

1 [Electric Service Agreement - Public Utilities Commission - Transbay Project]

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3 **Resolution authorizing the Public Utilities Commission’s General Manager to enter into**  
4 **an Electric Service Agreement with the Transbay Joint Powers Authority for the Public**  
5 **Utilities Commission to be the primary provider of electric service to the Transbay**  
6 **Project beginning January 2014 and ending January 2017; and making findings**  
7 **pursuant to the California Environmental Quality Act.**

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9 WHEREAS, The Transbay Joint Powers Authority (“TJPA”), a historic collaboration of  
10 San Francisco Bay Area governments, including the City and County of San Francisco (“the  
11 City”), and public transportation agencies, is constructing a new multi-modal regional  
12 transportation center (“Transit Center”), a downtown rail extension, bus ramps, bus storage  
13 facility, and related facilities in San Francisco (“Transbay Project”); and

14 WHEREAS, The Transbay Project will benefit the City and the public by providing  
15 construction and other jobs, adding to the gross regional product, increasing property values  
16 in the vicinity of the Transit Center, and adding new open space to the area, while making the  
17 Bay Area more transit friendly on an energy efficient basis; and

18 WHEREAS, The TJPA wishes to procure reliable, economic, and clean electric service  
19 from the City for the Transbay Project; and

20 WHEREAS, Pursuant to the California Constitution, City Charter Section 16.101 and  
21 Administrative Code Article 99, the City has the authority and has adopted a policy to supply  
22 electricity through the Public Utilities Commission (PUC) where feasible to all new City  
23 developments; and

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1 Electric Service Agreement

2 WHEREAS, On December 10, 2013, in Resolution 13-0193 the PUC authorized the  
3 General Manager of the PUC to execute the Electric Service Agreement (ESA) with the  
4 Executive Director of TJPA, subject to approval by the Board of Supervisors, and to approve  
5 necessary changes to the ESA that do not materially alter the balance of benefits and burdens  
6 to the City from the agreement; and

7 WHEREAS, A copy of the ESA is on file with the Clerk of the Board of Supervisors in  
8 File No. 140015 , and is hereby declared to be a part of this resolution as if set forth fully  
9 herein; and

10 WHEREAS, The ESA provides that the City, through PUC, will be the primary provider  
11 of electric service to specified portions of theTransbay Project; and

12 WHEREAS, The PUC's estimated cost of providing service under the ESA is  
13 approximately \$8,168,200, which funds have been approved in the PUC's budget; and

14 WHEREAS, The PUC expects to recover the costs of providing service to TJPA from  
15 the rates paid by TJPA under the ESA; and

16 WHEREAS, The ESA provides that electricity rates for TJPA and its tenants at the  
17 Transit Center generally will be the lower of (1) rates established by the PUC, or (2) PG&E's  
18 then-current applicable rates for similar loads, less 10 percent; and

19 WHEREAS, Preparation for provision of electric service is anticipated to begin in  
20 January 2014 and end in January 2017. Permanent electric services are anticipated to begin  
21 in January 2017; and

22 WHEREAS, The Transit Center requires permanent electric service for the  
23 commissioning of equipment by early-2017 and its grand opening October 2017; and

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1           WHEREAS, The ESA will become effective upon execution by the City and TJPA and  
2 electric service will continue indefinitely unless terminated as provided in Section 10 of the  
3 ESA; and

4           Environmental Review

5           WHEREAS, In April 2004, the City and County of San Francisco, the Peninsula  
6 Corridor Joint Powers Board, and the San Francisco Redevelopment Agency each certified  
7 the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final  
8 Environmental Impact Statement/Environmental Impact Report (“EIS/EIR”) (State Clearing  
9 House # 95063004), and the TJPA subsequently prepared Addenda 1-6 to the EIS/EIR, all  
10 pursuant to the California Environmental Quality Act (CEQA), and the CEQA Guidelines; and

