



Marin Energy Authority Board of Directors Meeting

7:00 P.M.

Thursday, October 3, 2013

San Rafael Corporate Center, Tamalpais Room
750 Lindero St., San Rafael, CA 94901

Dawn Weisz
Executive Officer

Damon Connolly
Chair
City of San Rafael

Kathrin Sears
Vice Chair
County of Marin

Bob McCaskill
City of Belvedere

Sloan C. Bailey
Town of Corte Madera

Larry Bragman
Town of Fairfax

Len Rifkind
City of Larkspur

Ken Wachtel
City of Mill Valley

Denise Athas
City of Novato

Tom Butt
City of Richmond

Carla Small
Town of Ross

Ford Greene
Town of San Anselmo

Ray Withy
City of Sausalito

Emmett O'Donnell
Town of Tiburon

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Suite 320
San Rafael, CA 94901

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Agenda

1. Board Announcements (Discussion)
2. Public Open Time (Discussion)
3. Report from Executive Officer (Discussion)
4. Consent Calendar
 - C.1 9.5.13 Board Minutes
 - C.2 Monthly Budget Report
 - C.3 Job Descriptions and Compensation Studies for MCE Positions
5. Energy Efficiency Update (Discussion)
6. Communications Update (Discussion)
7. A Resolution of the Board of Directors of the Marin Energy Authority Approving Amendment No. 7 to Marin Energy Authority Joint Powers Authority Agreement (Discussion/Action)
8. Regulatory Update (Discussion)
9. Board Member & Staff Matters (Discussion)
10. Adjourn



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**MARIN ENERGY AUTHORITY
BOARD MEETING
THURSDAY, September 5, 2013
7:00 P.M.
SAN RAFAEL CORPORATE CENTER, TAMALPAIS ROOM
750 LINDARO STREET, SAN RAFAEL, CA 94901**

Roll Call

Present: Damon Connolly, City of San Rafael, Chair
Kathrin Sears, County of Marin
Bob McCaskill, City of Belvedere
Sloan Bailey, Town of Corte Madera
Barbara Coler, Town of Fairfax Alternate
Len Rifkind, City of Larkspur
Denise Athas, City of Novato
Carla Small, Town of Ross
Tom Butt, City of Richmond
Ray Withy, City of Sausalito
Emmett O'Donnell, Town of Tiburon

Absent: Ford Greene, Town of San Anselmo
Ken Wachtel, City of Mill Valley

Staff: Dawn Weisz, Executive Officer
Elizabeth Kelly, Legal Director
Rafael Silberblatt, Program Coordinator
Beckie Menten, Energy Efficiency Coordinator
Michael Maher, Accountant
John Maher, Accountant
Justin Kudo, Account Manager
John Dalessi, Technical Consultant
Kirby Dusel, Technical Consultant
Emily Goodwin, Internal Operations Coordinator
Darlene Jackson, Clerk

Public Session: 7:11 PM

Agenda Item #1- Board Announcements (Discussion)

None

Agenda Item #2 – Public Open Time (Discussion)

Member of the public, Bob Spofford, expressed his concerns at what he considered MEA's lack of support of the

Green Point Solar Project by way of not taking an official position on the vote. Chair Connolly thanked Mr. Spofford for his comments but explained, due to this discussion item not being agendaized, the Board would not be able to engage in further discussion of the matter.

Member of the public, Rebecca Collins, offered additional comments on the Green Point Solar Project.

Agenda Item #3 – Report from Executive Officer (Discussion)

Executive Officer Dawn Weisz reported on the following:

- Technical Committee Meeting scheduled for Monday, September 9th will contain a couple of interesting items on the agenda. The Board as well as members of the public are encouraged to attend.
- Executive Committee Meeting scheduled for Wednesday, September 18th.
- MEA's Mid-Year Board Retreat scheduled for Wednesday, September 25th at the Marin Arts & Garden Center in Ross, CA from 9:30AM – 4:00PM.
- EV charging station ribbon cutting events in Mill Valley on September 4th and on September 29th at the Marin County Civic Center.
- September 7th MCE is sponsoring Richmond SolarThon, coordinated through Grid Alternatives. As a result of this partnership, more than 8 low income homes in Richmond's Iron Triangle area will have solar panels installed.
- September 11th MCE will have a representative at the San Rafael Business Chamber Showcase.

Agenda Item #4 – Consent Calendar (Discussion/Action)

- C.1 Minutes from 7.11.13 Board Meeting
- C.2 Monthly Budget Report
- C.3 Approved Contract Update
- C.4 Update to MCE Electric Vehicle Rate
- C.5 Administrative Updates to JPA Agreement

M/s Sears/McCaskill (passed 11-0-0) Approved all items on the consent calendar. Directors Greene and Wachtel were absent.

Agenda Item #5 – Honor Lea Dutton as the third recipient of the Charles F. McGlashan Advocacy Appreciation Award (Discussion/Action)

Program Coordinator, Rafael Silberblatt, presented the award and shared how he met Ms. Dutton, including some of the things she has done for the Deep Green effort. Rafael emphasized how Ms. Dutton has gone above and beyond in her support of Deep Green while serving on the San Anselmo Quality of Life Commission.

