

DOCKETED

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Project Title:	Emission Performance Standard
TN #:	236453
Document Title:	EPS Compliance Filing for Coso Geothermal Energy Project
Description:	N/A
Filer:	Richard J Morillo
Organization:	Richard J Morillo
Submitter Role:	Applicant Representative
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Docketed Date:	1/26/2021



SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY

1160 Nicole Court
Glendora, CA 91740
(626) 793-9364

January 25, 2021

California Energy Commission
EPS Compliance
1516 Ninth Street
Sacramento, CA 95814-512
Attention: Compliance Filing

Re: EPS Compliance Filing for the Coso Geothermal Energy Project

Dear Sir or Madam:

Pursuant to 20 CCR § 2900 *et seq.*, of the California Code of Regulations, adopted by the California Energy Commission (“CEC”) to implement Senate Bill 1368, the Southern California Public Power Authority (“SCPPA”) hereby submits the attached compliance filing. In submitting this filing, SCPPA respectfully requests that the Commission determine that the procurements of geothermal renewable energy, associated environmental attributes and capacity rights pursuant to a power purchase agreement (“PPA”) between SCPPA and Coso Geothermal Power Holdings LLC, dated as of January 15, 2021 (the “Project”) is in compliance with the energy performance standard (“EPS”) regulations promulgated by the CEC.

SCPPA is a joint powers agency formed in 1980 pursuant to the Joint Exercise of Powers Act (Cal. Govt. Code § 6500 *et seq.*). SCPPA is comprised of eleven cities and one irrigation district (“Member”), each of which owns and operates an electric utility within its jurisdictional boundaries.

On or about September 10, 2020 SCPPA submitted notice to the CEC of its intent to deliberate on the Project, a covered procurement, at its September 17, 2020 Board meeting consistent with 20 CCR § 2908. This compliance filing is presented on behalf of the Participating Members as well as for SCPPA’s own account pursuant to the EPS regulations (20 CCR § 2900 *et seq.*).

California Energy Commission

Re: EPS Compliance Filing for the Star Peak Geothermal Energy Project

January 25, 2021

Page Two

Also, on September 17, 2020, the SCPPA Board of Directors, as part of its noticed public meeting consistent with the requirements of the Ralph M. Brown Act ("Brown Act," Cal. Govt. Code § 54950 *et seq.*), approved and authorized execution of the PPA, the subject of this compliance filing, on behalf of the City of Banning, the City of Pasadena, and the City of Riverside ("Participating Members").

On November 19, 2020, at a noticed public meeting consistent with the requirements of the Brown Act, this compliance filing was presented to the SCPPA Board of Directors in substantial final form. The SCPPA Board of Directors considered, authorized and approved the compliance filing during that same meeting.

SCPPA executed the PPA on January 15, 2021 ten business days from the date of this compliance filing. The Participating Members will receive all of the geothermal renewable energy, associated environmental attributes and capacity rights acquired under the PPA through separate Power Sales Agreements ("PSAs") between SCPPA and each Participating Member.

Additional information about the Project is shown on Attachment A. Attachment B includes the Staff Report presented to the SCPPA Board of Directors during its September 17, 2020, meeting (Attachment B-1) and the SCPPA Board Resolution No. 2020-102, adopted the same day (Attachment B-2) for approval and execution of the PPA. Attachment C includes the Staff Report presented to the SCPPA Board of Directors during its November 19, 2020, meeting (Attachment C-1) and the SCPPA Board Resolution No. 2020-109, adopted the same day (Attachment C-2) for approval and execution of the compliance filing for the Project. Attachment D is the attestation required by 20 CCR § 2909.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard J. Morillo", is written over a horizontal line.

Richard J Morillo
General Counsel

Attachments

ATTACHMENT A

CALIFORNIA ENERGY COMMISSION

EMISSION PERFORMANCE STANDARD COMPLIANCE FILING

DESCRIPTION OF THE COSO GEOTHERMAL ENERGY PROJECT

- Name of Project: Coso Geothermal Energy Project
- Name of Counterparty: Coso Geothermal Power Holdings, LLC
- Location of Facility: The Project is comprised of three facilities all situated in and around the U. S. Naval Weapons Center, located in Inyo County, CA.

