

1 [Amending PG&E Energy Conservation Revenue Contract]

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3 **Resolution authorizing the Department of the Environment to amend a revenue**  
4 **contract with Pacific Gas and Electric Company ("PG&E") to add up to \$ 3,700,000 and**  
5 **to further amend such contract up to an additional \$3,000,000 to continue the**  
6 **Partnership Program between PG&E and the City and County of San Francisco for the**  
7 **Energy Use and Demand Reduction through Energy Efficiency Program.**

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9 WHEREAS, Charter Section 9.118 requires the Board of Supervisors to approve  
10 contracts, and amendments to contracts, having anticipated revenue to the City of one million  
11 dollars or more; and

12 WHEREAS, Pursuant to Charter Section 9.118, the Board of Supervisors adopted  
13 Resolution 463-06 ("2006 Resolution") authorizing the Department of the Environment to  
14 enter into a revenue contract ("Contract") with the Pacific Gas and Electric Company  
15 ("PG&E"), funded by monies allocated by the California Public Utilities Commission ("CPUC")  
16 from the Public Goods Charge Fund for the Partnership Program between PG&E and the City  
17 and County of San Francisco to fund the design and implementation of local programs to  
18 reduce energy use. The Resolution approved a three-year contract up to \$10,709, 302, and  
19 authorized the Director of the Department of the Environment "to amend contract terms as  
20 necessary and advisable to allow flexibility in program design and implementation, without  
21 limitation, providing there is no cost to the City, and provided that additional revenues to the  
22 City do not exceed \$3,000,000." The Contract would have expired June 30, 2009; and

23 WHEREAS, The executed Contact was for \$10, 713,030, which exceeded the face  
24 amount approved in the 2006 Resolution by \$3,728 but was within the Director of the  
25 Department of the Environment's amendment authority under the 2006 Resolution; and

1           WHEREAS, The CPUC has approved "bridge" funding that PG&E estimates would  
2 make available \$6,690,000 in additional funding for San Francisco's energy efficiency  
3 program and extend the Contract term to December 31, 2009; and

4           WHEREAS, PG&E has authorized San Francisco's "bridge" funding in two stages. On  
5 November 12, 2008, the Director of the Department of Environment, under his 2006  
6 Resolution amendment authority, executed PG&E Contract Change Order 1 which added  
7 \$2,990,000 to the Contract and extended the term of the Contract by six months, to  
8 December 31, 2009; and

9           WHEREAS, PG&E has authorized up to \$3,700,000 of additional "bridge" funding, but  
10 that amount exceeds the Director of the Department of Environment's remaining amendment  
11 authority under the 2006 Resolution; and

12           WHEREAS, The exact amount of "bridge" funding available to the City cannot be  
13 precisely determined because it will be based upon monthly spending limits and performance  
14 factors during the "bridge" funding period; and

15           WHEREAS, PG&E and the City anticipate that the CPUC will authorize another multi-  
16 year cycle of funding for energy efficiency programs on or before the one year period of  
17 "bridge" funding expires; and

18           WHEREAS, The Contract, and the amendment authority granted by this Resolution,  
19 allow the City to terminate the Contract if the City becomes a Community Choice Aggregator;  
20 and

21           WHEREAS, a copy of the Contract, Change Order 1, and proposed Change Order 2  
22 are on file with the Clerk of the Board in File No. \_\_\_\_\_; now therefore, be it

23           RESOLVED, That pursuant to Charter Section 9.118, the San Francisco Board of  
24 Supervisors authorizes the Director of the Department of the Environment to amend the

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1 Contract to add an additional \$3,700,000 by executing Change Order 2 in substantially the  
2 form on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and to take  
3 other steps as such Director or the City Attorney deems necessary and advisable to effectuate  
4 the purpose and intent of this Resolution. The Contract, as so amended, together with the  
5 previously described amendments, will have a face value of up to \$17, 403,030 and expire on  
6 December 31, 2009; and

7 FURTHER RESOLVED that the Director of the Department of the Environment may  
8 negotiate and agree with PG&E to further amend the Contract term and such other provisions  
9 as necessary and advisable to allow flexibility in program design and implementation, without  
10 limitation, providing there is no cost to the City, and provided that additional revenues to the  
11 City do not exceed \$3,000,000.

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