Chair Connolly presented a certificate and a plaque to Ms. Dutton. Ms. Dutton expressed her appreciation to MCE and the Board of Directors.

M/s Sears/Athas (passed 11-0-0) Approved Honoring Lea Dutton as the third recipient of the Charles F. McGlashan Advocacy Appreciation Award. Directors Greene and Wachtel were absent.

Agenda Item #6 Audited Financial Statements for Fiscal Year 2012-13 (Discussion)

John Maher, Maher Accountancy, presented this item. He explained that the Summary of Findings document provided a general overview to the Board and there was nothing of significant concern to the Board in terms of the

financials for the previous fiscal year. He provided a brief review of the Auditor's Report.

Director Rifkind inquired about the \$1M loan and if there is any concern about the increase in uncollectible debt. Mr. Maher indicated that the bank would be happy to discuss loan renewal at the appropriate time and that there is no concern with uncollectable accounts as the write-off rate is much lower than anticipated.

Mr. Maher responded to additional questions from the Board.

Agenda Item #7 Resolution 2013-08 Authorizing Approval of Agreement with First Community Bank to Provide Services for MCE On-Bill Repayment Program Single Family Customers (Discussion/Action)

Beckie Menten, Energy Efficiency Coordinator presented this item. She provided a summary and background for the On-Bill Repayment Program. She also described First Community Bank, who have been excellent partners with MCE, and have been able to offer a 6.5% interest rate for MCE's OBR Program. Ms. Menten shared that this item was brought before the Executive Committee in June and was approved to move to the Board for consideration.

Ms. Menten responded to questions from the Board and the public.

M/s Sears/O'Donnell (passed 11-0-0) Approved Resolution 2013-08 Authorizing Approval of Agreement of First Community Bank to Provide Services for MCE On-Bill Repayment Program Single Family Customers. Directors Greene and Wachtel were absent.

Agenda Item #8 – Energy Efficiency Update – (Discussion)

Beckie Menten, Energy Efficiency Coordinator presented this item.

- MCE currently has 5 projects in the pipeline.
- Received approval today on rebate program.
- The team plans to shift strategy from phone call and door to door campaigns to a more direct campaign based on networking and in person meetings/presentations.

Single Family:

- Home Utility Reports (HURs) Finalized
 - ✓ Mailing set for September 15
 - ✓ 4,850 households will be targeted
- Schools Program: Second Round Launching
- Four (4) schools in Marin
 - ✓ Updated web portal and curriculum
 - ✓ 364 action plans developed to facilitate "coopetitions"
- First Neighborhood Canvassing
 - ✓ Visited 62 homes, spoke to two homeowners, provided information at each home.
 - ✓ Revised hours of campaign.

Ms. Menten responded to questions from the Board.

Agenda Item #9 – MCE Power Content Label and Attestation (Discussion/Action)

Kirby Dusel, Technical Consultant, presented this item.

Mr. Dusel discussed details of MCE Power Content Label and provided the following summary and background:

- California Public Utilities Code requires all retail sellers of electric energy, including the Marin Energy Authority, to disclose “accurate, reliable, and simple-to-understand information on the sources of energy” that are delivered to their respective customers. Applicable regulations direct retail sellers to provide such communications no later than October 1st. The format for requisite communications is highly prescriptive, offering little flexibility to retail sellers when presenting such information to customers. This format has been termed the “Power Content Label” by the California Energy Commission.
- Consistent with applicable regulations, MEA will provide requisite customer communications, including this Power Content Label, in accordance with October 1st deadline (MCE 2012 Power Content Label is expected to be mailed to MCE customers during the final week of September 2013).
- While developing MEA’s 2012 Power Content Label, staff performed a detailed review of all power purchases completed for the 2012 calendar year. Based on staff’s review of available transaction records and findings of the independent auditor (related to the Deep Green program), the information presented in the Power Content Label is accurate.
- To fulfill its Power Content Label reporting obligation, MEA must also provide the CEC with the Board’s attestation regarding the accuracy of information included in the Power Content Label.

Mr. Dusel responded to questions from the Board.

M/s Sears/Small (passed 11-0-0) Approved endorsing the accuracy of information presented in MEA’s 2012 Power Content Label based on staff’s review. Directors Greene and Wachtel were absent.

Agenda Item #10 – Redesigned PG&E Bill (Discussion)

Justin Kudo, Account Manager discussed and explained the PG&E Bill Redesign. Director O’Donnell shared that he received a 50-page redesigned PG&E bill which detailed his energy generation since he became a Net Energy Metering customer, so clearly there are remaining kinks to work out with the new system.

Mr. Kudo responded to questions from Board.

Agenda Item #11 – Appointment of Chair, Vice Chair, Treasurer, Auditor and Secretary (Discussion/Action)

Executive Officer, Dawn Weisz, presented this item. Ms. Weisz indicated that Director Athas expressed willingness to filling the role of Treasurer and Auditor for MEA.

Chair – Damon Connolly

Vice Chair – Kathrin Sears

Treasurer and Auditor – Denise Athas

Secretary – Dawn Weisz

Director Connolly called for a motion on the above-referenced appointments.

