

File No. 130829

Committee Item No. \_\_\_\_\_  
Board Item No. 5

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date September 10, 2013

**Cmte Board**

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Joy Lamug  
Completed by: \_\_\_\_\_

Date September 5, 2013  
Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Urging the Public Utilities Commission to Set Not to Exceed Rates for CleanPowerSF Without  
2 Any Further Delay]

3 **Resolution reiterating the Board of Supervisor's support for CleanPowerSF, citing the**  
4 **Board's role as the preeminent policymaking body in San Francisco, urging the Public**  
5 **Utilities Commission to set not-to-exceed rates for CleanPowerSF without any further**  
6 **delay, and promising further action if the Public Utilities Commission fails to set rates.**

7  
8 WHEREAS, The San Francisco Board of Supervisors unanimously established a  
9 Community Choice Aggregation (CCA) program in 2004 (File No. 040236), now called  
10 CleanPowerSF; and

11 WHEREAS, The Board of Supervisors unanimously approved a CCA Governance  
12 Structure in 2007 (File No. 070777); and

13 WHEREAS, Again in 2007, a supermajority of The Board of Supervisors adopted a  
14 Community Choice Aggregation Program Description, Revenue Bond Action Plan, and Draft  
15 Implementation Plan, which established key aspects of the CCA Program and enacted further  
16 implementation measures (File No. 070501); and

17 WHEREAS, In 2009 the Board of Supervisors unanimously approved the issuance of a  
18 Request for Proposals (RFPs) for Community Choice Aggregation Services (File No. 091161);  
19 and

20 WHEREAS, The San Francisco Public Utilities Commission (SFPUC), in response to  
21 direction from the Board of Supervisors, issued two RFPs seeking suppliers to provide key  
22 services for CleanPowerSF, and on February 8, 2011, the SFPUC authorized the General  
23 Manager to negotiate with one or more creditworthy firms for power supply services for  
24 CleanPowerSF; and

1           WHEREAS, SFPUC staff has negotiated a draft contract that would achieve the  
2 Board's goals by: (1) mitigating program risks by using a phase-in approach, (2) offering  
3 customers a 100% renewable product, (3) requiring a \$13.5 million initial appropriation to fund  
4 program reserves, and (4) allowing for development of new renewable resources to be added  
5 into the electricity portfolio as a customer revenue stream is established; and

6           WHEREAS, In December, 2011, the SFPUC approved Resolution 11-0194, which  
7 endorsed the negotiated contract, and submitted a \$19.5 million appropriation request to the  
8 Board of Supervisors for CleanPowerSF; and

9           WHEREAS, In September, 2012, a supermajority of the Board of Supervisors  
10 authorized the PUC to launch the CleanPowerSF program, and authorized the General  
11 Manager of the PUC to execute the negotiated contract for a term of up to five years for all  
12 services required to launch CleanPowerSF (File No. 111340); and

13           WHEREAS, Also in September, 2012, a supermajority of the Board of Supervisors  
14 appropriated \$19,500,000 of Hetch Hetchy funds to support CleanPowerSF's CCA program,  
15 and added Administrative Code Sections 10.100.372 and 10.100.373 to establish the  
16 CleanPowerSF Customer Fund and the CleanPowerSF Reserve Fund (File No. 111371); and,

17           WHEREAS The San Francisco Public Utilities Commissioners have reviewed the  
18 CleanPowerSF program, including the proposed not-to-exceed rates, at 18 separate meetings  
19 between September, 2012 and August, 2013; and

20           WHEREAS The Public Utilities Commissioners considered CleanPowerSF's proposed  
21 not-to-exceed rates at a joint meeting of the SFPUC and the San Francisco Local Agency  
22 Formation Commission (LAFCo) on March 25<sup>th</sup>, 2013; and

23           WHEREAS The Public Utilities Commissioners reviewed CleanPowerSF's proposed  
24 not-to-exceed rates in a "Commission Workshop" during the SFPUC's meeting on April 23,  
25 2013; and

1           WHEREAS The Public Utilities Commissioners again considered CleanPowerSF's  
2 proposed not-to-exceed rates on May 14, 2013 and voted to continue the matter to a later  
3 date; and

4           WHEREAS, On July 9th, 2013, at another joint meeting of the SFPUC and LAFCo, the  
5 LAFCo board including four members of the Board of Supervisors voted unanimously to urge  
6 the SFPUC to approve PUC staff's recommended not-to-exceed rates, while the Public  
7 Utilities Commissioners voted, both at the joint LAFCo meeting and the Commission's  
8 regularly scheduled meeting, to continue consideration of the rates to a later date; and