BLM – Resource ID: BLM_2_UNITS, which consists of three (3) turbine generators.

Navy I – Resource ID: CALGEN_1_UNITS, which consists of three (3) turbine generators.

Navy II – Resource ID: NAVYII_2_UNITS, which consists of three (3) turbine generators.

- Technology/Fuel: Geothermal
- Nameplate Capacity of Facility: The capacity for each facility is as follows:
 - Navy I – 85 MW
 - Navy II – 90 MW
 - BLM – 96.6 MW

Although the combined nameplate capacity for the three facilities is 271.6 MW, because these facilities have been in operation since 1988, annual degradation and other limiting factors have contributed to a significant drop in production level. Currently, the maximum generation capacity for the three facilities is expected to be 50 MW and the nominal annual expected capacity is 130 MW. SCPPA's procurement percentage of the nominal annual expected capacity (130 MW) from the three facilities is 14% for the first five years of the power purchase agreement term, increased to 40% during the next ten years and increased once more to 50% during the last five years of the power purchase agreement term.

- Project Participants and Participation Shares of Contract Amount:

The energy share for each Project Participant is allocated based on the percentage shares for the applicable years listed below.

Dates	City of Riverside	City of Banning	City of Pasadena
1/1/2022 12/31/2026	55%	45%	0%
1/1/2027- 12/31/2036	62%	17%	21%
1/1/2037- 12/31/2041	48%	15%	37%

- Substitute Energy Allowed: No
- Contract Date: January 15, 2021
- Expected Energy Delivery Start Date: January 1, 2022
- Expected Energy Delivery End Date: December 31, 2041

ATTACHMENT B



AGENDA ITEM STAFF REPORT

MEETING DATE:

September 17, 2020

RESOLUTION NUMBER:

2020-102

SUBJECT:

Approval of the Coso Geothermal Energy Project and approval of the Power Purchase Agreement with Coso Geothermal Power Holdings, LLC and Power Sales Agreements with the Cities of Banning, Pasadena, and Riverside

DISCUSSION:



OR

CONSENT:



Select the appropriate box(es):

FROM:

Finance

☐

Project Development

☒

Program Development

☐

Regulatory/Legislative

☐

Project Administration

☐

Legal

☐

Executive Director

☐

METHOD OF SELECTION:

Competitive

☒

Cooperative Purchase

☐

Sole Source

☐

Single Source

☐

Other (Please describe):

MEMBER PARTICIPATION:

Sponsoring Members: Banning, Pasadena, Riverside

Other Members Potentially Participating: None

Approved by Executive Director:

DocuSigned by:

Michael S. Webster

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RECOMMENDATION:

Approval of the Coso Geothermal Energy Project ("Project") and authorization of the negotiation, execution, and delivery of Power Purchase Agreement ("PPA") and Power Sales Agreement ("PSA") for the Coso Geothermal Power Plant ("Coso") to provide long-term geothermal supply of renewable electrical energy through the Southern California Public Power Authority ("SCPPA" or "the Authority") to three of its participating Members, the City of Banning ("Banning"), the City of Pasadena

(“Pasadena”), and the City of Riverside (“Riverside”), for the purpose of satisfying the utilities’ renewable electrical energy resource goals.

BACKGROUND:

In pursuit of the goals of the renewable development study project to provide opportunities for its members to supply 60 percent by 2030, the Authority has issued Request for Proposals for Renewable Energy Resources and Energy Storage Solutions to address the renewable electrical energy needs of its members, including Banning, Pasadena, and Riverside (the “Project Participants”).