M/S Rifkind/Butt (passed 11-0-0) Approved the appointment of Damon Connolly as Chair, Kathrin Sears as Vice Chair, Dawn Weisz as Secretary, and Denise Athas as Treasurer and Auditor. Directors Greene and Wachtel were absent.

Agenda Item #12 – Changes to Membership on Executive Committee (Discussion/Action)

Executive Director Weisz shared that this item required additional discussion and requested that it be moved to the next meeting.

Agenda Item #13 – Regulatory Update (Discussion)

Legal Director, Elizabeth Kelly, presented this item and discussed following points.

- Petition for Rulemaking Decision
 - ✓ Filed December 18, 2012
 - ✓ 15 co-petitioners; 40 supportive entities
 - ✓ MEA's Goals:
 - Reform exit fees, stranded costs, and non-bypassable charges
 - Develop cost allocation and cross-subsidization principles
 - Increase transparency in investor-owned utility showings
 - ✓ Final Decision: A Mixed Bag
 - ✓ The Bad:
 - Determines SB 790 does not require the Commission to act
 - Denies single Rulemaking
 - Finds: "Current cost allocation and fee calculation determinations are reasonable and consistent with state law."
 - ✓ The Good:
 - "State law requires the Commission to allocate the cost of generation resources to ratepayers in a manner that is fair and equitable to all customers."
 - "Commission remains committed to ensuring that CCAs and other non-utility LSEs may compete on a fair and equal basis with regulated utilities."
 - IOUs required to provide additional cost allocation information in their Applications and Testimony
 - ✓ Next Steps:
 - Energy Division may hold a workshop to address some of these issues
 - Case-by-case action
- PG&E General Rate Case (GRC)
 - ✓ Key Issues:
 - Department of Energy (DOE) litigation
 - Public Purpose Program (PPP) overhead
 - PG&E request for "customer retention" funds
 - ✓ DOE Litigation:
 - Joint Testimony with PG&E, TURN and MEA
 - ✓ PPP Overhead:
 - Notice of Settlement among PG&E, TURN and MEA
 - ✓ Customer Retention:
 - No resolution; briefing and next steps
- Energy Savings Performance Incentive (ESPI)
 - ✓ Energy Efficiency has associated incentive benefits for investor-owned utilities.
 - ✓ Previously: Risk Reward Incentive Mechanism (RRIM)

- ✓ Now: Energy Savings Performance Incentive (ESPI)
- ✓ What do the utilities get?
 - Money on the table:
 - \$178 million for 2013-2014
 - Earnings potential equal to 10.85% of the EE portfolio budget
 - Average incentives earnings levels in other jurisdictions: 7%
- ✓ What do CCAs get?
 - Money on the table:
 - \$0
 - “We find the proposal of MEA seeking to become a recipient of ESPI awards to be outside the scope of the proceeding.”
- Other Regulatory Involvement
 - ✓ California Air Resources Board (CARB)
AB 32 Scoping Plan Update
 - ✓ California Energy Commission (CEC)
Integrated Energy Policy Report (IEPR)
 - ✓ California Independent System Operator (CAISO)
Multi-year forward resource adequacy framework (with CPUC)
Load Granularity
Congestion Revenue Rights (CRRs)
 - ✓ Federal Energy Regulatory Commission (FERC)
Technical Conference on multi-year forward resource adequacy framework

Ms. Kelly responded to questions from the Board and the public.

Agenda Item #14 Board Member & Staff Matters (Discussion)

Subsequent to a question from Director Small, Chair Connolly suggested that staff consider adding to the Board Retreat agenda discussion on MEA Mission Statement and what MEA’s position is on supporting community Feed-in Tariff projects.

Agenda Item #15 – Adjourn

9:33PM

Damon Connolly, Chair, Marin Energy Authority

ATTEST:

Dawn Weisz, Executive Officer



October 3, 2013

TO: Marin Energy Authority Board
FROM: Emily Goodwin, Internal Operations Coordinator
RE: Monthly FY 14 Budget Report (Agenda Item #4 - C.2)
ATTACHMENT: August 2013 Budget Update (Unaudited)

Dear Board Members:

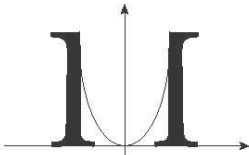
SUMMARY:

The attached budget update compares the recently adopted FY 2014 budget to the unaudited revenue and expenses of MEA for the month ending August 2013.

The completion of the Richmond expansion resulted in a decrease in MEA's expenditure on Communications and P&GE data requests. The Other Services line expenditure included the annual financial audit and upgrades to the IT infrastructure for enhanced security.

Other line items including Staff Compensation and Technical Consulting continue to be below projected. Overall MEA maintains an actual expenditure pace that aligns with year to date projections.

Recommendation: No action needed. Informational only.



MAHER ACCOUNTANCY 1101 FIFTH AVENUE • SUITE 200 • SAN RAFAEL, CA 94901

Financial Plumblne

ACCOUNTANTS' COMPILATION REPORT

Board of Directors
Marin Energy Authority

We have compiled the accompanying budgetary comparison schedules of Marin Energy Authority (a California Joint Powers Authority) for the period ended August 31, 2013. We have not audited or reviewed the accompanying financial statement and, accordingly, do not express an opinion or provide any assurance about whether the financial statement is in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements with undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statement.

