

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 33 percent of its retail energy sales from eligible renewable energy resources by 2020 in accordance with the California Renewable Energy Resources Act and 50 percent by 2030 in accordance with Senate Bill 350 (SB 350); and

WHEREAS, the strategies in LADWP's Integrated Resource Plan 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, in 2012 the Board of Water and Power Commissioners of the City of Los Angeles (Board), via Resolution No. 013 073, and the Los Angeles City Council (Council), via Ordinance No. 182333, approved the Moapa Solar Power Purchase Agreement No. BP 12-017 (Solar PPA) for LADWP's acquisition of all the solar energy, associated environmental attributes, and generating capacity rights associated with the solar facility (Solar Facility) for a 25-year term; and

WHEREAS, in 2016 LADWP purchased Transmission Facilities, as defined and set forth in the Solar PPA, as was authorized by the Board, via Resolution No. 013 073, and the Council, via Ordinance No. 182333, to deliver solar energy from the Solar Facility into LADWP's balancing authority; and

WHEREAS, Moapa Southern Paiute Solar, LLC is the owner of the Solar Facility that is located in the State of Nevada; and

WHEREAS, Overton Power District #5 (Overton), a non-profit special improvement district of the State of Nevada, provides retail electric service in the State of Nevada, including to its customer Moapa Southern Paiute Solar, LLC; and

WHEREAS, Overton desires to purchase wholesale electric energy from LADWP for the Solar Facility's station service and inverters for the duration of the Solar PPA's 25-year term; and

WHEREAS, LADWP and Overton negotiated a Wholesale Electric Service Agreement, LADWP agreement No. BP 16-025 (Agreement), to sell Overton a limited supply of wholesale energy to serve its customer, Moapa Southern Paiute Solar, LLC; and

WHEREAS, the Board by resolution and the City Council by ordinance are required to approve the sale of wholesale electric energy for a 25-year term.

NOW, THEREFORE, BE IT RESOLVED that the Agreement between Overton and LADWP, now on file with the Secretary of the Board and approved as to form and legality by the City Attorney, is hereby approved.

BE IT FURTHER RESOLVED that the Board requests that the City Council approve by ordinance, per Charter Sections 101, 373, and 674, the Agreement, and that the City Council authorize the Board to act on and approve all future amendments to the Agreement without further approval by the City Council, provided that such amendments do not increase the costs to LADWP or extend the term of the Agreement.

BE IT FURTHER RESOLVED that the Board finds that the use of competitive bidding is impractical because Overton has represented to LADWP that it is the sole provider of retail electric service within its franchised territory, which includes its customer Moapa Southern Paiute Solar, LLC, the owner of the Solar Facility.

BE IT FURTHER RESOLVED that the Agreement is exempt from LADWP's Business Policies found in Division 10 of the Los Angeles Administrative Code.

BE IT FURTHER RESOLVED that the President or Vice President of the Board, or the General Manager, or such person as the General Manager shall designate in writing, and the Secretary, Assistant Secretary, or Acting Secretary of the Board, are hereby authorized and directed to execute the Agreement, for and on behalf of LADWP, upon approval by the City Council by ordinance pursuant to Section 674 of the Charter of the City of Los Angeles.


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, over the term of the Agreement in payment of the obligations incurred, if any.

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 27 2018


Secretary

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

AUG 04 2017
BY 
JEAN-CLAUDE BERTET
DEPUTY CITY ATTORNEY