

DOCKETED

Docket Number:	16-RPS-02
Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
TN #:	212413
Document Title:	12-2007-03-02-BC Hydro Resolution-007-166 Bates No. (LA000105-LA000106)
Description:	N/A
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Organization:	LADWP
Submitter Role:	Applicant
Submission Date:	7/22/2016 4:48:22 PM
Docketed Date:	7/22/2016

WHEREAS on June 30, 2004, the Department of Water and Power of the City of Los Angeles (LADWP), initiated a competitive bid process, seeking contracts for the long-term purchase of energy from renewable energy sources, in order to acquire renewable resources; and

WHEREAS on September 18, 2004, proposals were received from firms having the capability to provide renewable energy from wind, biomass, geothermal and other sources; and

WHEREAS eligible proposals were subjected to a detailed evaluation as to bidders' qualifications and proposed costs and benefits offered; and

WHEREAS Powerex Corp. (Powerex) was selected based upon the above criteria for providing renewable energy from small hydroelectric generating facilities with nameplate ratings of 30 MW or less and other renewable energy resources; and

WHEREAS Powerex will use existing small hydroelectric generating facilities and other renewable energy resources to supply renewable energy; and

WHEREAS, binding arbitration will allow the parties to select from a panel of experienced arbitrators to adjudicate any dispute and this control over selection of the adjudicator(s) is important given the highly technical and complex nature of the Agreements and should lead to a more equitable result. Binding arbitration also provides a relatively inexpensive and expedited dispute resolution mechanism.

NOW, THEREFORE, BE IT RESOLVED Board authorizes that all disputes will be resolved by way of binding arbitration at the American Arbitration Association in Los Angeles.

BE IT FURTHER RESOLVED THAT THE NOW, THEREFORE, BE IT RESOLVED that Agreements, LADWP No. BP 05-020A and BP 05-020B, by and between LADWP and Powerex, which allows LADWP to purchase renewable energy from small hydroelectric generating facilities and other renewable energy resources, now on file with the Secretary of the Board and approved as to form and legality by the City Attorney, be and the same is hereby approved; and

BE IT FURTHER RESOLVED that the Chief Accounting Employee of LADWP upon proper certification, is authorized and directed to draw demands on the Power Revenue Fund, not to exceed \$186,204,000 over the term of the Agreement, in payment of the obligations arising under these Agreements, LADWP No. BP 05-020A and BP 05-020B; and

BE IT FURTHER RESOLVED that the President or the Vice President of this Board, or General Manager, or such person as he shall designate in writing as his designee, and the Secretary, Assistant Secretary, or the Acting Secretary of this Board are hereby authorized, empowered, and directed to execute said Agreements, LADWP No. BP 05-020A and BP 05-020B , for and on behalf of this LADWP, after approval by the City Council by Ordinance pursuant to City Charter § 373 and 674 (a) (2);

BE IT FURTHER RESOLVED that notwithstanding Section 2.4 (h)(i) of the Agreement, LADWP shall not execute this Agreement if the price cap of \$89.50 per megawatt-hour has been exceeded.

BE IT FURTHER RESOLVED THAT THE Board requests that all disputes will be resolved by way of binding arbitration at the American Arbitration Association in Los Angeles.

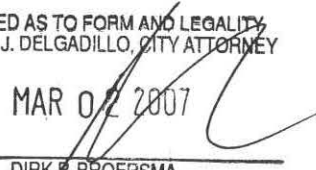
I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of the resolution adopted by the Board of Water and Power Commissioners of the City of Los Angeles at its meeting held MAR 06 2007


Secretary

APPROVED AS TO FORM AND LEGALITY
ROCKARD J. DELGADILLO, CITY ATTORNEY

MAR 02 2007

BY


DIRK P. BROERSMA
Deputy City Attorney