The Project is located in Inyo County, Nevada with a net capacity of 145 MW. Coso is comprised on three facilities, Coso Finance Partners (“Navy 1”), Coso Power Developers (“Navy 2”), and Coso Energy Developers (“BLM”) all directly or indirectly owned and controlled by Coso Geothermal Power Holdings, LLC. Each facility contains three steam turbine generators and are metered independently using their separate CAISO PNodes (Navy 1 – CALGEN_1_UNITES; NAVY 2- NAVYii_2_UNITS, and BLM – BLM_2_UNITS)

DISCUSSION:

- **Scope of Contract Services:**

The energy point of delivery (“POD”) is at CAISO’s POD TH_SP15_GEN-ANPD or the successor APN in the SP-15 Zone that most closely represents such APN. Commercial operations for Coso have already occurred, however delivery under the PPA will commence on January 1, 2022. The twenty (20) year term PPA is expected to begin upon completion of certain conditions as required under the PPA and is expected to end on December 31, 2042. The energy price under the PPA shall be:

- \$69.00/MWh for Delivered Energy
- Excess Energy is 82% (per MWh) of the applicable price for Delivered Energy

PROJECT INFORMATION					PARTICIPANT INFORMATION					
YEAR	% OF PROJECT	MW	EXPECTED (MWh)	GUARANTEED (MWh)	BAN %	RIV %	PWP %	BAN MW	RIV MW	PWP MW
2022	14%	18.2	159,432	135,517	45%	55%	0%	8.01	10.19	0.00
2023	14%	18	157,838	134,162	45%	55%	0%	7.92	10.08	0.00
2024	14%	17.8	156,671	133,171	45%	55%	0%	7.83	9.97	0.00
2025	14%	17.7	154,649	131,452	45%	55%	0%	7.79	9.91	0.00
2026	14%	17.5	153,055	130,097	45%	55%	0%	7.70	9.80	0.00
2027	40%	49.4	432,744	367,832	17%	62%	21%	8.40	30.63	10.37
2028	40%	48.9	429,362	364,958	17%	62%	21%	8.31	30.32	10.27
2029	40%	48.4	423,634	360,089	17%	62%	21%	8.23	30.01	10.16
2030	40%	47.8	419,078	356,217	17%	62%	21%	8.13	29.64	10.04
2031	40%	47.3	414,523	352,345	17%	62%	21%	8.04	29.33	9.93
2032	40%	46.8	411,091	349,428	17%	62%	21%	7.96	29.02	9.83
2033	40%	46.3	405,413	344,601	17%	62%	21%	7.87	28.71	9.72
2034	40%	45.8	400,858	340,729	17%	62%	21%	7.79	28.40	9.62
2035	40%	45.2	396,302	336,857	17%	62%	21%	7.68	28.02	9.49
2036	40%	44.7	392,820	333,897	17%	62%	21%	7.60	27.71	9.39
2037	50%	55.3	483,990	411,392	15%	48%	37%	7.74	28.20	19.36
2038	50%	54.6	478,296	406,552	15%	48%	37%	7.64	27.85	19.11

2039	50%	54	472,602	401,712	15%	48%	37%	7.56	27.54	18.90
2040	50%	53.3	468,187	397,959	15%	48%	37%	7.46	27.18	18.66
2041	50%	52.7	461,214	392,032	15%	48%	37%	7.38	26.88	18.45

- Selection Method:**

The Project was selected from the forty-eight (48) developer responses received in response to the Request for Proposals for Renewable Energy Resources and Energy Storage Solutions competitive solicitation issued on January 23, 2019 and closed on December 30, 2019.

The RFP solicited competitive proposals for renewable energy projects or products consistent with the California Renewable Energy Resources Program (Public Resources Code sec. 25740 et seq.) and the California Renewables Portfolio Standard Program (Public Utilities Code sec. 399.11 et seq.), including amendments enacted by passage of SB 100 (De Leon 2018). SCPPA is targeting proposals for renewable resources with commercial operation or delivery starting in 2019 and beyond.

The Project was selected by Banning, Pasadena, and Riverside as a viable geothermal power project which will further its renewable electrical energy goals and needs. Based on Banning, Pasadena, and Riverside's selection, SCPPA desires to enter into a PPA with Coso.