We are not independent with respect to Marin Energy Authority.

Maher Accountancy

September 20, 2013



MARIN ENERGY AUTHORITY
OPERATING FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2013 through August 31, 2013

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Revenue - Electricity (net of allowance)	\$ 86,865,000	\$ 31,621,646	\$ 55,243,354	36.40%
EXPENDITURES AND OTHER USES:				
CURRENT EXPENDITURES				
Cost of energy	76,427,000	28,045,796	48,381,204	36.70%
Staffing	1,562,000	530,975	1,031,025	33.99%
Technical consultants	594,000	229,573	364,427	38.65%
Legal counsel	335,000	55,045	279,955	16.43%
Communications consultants and related expenses	650,000	435,152	214,848	66.95%
Data manager	2,534,000	951,662	1,582,338	37.56%
Service fees- PG&E	603,000	204,605	398,395	33.93%
Other services	333,000	116,943	216,057	35.12%
General and administration	297,000	117,040	179,960	39.41%
Marin County green business program	15,000	15,000	-	100.00%
Solar rebates	10,000	-	10,000	0.00%
Total current expenditures	<u>83,360,000</u>	<u>30,701,791</u>	<u>52,658,209</u>	<u>36.83%</u>
CAPITAL OUTLAY	20,000	1,710	18,290	8.55%
DEBT SERVICE	1,195,000	542,664	652,336	45.41%
INTERFUND TRANSFER TO:				
Local Renewable Energy Development Fund	51,536	51,536	-	100.00%
Total expenditures	<u>84,626,536</u>	<u>31,297,701</u>	<u>\$ 53,328,835</u>	<u>36.98%</u>
Net increase (decrease) in available fund balance	<u>\$ 2,238,464</u>	<u>\$ 323,945</u>		

**MARIN ENERGY AUTHORITY
ENERGY EFFICIENCY PROGRAM FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2013 through August 31, 2013**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Public purpose energy efficiency program	\$ 2,100,000	\$ 354,432	\$ 1,745,568	16.88%
EXPENDITURES AND OTHER USES:				
CURRENT EXPENDITURES				
Public purpose energy efficiency program	<u>2,100,000</u>	<u>354,432</u>	<u>1,745,568</u>	<u>16.88%</u>
Net increase (decrease) in fund balance	<u>\$ -</u>	<u>\$ -</u>		

* Transfer of \$547,500 for security of On Bill Repayment program not recognized as expenditure.

**LOCAL DEVELOPMENT RENEWABLE ENERGY FUND
BUDGETARY COMPARISON SCHEDULE
April 1, 2013 through August 31, 2013**

	<u>Budget</u>	<u>Actual</u>	<u>Budget Remaining</u>	<u>Actual/ Budget</u>
REVENUE AND OTHER SOURCES:				
Transfer from Operating Fund	\$ 51,536	\$ 51,536	\$ -	100.00%
EXPENDITURES AND OTHER USES:				
Capital Outlay	<u>51,536</u>	<u>-</u>	<u>51,536</u>	<u>0.00%</u>
Net increase (decrease) in fund balance	<u>\$ -</u>	<u>\$ 51,536</u>		



October 3, 2013

TO: Marin Energy Authority Executive Committee

FROM: Ashley Aberi, Project Aide
Dawn Weisz, Executive Officer
Katie Gaier, Human Resources Consultant

RE: Job Descriptions and Compensation Studies for MCE Positions (Agenda Item #4 C.3)

ATTACHMENT: A. Job Description for Regulatory Analyst II
B. Job Description for Regulatory Counsel

Dear Board Members:

SUMMARY:

As MCE has grown from a new program concept into an operational business serving a large customer base the job classifications and staffing needs have grown and adapted as well. On July 7, 2011, your Board approved a set of job descriptions for the agency that reflected agency needs at that time. Since that time there has been a need to adjust the job descriptions and compensation levels of several positions to conform to new requirements and responsibilities needed by the agency.

In August, 2013 MCE reviewed the job descriptions for two positions within the regulatory team of the agency: Regulatory Analyst and Regulatory Counsel. Job descriptions were updated where needed. In addition a compensation comparison study was conducted for these two positions to evaluate the current appropriate compensation levels for each position.

The methodology used to conduct the compensation comparison study involved matching job descriptions from a variety of public agencies to the two identified MCE positions. In conducting the analysis there was a primary focus on the duties and responsibilities performed, as well a review of the education, experience, and skills required for each position.

The compensation study used public agencies from around California that provide similar services. Because MCE is a public agency that operates like a private electric company, only public agencies that were also revenue generating agencies were included in the study. Public agencies with corresponding positions were included in the benchmarking process that resulted in an average minimum and maximum annual salary for each position. Private agencies were excluded from this study.

In the compensation study there are two variables that did not remain constant: 1. cost of living in the employer community, and, 2. inclusion of a 'deferred compensation' pension as part of the benefits package for the employee. All of the public agencies studies provided health and

welfare benefits, similar to MCE, but also provided deferred pension benefits to employees. In contrast, MCE does not offer a deferred benefits pension to employees, but instead contributes 10% of annual salary to a defined contribution 401(a) plan for employees. This approach avoids future liability for the agency, but should be noted when identifying appropriate compensation levels.

