

146-07

FILE NO. 070777

ORDINANCE NO.

[Adopting Community Choice Aggregation Governance Structure.]

**Ordinance Adopting a Community Choice Aggregation Governance Structure.**

Note: Additions are single-underline italics Times New Roman;  
deletions are ~~strikethrough italics Times New Roman~~.  
Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Governance of the Community Choice Aggregation Program

(a) Management and control of the Community Choice Aggregation (CCA) Program will be undertaken by the San Francisco Public Utilities Commission (SFPUC), pursuant to its responsibilities and authority under the Charter.

(b) The Board of Supervisors intends to ask the Local Agency Formation Commission (LAFCO) to monitor the implementation process and advise the SFPUC and the Board of Supervisors regarding the progress of CCA development and implementation. To the extent the LAFCO agrees, the LAFCO will assist with the startup of the CCA Program and advise the Board of Supervisors, SFPUC and other agencies regarding all aspects of development, implementation, operation and management of the CCA Program, as established by Ordinance 86-04, this Ordinance and any subsequent ordinances. Such advice may address the following:

- 1. Complying with applicable requirements established by the Public Utilities Code, decisions of the California Public Utilities Commission (CPUC), and the Charter and Municipal Codes, as well as other applicable laws.

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1           2. Reviewing the Request for Information (RFI) and the Request for Proposals (RFP)  
2 as well as responses and proposals received in response to the RFI and RFP.

3           3. Considering potential modifications to the CCA Draft Implementation Plan in light of  
4 additional information and further progress in development of the CCA Program.

5           4. Applying for and accepting grants, fees and other allocations from federal, state,  
6 and local agencies and private entities that may be available for the advancement or benefit of  
7 the CCA Program.

8           5. Acquiring any real property or property rights necessary or convenient for the  
9 development, implementation, operation and management of the CCA Program.

10          6. Issuing revenue bonds or approving other debt necessary to fund elements of the  
11 CCA Program.

12          7. Negotiating and contracting with energy suppliers and other entities for services  
13 necessary to develop, implement, operate, and manage the CCA Program as described in the  
14 IP.

15          8. Recommending for or against acceptance of an RFP respondent's proposed rates  
16 for the CCA Program.

17          9. Entering into cooperative or joint development agreements with other public or  
18 private entities for any purpose necessary or convenient for the development, implementation,  
19 operation, and management of the CCA Program.

20          10. Presenting and promoting the CCA Program to the public, the media, and  
21 governmental and regulatory entities.

22          11. Adopting policies and procedures to govern the development, implementation,  
23 operation and management of the CCA program, including the following:

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- (A) Measures necessary to protect the confidential data of each customer;
- (B) Procedures for handling and responding to customer complaints;
- (C) Financial management protocols;
- (D) Budgetary requirements;
- (E) Procedures for reporting to the Board of Supervisors on a regular basis.

12. Collection of electrical load data, including, but not limited to data detailing electricity needs and patterns of usage, as determined by the CPUC.

13. Reviewing the finances or performance of any aspect of the CCA program undertaken by the SFPUC and reporting the results of any such review to the Board of Supervisors with recommendations as to policy, staffing or budgetary changes.

14. Requesting from SFPUC data and work product obtained and/or developed by SFPUC which is necessary for LAFCO to conduct its advisory functions. LAFCO or its representatives shall be bound by any confidentiality agreements pertaining to such data and work product.

(c) The SFPUC should report to LAFCO on the progress of CCA implementation as requested by LAFCO, but in no case less frequently than quarterly. Should the SFPUC fail to report as specified herein, LAFCO may recommend to the Board of Supervisors any action that LAFCO deems may compel compliance.

## Section 2. Future Steps

Before making a final commitment to proceed with offering CCA service to San Francisco customers, the Board of Supervisors will consider projected costs, risks and benefits of this program to CCA customers, SFPUC and other city agencies, and the City's general fund. In addition, the Board of Supervisors must ensure that the provision of CCA

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1 service to San Francisco customers can be reasonably expected to deliver significant benefits  
2 at a reasonable cost.

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4 APPROVED AS TO FORM:

5 DENNIS J. HERRERA  
6 City Attorney

7 By:   
8 Deputy City Attorney

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City and County of San Francisco  
Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 070777

**Date Passed:**

Ordinance Adopting a Community Choice Aggregation Governance Structure.

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June 12, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

June 19, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

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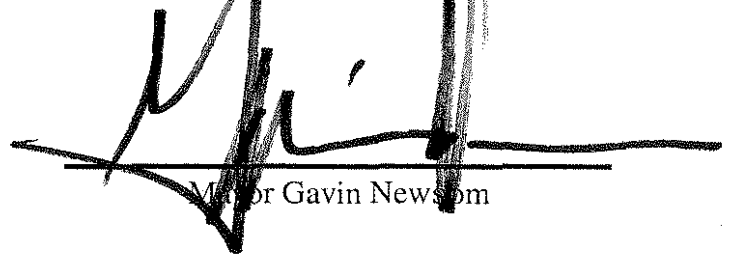
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on June 19, 2007 by  
the Board of Supervisors of the City and  
County of San Francisco.



Kay Gulbengay  
Interim Clerk of the Board

JUN 28 2007

Date Approved



Mayor Gavin Newsom