission's CleanPowerSF Customer Fund.

3 Section 10.100.372 Clean PowerSF Customer Fund

4 (a) Establishment of Fund. The Public Utilities Commission's CleanPowerSF Customer Fund is
5 hereby established as a category eight fund for the purpose of serving as a depository and operating
6 fund used to procure clean and greenhouse gas free electric power for customers of the CleanPowerSF
7 Community Choice Aggregation Program.

8 (b) Use of Fund. All monies deposited into the fund shall be expended for implementation,
9 operation and maintenance of the CleanPowerSF Community Choice Aggregation Program.
10 Allowable uses shall include the cost of electric energy, customer service costs, administrative costs
11 and other related CleanPowerSF operating and maintenance costs as well as customer rate
12 stabilization reserves.

13 (c) Administration of Fund. The General Manager of the San Francisco Public Utilities Commission
14 is authorized to accept customer deposits into this fund and approve payments from this fund for
15 electric energy provided through CleanPowerSF as well as associated costs, including reimbursement
16 of CleanPowerSF Reserve Fund advances related to working capital or other CleanPowerSF related
17 needs. Establishment of this fund is subject to final approval of the San Francisco Controller.

18
19 Section 5. Adding Section 10.100.373 to the Administrative Code, establishing the San
20 Francisco Public Utilities Commission's CleanPowerSF Reserve Fund.

21 Section 10.100.373 Clean PowerSF Reserve Fund

22 a) Establishment of Fund. The San Francisco Public Utilities Commission's CleanPowerSF Reserve
23 Fund is hereby established as a category four fund for the purpose of serving as a fund to hold reserves
24 for unanticipated fluctuations in the cost of energy, customer service payments, working capital needs
25 and other charges.

1 (b) Use of Fund. All monies deposited into the Reserve Fund shall be expended or otherwise
2 utilitized for the implementation and operation of the CleanPowerSF Community Choice Aggregation
3 Program.

4 (c) Administration of Fund. The General Manager of the San Francisco Public Utilities
5 Commission is authorized to transfer moneys from the CleanPowerSF Reserve Fund to the
6 CleanPowerSF Customer Fund as needed by that fund to smooth fluctuations in cash receipts and cash
7 payments. Funds from the CleanPowerSF Reserve Fund that represent advances for working capital
8 needs for the CleanPowerSF Community Choice Aggregation Program shall be administered
9 consistent with the Board of Supervisor's approved power purchase contract between the San
10 Francisco Public Utilities Commission and the CleanPowerSF power provider(s). Establishment of
11 this fund is subject to final approval of the San Francisco Controller.

12
13 Section 6. The enumerated amounts are hereby appropriated and can only be used as
14 required for CleanPowerSF program contractual requirements and budgetary authorizations
15 as approved by the San Francisco Public Utilities Commission and the Board of Supervisors.

16
17 Section 7. The Controller is authorized to record transfers between funds and adjust the
18 accounting treatment of sources and uses appropriated in this ordinance as necessary to
19 conform with Generally Accepted Accounting Principles.

1 APPROVED AS TO FORM:
2 DENNIS J. HERRERA, City Attorney

3 By: _____
4 Deputy City Attorney

FUNDS AVAILABLE
Ben Rosenfield, Controller

By: _____
Date: December 23, 2011

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25