The attached job descriptions have been standardized to provide basic documented information for compliance with the Americans with Disabilities Act and appropriate qualifications, knowledge, skills and other requirements that are job-related and meet legal guidelines as well as indicate exempt and non-exempt status as determined by the Fair Labor Standards Act. Although the recommended salary range for each position is targeting 25% or below for each position, it should allow for the position to be filled adequately and also to allow for some growth by employees within the range.

The Board-approved budget for FY14 would not need any adjustment to account for the recommended compensation levels for each position. Adequate budget was projected for an increase in staff costs during this fiscal year while hiring delays and conservative hiring practices have resulted in continued savings on staffing costs.

Proposed Job Descriptions (attached) and compensation ranges (below) were presented and discussed in the regular September meeting of the MEA Executive Committee. Recommended adjustments have been incorporated herein.

Regulatory Analyst II

The Regulatory Analyst II works under direction from the Legal Director and has responsibility for a wide range of MCE regulatory matters, with particular emphasis on representation of MCE's interests at the California Public Utilities Commission (CPUC). The Regulatory Analyst II evaluates proposed regulatory policies to assess the impact on MCE, helps develop MCE positions on issues, and develops analyses, written reports, and presentation materials to support MCE's position. The Regulatory Analyst II represents MCE in administrative proceedings before applicable regulatory agencies, including the CPUC, and participates as an expert witness in regulatory proceedings.

Recommendation: Approve revised Job Description for Regulatory Analyst II and set salary range for this position at \$68,650 - \$85,000 with exact compensation to be determined by Executive Officer within existing Board approved budget.

Regulatory Counsel

The job description for the Regulatory Counsel has been revised to include the higher level legal work that the position performs. The Regulatory Counsel works under direction of the Legal Director and has responsibility for a wide range of MCE regulatory matters, with particular emphasis on representation of MCE's interests at the California Public Utilities Commission (CPUC) and other California regulatory agencies. The Regulatory Counsel evaluates proposed regulatory policies and applications to assess the legal impact on MCE, helps develop MCE positions on issues, develops analyses, persuasive filings, and strategy to support MCE's position. The Regulatory Counsel represents MCE in administrative proceedings before applicable regulatory agencies, such as the CPUC, California Energy Commission, California

Air Resources Board, or California Independent System Operator. The Regulatory Counsel is responsible for legal procedure before these bodies, including written and oral advocacy and cross-examination.

Recommendation: Approve revised Job Description for Regulatory Counsel and set salary range for this position at \$75,500 - \$98,000 with exact compensation to be determined by Executive Officer within existing Board approved budget.

Recommendations:

1. Adopt the proposed job descriptions as attached.
2. Adopt compensation ranges for each position with exact compensation to be determined by Executive Officer within existing Board-approved budget and commensurate with experience and performance.



Regulatory Analyst II Job Description

Summary

The Regulatory Analyst works under direction from the Legal Director and has responsibility for a wide range of Marin Energy Authority (MEA) regulatory matters, with particular emphasis on representation of MEA's interests at the California Public Utilities Commission (CPUC). The Regulatory Analyst evaluates proposed regulatory policies to assess the impact on MEA, helps develop MEA positions on issues, and develops analyses, written reports, and presentation materials to support MEA's position. The Regulatory Analyst represents MEA in administrative proceedings before applicable regulatory agencies, including the CPUC, and may participate as an expert witness in regulatory proceedings. Performs related work and other analytic tasks for MEA as required.

Class Characteristics

The Regulatory Analyst performs assignments under the general supervision of the Legal Director. Regulatory Analyst participates as a MEA representative before various regulatory agencies, including the CPUC, in matters affecting community choice aggregators (CCAs) and other electric utilities, including in ratemaking proceedings, rulemakings, and proposed rules and regulations. The Regulatory Analyst is tasked with reviewing and drafting comments and briefs; providing technical and/or analytic input on regulatory matters; preparation of data requests, testimony, and hearing exhibits, participation in administrative hearings; and researching and preparing analyses for the Legal Director.

Essential Duties and Responsibilities (Illustrative Only)

- Develop policy on key regulatory issues affecting MEA.
Represent MEA in regulatory proceedings through preparation of data requests and Responses, analytical models, testimony, and exhibits. Review, analyze and summarize filings prepared by utilities and other entities.
- Analyze and interpret regulatory proposals, legislation, and other policy issues.
- Work with Regulatory and Legal Counsel, technical experts and external regulatory counsel to develop effective and persuasive communications before the CPUC.
- Develop reports and analysis for the MEA Board of Directors on regulatory developments.

Supervisory Responsibilities

This job may have some supervisory responsibilities.

Break-down of Time spent on various work areas

Regulatory – CPUC Filings and Case Management	65%
Regulatory – Data Analysis	25%
Other Analytical Tasks	10%

Qualifications

Experience/Education

Bachelor's or Master's degree in accounting, economics, engineering or finance. Minimum of two (2) years of progressively responsible experience in regulatory affairs at an electric utility or in a closely related field.