- SCPPA's Authority:**

In accordance with the Joint Powers Agreement, SCPPA may facilitate contracts for the transaction involving procurement of electric generation capacity for SCPPA Members.

FISCAL IMPACT:

There is de minimis impact on SCPPA's Administrative and General Budget outside of staff time to administer the PPA.

Banning, Pasadena, and Riverside have committed in writing to pay for any, and all, energy products and services received from Coso over the term of the Agreements through project billing.

[Voice Vote]

RESOLUTION NO. 2020-102

RESOLUTION RELATING TO THE COSO GEOTHERMAL ENERGY PROJECT: ESTABLISHING THE COSO GEOTHERMAL ENERGY PROJECT AS A SCPPA PROJECT AND APPROVING THE NEGOTIATION, EXECUTION AND DELIVERY OF A POWER PURCHASE AGREEMENT, THREE SEPARATE POWER SALES AGREEMENTS EACH WITH THE THREE PROJECT PARTICIPANTS AND TAKING CERTAIN ACTION WITH REGARD TO SUCH OTHER DOCUMENTS, INSTRUMENTS AND AGREEMENTS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE FULL UTILIZATION OF THE RESOURCES OF THE PROJECT AND AS SHALL BEST CARRY OUT THE OBJECTIVES OF THE AUTHORITY AND THE PROJECT PARTICIPANTS

WHEREAS, the Southern California Public Power Authority (referred to herein as “SCPPA” or “the Authority”) was created pursuant to provisions contained in the Joint Exercise of Powers Act found in Chapter 5 of Division 7 of Title 1, of the Government Code of California, as amended from time to time (the “Act”), by its members, which are municipalities and an irrigation district that supply electricity in the State of California, for the purpose of jointly and cooperatively undertaking planning, development, financing, acquisition, construction, reconstruction, improvement, enlargement, betterment, operation and maintenance of projects for the generation or transmission of electric energy in accordance with the Act;

WHEREAS, Pursuant to the Act, and pursuant to the Joint Powers Agreement between SCPPA and its members dated as of November 1, 1980 as amended, SCPPA was created and formed as a separate and distinct public entity apart from its members;

WHEREAS, Pursuant to the terms of the Act, and the Joint Powers Agreement constituting SCPPA’s formative instrument, SCPPA has the power to plan, develop, finance, own, acquire, design, construct, operate, maintain and repair electric generation or transmission projects or cause such projects to be planned, developed, financed, designed, constructed, operated, maintained and repaired, and to provide by agreement to perform such activities;

WHEREAS, the Authority has issued requests for proposals for renewable electric resources to address SCPPA member renewable energy needs, and pursuant to that process the Authority together with the Cities of Banning, Pasadena and Riverside (the “Project Participants”) have identified a portfolio of geothermal energy generation resources denominated as the Navy 1 Project, the Navy II Project, or the BLM Project (the “Project”). The Project is owned by Coso Geothermal Power Holdings, LLC (“Power Purchase Provider”), a Delaware limited liability company;

WHEREAS, SCPPA and the Project Participants have negotiated and developed in substantial final form with the Power Purchase Provider a power purchase agreement (the

“Power Purchase Agreement”) whereby the Power Purchase Provider, will sell and SCPPA will purchase geothermal renewable energy and associated environmental rights and benefits;

WHEREAS, the Authority and each of the Project Participants desire to enter into separate power sales agreements (the “Power Sales Agreements”), whereby the Authority will provide to the Project Participants the full output of the Project, and the Project Participants will pay all costs, liabilities and obligations of the Authority in connection with the Project;

WHEREAS, the agreement for the procurement of energy from the Project by the Authority is covered by the California Energy Commission’s (“Commission”) Emission Performance Standard regulations (“EPS Regulations;” 20 CCR § 2900 *et seq.*), including the requirement in 20 CCR § 2909 that a publicly-owned utility submit a “compliance filing” with the Commission within 10 business days after it enters into a “covered procurement” as therein defined; and