11           WHEREAS, The EIS/EIR, the Addenda, and related files have been made available for  
12 review by the PUC and the public, and are available through the TJPA at 201 Mission Street,  
13 Suite 2100, San Francisco, CA 94105, which is the custodian of records; and

14           WHEREAS, The TJPA Board, by Resolution 04-004 adopted on April 22, 2004, the  
15 San Francisco Board of Supervisors, by Resolution No. 612-04 adopted on September 28,  
16 2004, and the San Francisco Redevelopment Agency, by Resolutions Nos. 11-2005 and 19-  
17 2005 adopted on January 25, 2005, approved various actions related to the Transbay Project,  
18 and adopted findings pursuant to CEQA, including adopting mitigation measures that  
19 eliminate or substantially lessen potentially significant effects, a Mitigation Monitoring and  
20 Reporting Program (MMRP), and a Statement of Overriding Considerations (together “CEQA  
21 Findings”), and those CEQA Findings are incorporated herein by this reference; and

22           WHEREAS, The TJPA Board, by Resolution adopted on November 14, 2013, found  
23 that the ESA is within the scope of the EIS/EIR, including Addenda 1-6 prepared by TJPA.  
24 The TJPA also found that since certification of the Final EIS/EIR (including Addenda) in  
25 regard to the actions contemplated herein, there have been no new or substantially increased

1 significant effects; no substantial changes have occurred with respect to the circumstances  
2 under which the project would be undertaken that would require revisions of the Final EIS/EIR  
3 due to new or substantially increased significant effects; and there has been no discovery of  
4 new information of substantial importance that would trigger or require major revisions of the  
5 Final EIS/EIR due to new or substantially increased effects; and

6 WHEREAS, The PUC, acting as a responsible agency under California Public  
7 Resources Code Section 21069 for purposes of this action, has reviewed the environmental  
8 determinations of the TJPA and other entities, and affirmed those findings in Resolution 13-  
9 0193 on December 10, 2013; now, therefore, be it

10 RESOLVED, That the Board of Supervisors authorizes the Public Utilities Commission  
11 General Manager to enter into the Electric Service Agreement with the Executive Director of  
12 the Transbay Joint Powers Authority, substantially in the form of the agreement filed with the  
13 Clerk, pursuant to San Francisco Charter section 9.118; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors authorizes the General  
15 Manager, in consultation with the City Attorney, to amend the ESA as necessary to  
16 accomplish the objectives of the Electric Service Agreement, to the extent that such  
17 amendment or modification does not materially change the balance of benefits and burdens of  
18 the Electric Service Agreement to the City; and, be it

19 FURTHER RESOLVED, That within thirty (30) days of the agreement being fully  
20 executed by all parties, the General Manager of the Public Utilities Commission shall provide  
21 the Electric Service Agreement to the Clerk of the Board for inclusion in the official file; and,  
22 be it

23 FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered  
24 the EIS/EIR, and the Addenda; and adopts and incorporates by reference as though fully set  
25 forth herein the Board of Supervisors, TJPA, Redevelopment Agency, and PUC Resolutions

1 referenced above, including the CEQA Findings, the MMRP and the Statement of Overriding  
2 Considerations, which are a part of the record before the Board of Supervisors; and be it

3 FURTHER RESOLVED, That the Board of Supervisors finds that this approval of the  
4 Electric Service Agreement is within the scope of the Project and activities evaluated in the  
5 EIS/EIR and Addenda, and with regard to the actions contemplated in the Electric Service  
6 Agreement, the SFPUC has not identified any feasible alternative or additional feasible  
7 mitigation measures within its powers that would substantially lessen or avoid any significant  
8 effect the Project would have on the environment; and be it

9 FURTHER RESOLVED, That the Board of Supervisors finds that since the EIS/EIR  
10 was finalized, there have been no substantial Project changes and no substantial changes in  
11 Project circumstances that would require major revisions to the EIS/EIR due to the  
12 involvement of new significant environmental effects or an increase in the severity of  
13 previously identified significant impacts, and there is no new information of substantial  
14 importance that would change the conclusions set forth in the EIS/EIR.