Knowledge

- Knowledge of California electric utility regulatory issues, CPUC regulatory practices and procedures.
- Experience in utility rate design, electric resource planning or regulatory relations.
- Knowledge of Excel, Word, Adobe Acrobat, and PowerPoint.

Language and Reasoning Skills

- Exercise exceptional analytical skills, sound judgment, creative problem solving, and commercial awareness.
- Analyze and interpret large amounts of information quickly and accurately, and make sound policy recommendations.
- Develop high-quality writing, research and communication work products.
- Deliver clear and persuasive oral communication.
- Interact effectively with administrative bodies and MEA's Regulatory and Legal Counsel, Executive Officer and Board of Directors.
- Manage projects and time efficiently.

Ability to

- Manage multiple priorities and quickly adapt to changing priorities in a fast paced dynamic environment.
- Take responsibility and work independently, as well as coordinate team efforts.
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is frequently required to use hands to finger, handle, or feel and reach with hands and arms. The employee must occasionally lift and/or move up to 20 pounds.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually moderate.



Regulatory Counsel

Job Description

Summary

The Regulatory Counsel works under direction from the Executive Officer or the Legal Director and has responsibility for a wide range of Marin Energy Authority (MEA) regulatory matters, with particular emphasis on representation of MEA's interests at the California Public Utilities Commission (CPUC). The Regulatory Counsel evaluates proposed regulatory policies and applications to assess the legal impact on MEA, helps develop MEA positions on issues, develops analyses, persuasive filings, and strategy to support MEA's position. The Regulatory Counsel represents MEA in administrative proceedings before applicable regulatory agencies, such as the CPUC, California Energy Commission, California Air Resources Board, or California Independent System Operator. The Regulatory Counsel is responsible for legal procedure before these bodies, oral advocacy, cross examination and meetings with regulatory agency staff and officers.

Class Characteristics

The Regulatory Counsel works under the general supervision of the Executive Officer or the Legal Director. Regulatory Counsel participates as a MEA representative before various regulatory agencies, including the CPUC, in matters affecting community choice aggregators (CCAs) and other electric utilities, including in ratemaking proceedings, rulemakings, and proposed rules and regulations. The Regulatory Counsel is tasked with writing persuasive motions, comments, and legal briefs; providing strategic and legal input on regulatory matters; oral advocacy in workshops, administrative hearings, evidentiary hearings, and private meetings; and conducting analysis and preparing position documents on legislative matters for the Legal Director and Executive Officer.

Essential Duties and Responsibilities (Illustrative Only)

- Analyze potential bills and conduct legislative advocacy in partnership with lobbyists at the California State Legislature.
- Initiate and coordinate regulatory relations activities with CPUC staff, PG&E employees, interested parties, and process stakeholders.
- Represent MEA in regulatory proceedings through preparation of data requests, motions, briefs, comments, testimony, and other legal documents.
- Review, analyze and summarize filings prepared by utilities and other entities.
- Analyze and interpret regulatory proposals, legislation, and other policy issues.
- Work with Legal Director, technical experts and external regulatory counsel to develop effective and persuasive communications before the CPUC.
- Representing MEA before the CPUC and other regulatory bodies
- Write persuasive legal briefs to regulatory bodies on behalf of MEA and its customers.
- Engage in relationship building with community stakeholders in order to facilitate regulatory and legislative goals.
- Cross-examination of witnesses
- Participation in settlements at the CPUC

Supervisory Responsibilities

This job may have some supervisory responsibilities.

Breakdown of Time Spent on Various Work Areas

- Regulatory – CPUC Filings and Case Management 65%
- Regulatory – Data Analysis 25%
- Other Analytical Tasks 10%

Qualifications

- Law degree from an ABA approved law school and admission to the California Bar. Bachelor's or Master's degree in accounting, economics, engineering or finance preferred.
- Minimum of two (2) years of progressively responsible experience in regulatory affairs at an electric utility or in a closely related field.
- Knowledge of and sensitivity with CCA related issues a plus.

Knowledge

- Knowledge of California electric utility regulatory issues, CPUC regulatory practices and procedures.
- Experience in utility rate design, electric resource planning or regulatory relations.
- Knowledge of Excel, Word, Adobe Acrobat, and PowerPoint.

Language and Reasoning Skills

- Exercise exceptional analytical skills, sound judgment, creative problem solving, and commercial awareness.
- Analyze and interpret large amounts of information quickly and accurately, and make sound policy recommendations.
- Develop high-quality writing, research and communication work products.
- Deliver clear and persuasive oral communication.
- Interact effectively with administrative bodies and MEA's Legal Director, Executive Officer and Board of Directors.
- Manage projects and time efficiently.

Skills and Abilities

- Manage multiple priorities.
- Quickly adapt to changing priorities in a fast paced, dynamic environment.
- Take responsibility and work independently, as well as coordinate team efforts.
- Be thorough and detail-oriented.
- Work accurately and swiftly under pressure.
- Demonstrate patience, tact, and courtesy.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is frequently required to use hands to finger, handle, or feel and reach with hands and arms. The employee must occasionally lift and/or move up to 20 pounds.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually moderate.