WHEREAS, SCPPA and the Project Participants desire to provide for the further development, negotiation, entering into, execution and delivery of such other documents, instruments, agreements and arrangements with respect to the resources of the Project so as to facilitate the generation, transmission and delivery of energy associated with the Project and to provide for the negotiation and approval of those terms and conditions with respect to such agreements and arrangements as shall best carry forth the interests of the Authority and the Project Participants and as shall best achieve the Authority’s and the Project Participants’ objectives.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southern California Public Power Authority as follows:

1. Pursuant to the Act, and pursuant to the Joint Powers Agreement between SCPPA and its members dated as of November 1, 1980 as amended, SCPPA hereby approves and establishes the procurement of geothermal energy, related rights and benefits under the Power Purchase Agreement between SCPPA and the Power Purchase Provider together with the transfer of such geothermal energy, rights and benefits to the Project Participants based upon their allocated shares as provided under the Power Sales Agreements with each of the Project Participants as a separate SCPPA project denominated as the Coso Geothermal Energy Project.

2. The Executive Director is hereby delegated all right power and authority to negotiate and finalize, and each of the President, Vice President and Executive Director of the Authority is hereby authorized and directed, upon the successful negotiation thereof, to execute and deliver the Power Purchase Agreement, in substantial form as presented to the Board of Directors herewith, and each of such other agreements, documents and instruments the substance or form of which are referenced in or otherwise attached to the Power Purchase Agreement or which may be contemplated by the terms of the Power Purchase Agreement and to which the Authority is to be a party or is to sign, each with such changes, insertions and omissions as shall be approved by said President, Vice President or Executive Director (such approval to be conclusively evidenced by her or his execution and delivery thereof), and each of the Secretary and any Assistant Secretary is hereby authorized to attest to such signature. The Power Purchase Agreement (including such other agreements, documents and instruments the form of which is attached to the Power Purchase Agreement or is referenced therein) is hereby approved in substantially the form as present to the Board of Directors.

3. Each of the President, Vice President and Executive Director of the Authority is hereby authorized and directed to execute and deliver the Power Sales Agreements, with the Cities of Banning, Pasadena and Riverside, each in substantially the form as presented to the Board of Directors herewith, with such changes, insertions and omissions as shall be approved by said President, Vice President or Executive Director (such approval to be conclusively evidenced by her or his execution and delivery thereof), and each of the Secretary and any Assistant Secretary is hereby authorized to attest to such signature. The form of the Power Sales Agreements each in substantial final form as presented to the Board of Directors are each hereby made a part of this Resolution as though set forth in full herein and the same hereby is approved.

4. In addition to the foregoing, in order to facilitate the negotiation and consummation of the contemplated arrangements for the generation and delivery of energy from the Project and to carry forth other necessary or appropriate agreements associated with the acquisition of energy and geothermal generation resources of the Project and the delivery of the energy and environmental attributes of the Project to Southern California, and to achieve the full utilization of the resources of the Project, the Board of Directors hereby delegates to the Executive Director of the Authority all right, power and authority to negotiate, approve and execute agreements and arrangements with respect to the resources of the Project to facilitate the generation, transmission and delivery of energy associated with the Project and to negotiate and approve those terms and conditions with respect to such agreements and arrangements as shall best carry forth the interests of the Authority and the Project Participants and as shall best achieve the Authority's and the Project Participants' objectives, including the negotiation, development and execution of any consent agreement or other agreement pursuant to a change in control, project related financing, or as otherwise necessary or appropriate to carry forward the interests of the Authority and the Project Participants which does not require a material modification to or material change to the Power Purchase Agreement.

5. Each of the President, Vice President, Secretary, any Assistant Secretary, the Executive Director and any other officer of the Authority is hereby authorized to execute and deliver any and all agreements, documents and instruments and to do and cause to be done any and all acts and things deemed necessary or advisable for carrying out the transactions contemplated by this Resolution (including, but not limited to, making such changes to the agreements, documents and instruments referred to in this Resolution if such changes are determined by the President, Vice President or Executive Director to be necessary or advisable). Each reference in this Resolution to the President, Vice President, Secretary, Assistant Secretary or Executive Director shall refer to the person holding such office or position, as applicable, at the time a given action is taken and shall not be limited to the person holding such office or position at the time of the adoption of this Resolution. All actions heretofore taken by the officers, employees and agents of the Authority in furtherance of the transactions contemplated by this Resolution are hereby approved, ratified and confirmed.

