

**PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 23-0221

WHEREAS, The San Francisco Board of Supervisors (Board) established a community choice aggregation (CCA) program in 2004 (Ordinance 86-04) and has implemented the program, called CleanPowerSF, through the work of the San Francisco Public Utilities Commission (SFPUC) in consultation with the San Francisco Local Agency Formation Commission (Ordinances 146-07, 147-07, and 232-09); and

WHEREAS, In order to provide the services of CleanPowerSF, the SFPUC engages in a continual process of procuring power and simultaneously negotiating a mix of short-, medium-, and long-term contracts for a diverse supply of energy and energy-related products with multiple suppliers (Contracts), all in an expedited time frame consistent with regulatory deadlines in order to meet regulatory requirements, secure the best possible prices and terms, keep rates affordable and competitive, and manage procurement risk; and

WHEREAS, The SFPUC has an ongoing need for access to a bank credit facility to secure the obligations of CleanPowerSF to make authorized Contract payments, to meet regulatory requirements, and for other financial obligations for CleanPowerSF, through letters of credit or loans; and

WHEREAS, In order to provide liquidity support, as needed, for authorized power purchase Contracts, to meet regulatory requirements and to enable CleanPowerSF to enter into working capital loans as part of conducting its normal business activities, in Board of Supervisors Ordinance No. 8-18, the Board authorized the General Manager to enter into a bank facility credit agreement with JPMorgan Chase Bank, National Association (JPMorgan) or another entity, subject to the conditions specified in Board of Supervisors Ordinance No. 8-18, including that the total credit commitment under the bank credit facility agreement not exceed \$150 million over the term of the agreement, and that the term of the agreement not exceed six years; and

WHEREAS, The six-year term authorized under Ordinance No. 8-18 currently expires at the end of March 2024. To ensure that the desired essential liquidity support continues to be available on an uninterrupted basis, the SFPUC now seeks to submit to the Board of Supervisors a proposed amendment to Board of Supervisors Ordinance No. 8-18 (the Proposed Ordinance Amendment) to authorize the General Manager to enter into amendments to or an amended and restated credit agreement with JPMorgan or a replacement bank credit facility with another entity, with a total credit commitment under the bank credit facility agreement not exceeding \$150 million and for an additional period or periods not exceeding ten years; and

WHEREAS, This action does not constitute a “project” under the California Environmental Quality Act Guidelines section 15378(b)(4) because approval of the Proposed Ordinance Amendment would constitute the creation of a government funding mechanism which does not involve any commitment to a specific project which may result in a potentially significant physical change in the environment; now, therefore, be it

RESOLVED, the Commission hereby approves the form of the Proposed Ordinance Amendment and authorizes the General Manager to direct its advancement for consideration by the Board of Supervisors, with any non-material changes that the General Manager deems necessary to accomplish the purposes of this resolution; and be it

FURTHER RESOLVED, The General Manager is authorized to delegate any of the responsibilities or duties authorized in this resolution to the Assistant General Manager, Business Services and Chief Financial Officer of the Commission; and be it

FURTHER RESOLVED, This resolution shall take effect from and after its adoption.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 12, 2023.*

  
Secretary, Public Utilities Commission