

WHEREAS, PacifiCorp, an Oregon corporation (PacifiCorp), which provides retail electric service in the state of Utah, desires to purchase wholesale energy from the Los Angeles Department of Water and Power (LADWP); and

WHEREAS, PacifiCorp needs this wholesale energy to provide retail electric service to the wind generating facilities Milford Wind Corridor Phase I and Milford Wind Corridor Phase II (Milford I and II), whose renewable energy is applied towards LADWP's Renewable Portfolio Standard (RPS); and

WHEREAS, LADWP and PacifiCorp have previously entered into Power Purchase Agreements (PPA) for wholesale energy relating to retail electric service for Milford I and II (LADWP Nos. BP 09-021 and BP 10-023), which have expired; and

WHEREAS, there will be a continuing need for retail electric service for the term of the 20-year Milford Wind Corridor Phase I, Power Sales Agreement approved by the Board of Water and Power Commissioners (Board) in 2007 (LADWP No. BP 07-015), and the 20-year Milford Wind Corridor Phase II Power Sales Agreement approved by the Board in 2011(LADWP No. BP 10-005); and

WHEREAS, LADWP has continued to provide wholesale energy to PacifiCorp pursuant to the terms of the expired PPAs (LADWP Nos. BP 09-021 and BP 10-023), and the new Power Purchase Agreement I - PPA No. BP 16-004 and Power Purchase Agreement II - PPA BP No. 16-005, between PacifiCorp and LADWP (Agreements) call for ratification of both parties' obligations as if performed under these Agreements.

NOW, THEREFORE, BE IT RESOLVED that the Power Purchase Agreements I and II between PacifiCorp and LADWP, (PPA Nos. BP 16-004 and BP 16-005), on file with the Secretary of the Board and approved as to form and legality by the City Attorney, are hereby approved, provided that the Los Angeles City Council (City Council) approve these Agreements by Ordinance, per Charter Sections, 373, and 674.

BE IT FURTHER RESOLVED that the Board requests that pursuant to City Charter Section 674, the City Council approve by Ordinance, Agreement Nos. BP 16-004 and BP16-005.

BE IT FURTHER RESOLVED that the Board finds that the use of competitive bidding is impractical because PacifiCorp is the sole provider of retail electric service within its franchised territory.

BE IT FURTHER RESOLVED that the City of Los Angeles business policies found in Division 10 of the Los Angeles Administrative Code are hereby waived for these Agreements.

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 Agreements in payment of the obligations incurred, if any.

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 Agreements, 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 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

DEC 18 2017
BY 
WILLIAM H. KYSELLA, JR.
DEPUTY CITY ATTORNEY