6. This Resolution shall become effective immediately.

THE FOREGOING RESOLUTION is approved and adopted by the Authority this 17th day of September 2020.

DocuSigned by:

Jorge Somoano

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PRESIDENT

Southern California Public
Power Authority

ATTEST:

DocuSigned by:

Michael S. Wilster

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ASSISTANT SECRETARY
Southern California Public
Power Authority

ATTACHMENT C



AGENDA ITEM STAFF REPORT

MEETING DATE:

November 19, 2020

RESOLUTION NUMBER:

2020-109

SUBJECT:

Emissions Performance Standard Compliance Filing for the Coso Geothermal Energy Project.

DISCUSSION:

☐

OR

CONSENT:

☒

Select the appropriate box(es):

FROM:

Finance

☐

Project Development

☐

Program Development

☐

Regulatory/Legislative

☐

Project Administration

☐

Legal

☒

Executive Director

☐

METHOD OF SELECTION:

Competitive

☐

Cooperative Purchase

☐

Sole Source

☐

Single Source

☐

Other (Please describe):

N/A

Approved by Executive Director:

DocuSigned by:

Michael S. Webster

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RECOMMENDATION:

Authorize the Emissions Performance Standard (EPS) Compliance Filing for the Coso Geothermal Energy Project ("Project").

BACKGROUND:

On September 17, 2020, the SCPPA Board of Directors approved the Coso Geothermal Energy Project and authorized the negotiation, execution, and delivery of the project Power Purchase Agreement ("PPA") and three separate Power Sales Agreements ("PSA") for the Coso Geothermal Power Plant ("Coso") to provide long-term geothermal supply of renewable electrical energy through the Southern California Public Power Authority ("SCPPA" or "the Authority") to three of its participating Members, the City of Banning ("Banning"), the City of Pasadena ("Pasadena"), and the City of Riverside ("Riverside"), for the purpose of satisfying each utilities' renewable electrical energy resource goals.

In 2007, the California Energy Commission (“CEC”) adopted regulations to implement the EPS as directed in legislation commonly referred to as SB 1368. Among other things, the regulations establish an emissions limit for carbon dioxide of 1100 lbs/MWH for “baseload generation” (defined as generation with a capacity factor of at least 60%) and require a “compliance filing” whenever a public agency enters into a “covered procurement” for such baseload generation, including procurement by a contract with a term of 5 years or more. This procurement is subject to a compliance filing under these regulations.

DISCUSSION:

Coso is comprised of a portfolio of three separate geothermal power plants all located in Inyo County, California. Though Commercial Operations for this Project have already occurred, delivery under the twenty (20) year term PPA is expected to begin on January 1, 2022 and is expected to end on December 31, 2041.

An EPS compliance filing is due within 10 days after a public agency enters into a covered procurement. The regulations require that the compliance filing be approved by the governing body of the procuring agency. In this instance, SCPPA expects to execute the PPA on or before January XX, 2021, meaning the compliance filing would be due no later than January XX, 2021. Hence the compliance filing for this project is being submitted to the board for its approval now so that it may be submitted to the CEC in a timely manner.

A copy of the proposed compliance filing in substantial final form accompanies this report.

Based on the SCPPA Board of Directors’ previous authorization of the Project, and the CEC’s EPS Compliance regulations, SCPPA requests authorization to file an EPS Compliance Filing for the Project.

- **SCPPA’s Authority:**

In accordance with the Joint Powers Agreement, SCPPA may facilitate contracts for the procurement of electric generation capacity for SCPPA Members.

FISCAL IMPACT:

None.