October 3, 2013

TO: Marin Energy Authority Board

FROM: Dawn Weisz, Executive Officer

RE: A Resolution 2013-09 of the Board of Directors of the Marin Energy Authority Approving Amendment No. 7 to MEA Joint Powers Authority Agreement (Agenda Item #7)

ATTACHMENT: A. Policy 007: New Customer Communities
B. MCE Affiliate Membership Process
C. Draft Amendment No. 7 to the MEA Joint Powers Agreement
D. Resolution 2013-09 of the Board of Directors of the Marin Energy Authority Approving Amendment No. 7 to the MEA Joint Powers Authority Agreement

Dear Board Members:

SUMMARY:

Because the MCE mission is to address climate change by using a wide range of renewable energy sources, reducing energy related greenhouse gas emissions and promoting the development of energy efficiency programs your Board has adopted Policy 007: New Customer Communities, which describes MEA's policy to explore and support electric service in new communities to further agency goals. Policy 007 allows for new communities to be offered MCE service through two channels, affiliate membership or special-consideration membership as described in Attachment A. Your Board also approved the MCE Affiliate Membership Process described in Attachment B.

To accommodate the membership of affiliate parties an amendment to the MEA Joint Powers Authority (JPA) is needed to add a new Section 3.3 "Affiliate Party," and a definition of "Affiliate Party." The amendment would read as follows:

3.3 Affiliate Party. An Affiliate Party is entitled to participate in the CCA Program and other Authority programs made available to Affiliate Parties by the Board but will have no representation on the Board and no voting rights under Article 4 of this Agreement. The Board shall adopt a resolution describing the application requirements for Affiliate Parties and the criteria for approving or denying an application. The application requirements shall include the adoption of the ordinance required by Public Utilities Code Section 366.2(c)(10). The Authority may impose conditions on the approval of an application to become an Affiliate Member, including but not limited to the time when the applicant will become an Affiliate Party. All costs incurred by the Authority in considering an Affiliate Party application shall be borne by the applicant. Except for the provisions of Article 4, all references in this Agreement to Party or Parties also shall include Affiliate Party or Affiliate Parties unless the context clearly indicates otherwise.

2. Exhibit A to the Marin Energy Authority Joint Powers Authority Agreement setting forth definitions of certain words used in the Agreement is hereby amended by adding a definition for “Affiliate Party” to read: “Affiliate Party” means an incorporated municipality or county that is a signatory to this Agreement and has satisfied the conditions for becoming an Affiliate Party pursuant to Section 3.3.

Recommendation: Approve Resolution 2013 – 09 approving Amendment No. 7 to the Marin Energy Authority Joint Powers Authority Agreement.



POLICY NO. 007 – NEW CUSTOMER COMMUNITIES

Whereas MEA's founding mission is to address climate change by using a wide range of renewable energy sources, reducing energy related greenhouse gas emissions and promoting the development of energy efficiency programs; and

Whereas creating opportunities for customer electric service in new communities may allow MEA to further progress towards its founding mission; and

Whereas MEA currently provides a minimum 50% renewable energy supply to all MCE customers (through its default Light Green retail service option), which substantially exceeds similar renewable energy supply percentages provided by California's investor-owned utilities (IOUs); and

Whereas the addition of new communities to MEA's membership will inevitably increase state-wide renewable energy percentages due to MCE's specified minimum renewable energy supply percentage of 50%; and

Whereas the addition of new communities to MEA's membership will also decrease greenhouse gas emissions within the Western United States as a result of minimum renewable energy supply percentages exceeding such percentages provided by California's IOUs.

Therefore, it is MEA's policy to explore and support customer electric service in new communities to further agency goals.

In consideration of the above, MEA will allow access to service in new communities through two channels, affiliate membership or special-consideration membership, as applicable:

Affiliate membership considered if:

1. All applicable membership criteria are satisfied,
2. New community is located in a county that is not more than 30 miles from MCE existing jurisdiction, and
3. Customer base in new community is 40,000 or less.

Special-consideration membership considered if:

1. All applicable membership criteria are satisfied,
2. New community is located in a county that is more than 30 miles from MCE existing jurisdiction and/or the customer-base in the new community is greater than 40,000.



MCE Affiliate Membership Process

Step 1: Governing body submits letter to MEA from new community jurisdiction, requesting consideration as a member.

Step 2: Staff evaluates request timing to determine if internal resources are available to consider request, and to ensure no impact to core agency functions.

Step 3: Request submitted to MEA Board to consider adherence to criteria D, E, F and G below, and to authorize initiation of membership analysis.

Step 4: Following MEA Board approval, staff executes contract with governing body of new jurisdiction to fund costs of membership analysis. Staff undertakes and completes analysis, with primary focus on quantitative criteria A, B and C below.

Step 5: Results of membership analysis presented to governing body of new community and to MEA Board. 1). If quantitative affiliate membership criteria are met, community is automatically authorized to complete affiliate membership process. 2). If qualitative criteria are not met but other compelling criteria are present, Board may consider approval of affiliate membership.

Step 6: Governing body of new jurisdiction approves resolution requesting membership, ordinance authorizing community choice aggregation service through MCE and signs JPA Agreement as an Affiliate Party.

