

WHEREAS, the Los Angeles Department of Water and Power's (LADWP) Renewable Portfolio Standard Policy and Enforcement Program (RPS Policy) represents the continued commitment by LADWP to renewable energy resources, including the compliance targets for LADWP to supply 25 percent of its retail energy sales from eligible renewable energy resources by 2016 and 33 percent by 2020 in accordance with the California Renewable Energy Resources Act, also referred to as SB2(1X), and 50 percent by 2030 in accordance with Senate Bill 350 (SB350); and

WHEREAS, the strategies in LADWP's 2013 Integrated Resource Plan (IRP) include regulatory requirements, policy objectives, and increases in eligible renewable energy resources, while maintaining service reliability, using existing assets near eligible renewable energy resources, and minimizing the financial impact on ratepayers; and

WHEREAS, on April 16, 2013, the Board adopted an additional 50 megawatts (MW) Feed-in Tariff (FiT) Program (FiT50) as the second component of the 150-MW FiT Program; and

WHEREAS, LADWP sought to bundle the development of the Beacon Property with in-basin solar projects in order to achieve a 150-MW FiT Program while at the same time reducing the cost of FiT energy; and

WHEREAS, in 2014, via Board of Water and Power Commissioners Resolution Number 014-229 authorizing LADWP to enter into four Competitive Offer Power Purchase Agreements (COPPA's) with four project development entities; and

WHEREAS, SunE LADWP 2, LLC (BP No. 14-007) was selected for the development of 12 MW of FiT50 Beacon Site 2, Hecate Energy FiT "A", LLC (BP No. 14-009) was selected for the development of 14 MW of FiT50 Beacon Site 3, Hecate Energy FiT "B", LLC (BP No. 14-011) was selected for the development of 14 MW of FiT50 associated with Beacon Site 1, and SunE LADWP, LLC (BP No. 14-014) was selected for the development of 10 MW of FiT50 Beacon Site 5; and

WHEREAS, each developer must meet three installment milestones as outlined in the COPPA's, otherwise liquidated damages will be collected and undeveloped capacities forfeited; and

WHEREAS, developers are experiencing delays in project development and delaying Milestone I from December 31, 2015 to August 31, 2016 and Milestone II from June 30, 2016 to August 31, 2016 and adjusting their associated installment capacities will assist the goal of successfully developing these projects by the end of 2016; and

WHEREAS, liquidated damages funded by the performance security will be collected prorated based on the kilowatt(s) not installed by the developer based on the new milestone dates; and

WHEREAS, if no kilowatt(s) are installed for Milestone II, the remaining performance security will be forfeited and the developer will forfeit the right to further sell energy for all remaining capacity; and

WHEREAS, there will be no further extension of milestones but LADWP will grant the developer a day-for-day extension for failure to achieve milestone obligations if future delays are caused by LADWP.

NOW, THEREFORE, BE IT RESOLVED that Amendment 1 to the COPPAs with: Hecate Energy FiT "B" LLC, SunE LADWP 2 LLC, Hecate Energy FiT "A" LLC, and SunE LADWP LLC on file with the Secretary of the Board and approved as to form and legality by the City Attorney, be and the same are hereby approved.


BE IT FURTHER RESOLVED that the Board requests that the Los Angeles City Council approve by ordinance the COPPA amendments.

BE IT FURTHER RESOLVED that the President or the Vice President of this Board, or General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or the Acting Secretary of the Board, are hereby authorized and directed to execute the First Amendment to COPPAs No. BP 14-007, BP 14-009, BP 14-011, and BP 14-014 for and on behalf of LADWP.

I HEREBY CERTIFY that the foregoing is a full, true, and correct copy of a Resolution adopted by the Board at its meeting held on DEC 0 1 2015

  
Secretary

APPROVED AS TO FORM AND LEGALITY  
MICHAEL N. FEUER, CITY ATTORNEY

NOV 23 2015  
BY   
WILLIAM H. KYSELLA, JR.  
DEPUTY CITY ATTORNEY