9           WHEREAS, On August 13, 2013, the Public Utilities Commissioners voted three to two  
10 to reject a motion approving the recommended CleanPowerSF not-to-exceed rates; and

11           WHEREAS, According to its presentation to the PUC, the San Francisco Rate Fairness  
12 Board, a voter-mandated adjunct of the PUC, has met nine times since January, 2012 to  
13 consider CleanPowerSF, with six meetings from November 2, 2012 to March 15, 2013,  
14 focusing on the not-to-exceed rates; and

15           WHEREAS, The Rate Fairness Board determined that CleanPowerSF's "Proposed  
16 Phase 1 Program rates are technically fair" and the "decision to proceed with [the] Phase 1  
17 Program is a policy choice;" and

18           WHEREAS, The Board of Supervisors is the preeminent policymaking body of the City  
19 and County of San Francisco; and

20           WHEREAS, Over the course of nine years and numerous changes in the Board's  
21 composition, The San Francisco Board of Supervisors has consistently and overwhelmingly  
22 expressed its policy directive in support of CleanPowerSF; and

23           WHEREAS, Irrespective of the particular policy decision, the Board of Supervisors  
24 must protect and defend its authority to make policy decisions; and  
25

1           WHEREAS, In failing to set not-to-exceed rates for CleanPowerSF, the Public Utilities  
2 Commission is contradicting the policy directives of the Board of Supervisors and neglecting  
3 its own obligations under Charter Section 8B.125 to “set rates, fees and other charges in  
4 connection with providing the utility services under its jurisdiction;” and, now therefore be it

5           RESOLVED, The Board of Supervisors refuses to acquiesce its policymaking authority  
6 to the Executive bureaucracy; and, be it

7           FURTHER RESOLVED, The Board of Supervisors urges the Public Utilities  
8 Commission to approve not-to-exceed rates for CleanPowerSF without any further delay; and,  
9 be it

10          FURTHER RESOLVED, If the Public Utilities Commissioners fail to set not-to-exceed  
11 rates, or hereafter fail in any way to timely implement CleanPowerSF, the Board of  
12 Supervisors shall, whether at the Board Chambers or the ballot, exercise every means at its  
13 disposal to enact its policy objective and preserve its role as the elected policymaking body of  
14 San Francisco.

**Miller, Alisa**

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**From:** Ronen, Hillary  
**Sent:** Tuesday, September 03, 2013 3:59 PM  
**To:** Johnston, Conor; Miller, Alisa  
**Cc:** Pollock, Jeremy; Hsieh, Frances; Lauterborn, Peter  
**Subject:** RE: CleanPowerSF Res

Yes - please add Supervisor Campos as a cosponsor. Thanks.

-----Original Message-----

**From:** Johnston, Conor  
**Sent:** Tuesday, September 03, 2013 3:54 PM  
**To:** Miller, Alisa  
**Cc:** Pollock, Jeremy; Hsieh, Frances; Ronen, Hillary; Lauterborn, Peter  
**Subject:** RE: CleanPowerSF Res

Lisa,

Yes, they were confirmed after I printed the intro form.

Avalos then Mar. I haven't heard from Campos' office. Supervisor Breed may have spoke to him directly. Hillary, can you please confirm?

Conorj

-----Original Message-----

**From:** Miller, Alisa  
**Sent:** Tuesday, September 03, 2013 2:52 PM  
**To:** Johnston, Conor  
**Subject:** CleanPowerSF Res

Hi Conor,

Supervisor Breed just indicated during Roll Call that the LAFCo members are cosponsoring, but it's not indicated on the Intro Firm or Resolution. Can you please confirm the cosponsoring and order in which they should be listed?

Thank you... Lisa

Sent from my iPhone

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

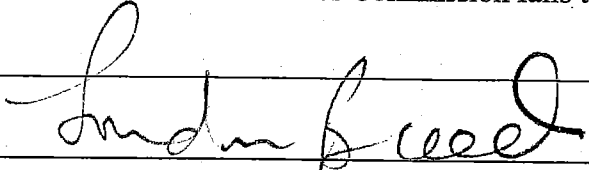
Breed, Avalos, Mar, Campos

**Subject:**

Urging the Public Utilities Commission to Set Not-to-Exceed Rates for CleanPowerSF Without Any Further Delay

**The text is listed below or attached:**

Resolution reiterating the Board of Supervisor's support for CleanPowerSF, citing the Board's role as the preeminent policymaking body in San Francisco, urging the Public Utilities Commission to set not-to-exceed rates for CleanPowerSF without any further delay, and promising further action if the Public Utilities Commission fails to set rates.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