Step 7: MEA Board adopts resolution authorizing membership of the additional incorporated municipality and submits updated Implementation Plan to CPUC.

Affiliate Membership Criteria:

- A. Allowing for MCE service in new community will result in a projected net rate reduction for existing customer base.
- B. Offering service in new community will enhance the strength of local programs, including an increase in distributed generation, and will accelerate greenhouse gas reductions on a larger scale.
- C. Including new community in MCE service will increase the amount of renewable energy being used in California's energy market.
- D. There will be an increase in opportunities to launch and operate MCE energy efficiency programs to reduce energy consumption and reliance on fossil fuels.
- E. New opportunities are available to deploy local solar and other distributed renewable generation through the MCE Net Energy Metering Tariff and Feed in Tariff.
- F. Greater demand for jobs and economic activity is likely to result from service in new community.
- G. The addition of the new community is likely to create a stronger voice for MCE at the State and regulatory level.

**AMENDMENT NO. 7 TO MARIN ENERGY AUTHORITY
JOINT POWERS AUTHORITY AGREEMENT**

1. Article 3 of the Marin Energy Authority Joint Powers Authority Agreement (“Agreement”) providing for participation in the Authority is hereby amended to add a new Section 3.3 to read:

“3.3 **Affiliate Party.** An Affiliate Party is entitled to participate in the CCA Program and other Authority programs made available to Affiliate Parties by the Board but will have no representation on the Board and no voting rights under Article 4 of this Agreement. The Board shall adopt a resolution describing the application requirements for Affiliate Parties and the criteria for approving or denying an application. The application requirements shall include the adoption of the ordinance required by Public Utilities Code Section 366.2(c)(10). The Authority may impose conditions on the approval of an application to become an Affiliate Member, including but not limited to the time when the applicant will become an Affiliate Party. All costs incurred by the Authority in considering an Affiliate Party application shall be borne by the applicant. Except for the provisions of Article 4, all references in this Agreement to Party or Parties also shall include Affiliate Party or Affiliate Parties unless the context clearly indicates otherwise ”

2. Exhibit A to the Marin Energy Authority Joint Powers Authority Agreement setting for definitions of certain words used in the Agreement is hereby amended by adding a definition for “Affiliate Party” to read:

“Affiliate Party” means an incorporated municipality or county that is a signatory to this Agreement and has satisfied the conditions for becoming an Affiliated Party pursuant to Section 3.3.

This Amendment No. 7 to the Marin Energy Authority Joint Powers Authority Agreement was duly adopted by the Board of Directors in accordance with Article 8.4 of this Agreement on _____, 2013.

RESOLUTION NO. 2013-09

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE MARIN ENERGY AUTHORITY APPROVING AMENDMENT NO. 7 TO
MARIN ENERGY AUTHORITY JOINT POWERS AUTHORITY AGREEMENT**

WHEREAS, the Marin Energy Authority (“MEA”) is a joint powers authority established on December 19, 2008, and organized under the Joint Exercise of Powers Act (Government Code Section 6500 et seq.); and

WHEREAS, MEA members include the following MEA communities: the County of Marin, the City of Belvedere, the Town of Corte Madera, the Town of Fairfax, the City of Larkspur, the City of Mill Valley, the City of Novato, the City of Richmond, the Town of Ross, the Town of San Anselmo, the City of San Rafael, the City of Sausalito and the Town of Tiburon; and

WHEREAS, MEA’s founding mission is to address climate change by using a wide range of renewable energy sources, reducing energy related greenhouse gas emissions and promoting the development of energy efficiency programs; and

WHEREAS, the addition of new communities to MEA’s membership will increase state-wide renewable energy use and decrease greenhouse gas emissions and will thus allow MEA to further progress towards its founding mission; and

WHEREAS, it is MEA’s policy to explore and support customer electric service in new communities to further agency goals; and

WHEREAS, MEA desires to allow new communities to join the MEA as an Affiliate Party if 1). the new community is located in a county that is not more than 30 miles from MEA’s existing jurisdiction, 2). the customer base in the new community is 40,000 or less, 3). the new community meets the established affiliate membership criteria of the Board, and 4). the new community adopts the ordinance required by Public Utilities Code Section 366.2(c)(10); and

WHEREAS, the MEA JPA Agreement can add Affiliate Parties through amendment No. 7 adding to Article 3 with a new Section 3.3 and defining Affiliate Party.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Marin Energy Authority that the Marin Energy Authority Board approves Amendment No. 7 to the Marin Energy Authority Joint Powers Authority Agreement.

PASSED AND ADOPTED at a regular meeting of the Marin Energy Authority Board of Directors on this 3rd day of October by the following vote:

	AYES	NOES	ABSTAIN	ABSENT
City of Belvedere				
Town of Corte Madera				
Town of Fairfax				
City of Larkspur				
County of Marin				
City of Mill Valley				
City of Novato				
City of Richmond				
Town of Ross				
Town of San Anselmo				
City of San Rafael				
City of Sausalito				
Town of Tiburon				

CHAIR, MARIN ENERGY AUTHORITY BOARD

ATTEST:

SECRETARY, MARIN ENERGY AUTHORITY BOARD