RESOLUTION NO. 2020-109

RESOLUTION RELATING TO THE COSO GEOTHERMAL ENERGY PROJECT AUTHORIZING THE EXECUTION AND SUBMISSION OF A COMPLIANCE FILING TO THE CALIFORNIA ENERGY COMMISSION PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA EMISSIONS PERFORMANCE STANDARD REGULATIONS, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS, INSTRUMENTS AND AGREEMENTS AS MAY BE NECESSARY OR APPROPRIATE TO BEST CARRY FORWARD THE INTERESTS OF AND OBJECTIVES OF THE AUTHORITY.

WHEREAS, the Southern California Public Power Authority (the “Authority” or “SCPPA”) and its members have investigated the purchase of generation and energy output of certain geothermal energy resources and facilities in order to provide a long term base load supply of renewable energy for its members. The Authority, the City of Banning (“Banning”), the City of Pasadena (the “PWP”), and the City of Riverside (the “RPU”) (Banning, PWP and RPU collectively the “Participants”) have identified a geothermal energy project, denominated as the Coso Geothermal Energy Project (the “Project”), which will contribute toward fulfillment of the Participant’s renewable energy goals; and

WHEREAS, pursuant to resolution 2020-102 the Authority approved the Project and approved the completion, execution and delivery of the Project related agreements; and

WHEREAS, the Project is subject to the California Energy Commission’s (“Commission”) Emission Performance Standard regulations (“EPS Regulations;” 20 CCR § 2900 *et seq.*), including the requirement in 20 CCR § 2909 that a publicly-owned utility submit a “compliance filing” with the Commission within 10 business days after it enters into a “covered procurement” as therein defined; and

WHEREAS, the Authority now presents this resolution to the SCPPA Board of Directors to approve the execution of the compliance filing for the Project, attached here in substantial final form, upon its completion and its submission to the California Energy Commission in conformance with the EPS Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Southern California Public Power Authority as follows:

1. The Authority hereby approves and authorizes each of the Executive Director, General Counsel and Senior Assistant General Counsel to execute and submit the compliance filing for the Project as submitted to the Board of Directors in substantial final form attached to the Agenda Report accompanying this Resolution, with such changes, corrections and revisions as such officials may deem necessary and advisable.

2. In addition to the foregoing, the Executive Director and any other officer of the Authority is hereby authorized to execute and deliver any and all agreements, documents and

instruments and to do and cause to be done any and all acts and things deemed necessary or advisable for carrying out the transactions contemplated by this Resolution.

3. This Resolution shall become effective immediately.

THE FOREGOING RESOLUTION is approved and adopted by the Authority this 19th day of November 2020.

DocuSigned by:

Thomas A. Miller

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PRESIDENT

Southern California Public
Power Authority

ATTEST:

DocuSigned by:

Michael S. Wilster

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ASSISTANT SECRETARY

Southern California Public
Power Authority

ATTACHMENT D

CALIFORNIA ENERGY COMMISSION
EMISSION PERFORMANCE STANDARD COMPLIANCE FILING
COMPLIANCE FILING ATTESTATION

I, the official named below, certify under penalty of perjury, the following:

1. I am an agent of the Southern California Public Power Authority SPPA authorized by its governing board to sign this attestation on its behalf. (Capitalized terms used herein have the meanings given in the cover letter submitted herewith.)
2. The SPPA Board of Directors reviewed and approved in a public meeting the covered procurement on September 17, 2020, and the compliance filing described above on November 19, 2020, respectively.
3. Based on the SPPA Board of Director's knowledge, information, and belief, the compliance filing does not contain a material misstatement or omission of fact;
4. Based on the SPPA Board of Director's knowledge, information, or belief, the covered procurement complies with Title 20, Division 2, Chapter 11, Article 1 of the California Code of Regulations; and
5. The PPA contains the contractual terms or conditions specifying that the contract or commitment is void and all energy deliveries shall be terminated no later than the effective date of any Commission decision pursuant to 20 CCR § 2910 that the covered procurement fails to comply with 20 CCR § 2900 *et seq.*

Executed this 25th day of January of 2021, at Glendora, California.



Michael S. Webster
Executive Director
Southern California Public Power Authority