



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Community Services
Department
Department No.: 057
For Agenda Of: August 23, 2016
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department George Chapjian, Community Services Director
Director(s) (805) 568-2467

Contact Info: Angie Hacker, Division Chief, Energy and Sustainability Initiatives
(805) 568-3515

SUBJECT: Community Choice Energy – Utility Non-Disclosure Agreements for Feasibility Study

County Counsel Concurrence

As to form: YES

Other Concurrence: Risk Management

As to form: YES

Auditor-Controller Concurrence

As to form: YES

Recommended Actions: That the Board of Supervisors:

- A. Approve and authorize the County Executive Officer to sign the Community Choice Aggregator Non-Disclosure Agreements with Pacific Gas and Electric Company (Attachment A) and Southern California Edison (Attachment B) to obtain electricity load data for the purpose of investigating, pursuing, or implementing community choice aggregation; and
- B. Determine that the recommended actions do not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, as the actions involve only feasibility or planning studies for possible future actions which the Board has not approved, adopted, or funded and does not have a legally binding effect on later activities, and direct staff to file a Notice of Exemption (NOE) (Attachment C).

Summary Text: This item is on the agenda in order to execute Non-Disclosure Agreements with Pacific Gas and Electric Company (PG&E) and Southern California Edison (SCE) (the “Utilities”) to obtain sufficient electricity load data necessary to complete the Community Choice Energy feasibility study. On June 9, 2015, the Board of Supervisors appropriated funds to the Community Services Department to conduct the initial phase of evaluating the formation of a community choice aggregation program – also referred to as Community Choice Energy (CCE). On May 10, 2016, the Board approved and authorized the execution of an Agreement for Services of Independent Contractor with Willdan in the amount not to exceed \$220,756 for a CCE feasibility study. The CCE feasibility study is being developed to include 27 jurisdictions, within and including the counties of Santa Barbara, Ventura and San Luis Obispo. Santa Barbara County has requested electricity load data from the Utilities to complete the feasibility study. The Utilities are requiring execution of the Non-Disclosure Agreements (NDA) (Attachments A and B) to obtain the requested electricity load data information.

Background: As presented by the County Planning and Development Department at the May 5, 2015 Board hearing, the first phase in the process to establish the CCE program includes a feasibility study that assesses potential benefits and risks. On June 9, the Board appropriated funds to the Community Services Department to conduct Phase 1 work, including completion of the feasibility study.

Non-Disclosure Agreements (NDA)

According to industry experts, our Tri-County effort is among over 20 consortiums of local entities that are in the process of investigating or forming community choice aggregation programs in California. Most prospective programs begin with a feasibility evaluation, which entails analysis of electricity consumption data, or “load data.” All prospective CCE programs are required to complete necessary load data analysis in order to register a community choice aggregation implementation plan with the California Public Utilities Commission (CPUC). This means that each prospective program must obtain electricity load data from the incumbent electricity providers.

Based on the guidance of the County’s feasibility study consultant (Willdan), the Community Services Department initially thought Willdan would be able to complete the feasibility study by requesting aggregated load data from the Utilities. However, the aggregated load data received was considered by Willdan to be insufficient to complete the feasibility study. Willdan is now advising that the County obtain more detailed load data to complete an adequate study. The Utilities require execution of the NDAs to receive this data.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

Budgeted: Yes. Funds have previously been appropriated for Phase 1 and Phase 2 (conditional) for possible CCE program implementation, including the feasibility study, and contributions from outside entities will help offset these costs.

Fiscal Analysis:

N/A

Staffing Impacts:

None.

Special Instructions:

Please send two copies of the signed NDAs and minute order to Angie Hacker.

Attachments:

Attachment A: PG&E Non-Disclosure Agreement

Attachment B: SCE Non-Disclosure Agreement

Attachment C: CEQA Notice of Exemption (NOE)

Authored by:

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Jennifer Cregar, Project Supervisor, Energy and Sustainability Initiatives