

PORT ORDINANCE NO. 4761
ORDINANCE APPROVING THE UTILITIES RATES AND CHARGES
AND MASTER UTILITY FEE SCHEDULE, AND ADOPTION INTO
CHAPTER 10.03 AND APPENDIX F OF THE PORT OF OAKLAND
ADMINISTRATIVE CODE (POAC) BY AMENDING AND
RESTATING PORT ORDINANCE NOS. 3439, 3521, 3621,
3651, 3674, 3714, 3727, 2798, 3926, 3944, 3950,
3982, 4028, 4034, 4064, 4143, 4225, 4260, 4339,
4354, 4468 AND PORT RESOLUTION NOS. 02410 AND 05181,
AND AMENDMENT OF CHAPTER 10.01 OF THE POAC; AND
FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated July 11, 2024, ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15273 of the CEQA Guidelines because the proposed action is for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges for: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (5) obtaining funds necessary to maintain intra-city transfers as authorized under the City charter.

Section 2. The Board hereby:

A. Approves and amends the ordinances establishing the rates, charges, and fees for costs of service to be assessed and collected by the Port for the Port's provision of electric utility services ("Rates and Charges"), which shall be effective on the date of this Ordinance's final adoption, as further described in the Agenda report.

B. Adopts the Rates and Charges as Chapter 10.03 and Appendix F of the Port of Oakland Administrative Code ("POAC") by amending and restating Port Ordinance Nos. 3439, 3521, 3621, 3651, 3674, 3714, 3727, 2798, 3926, 3944, 3950, 3982, 4028, 4034, 4064, 4143, 4225, 4260, 4339, 4354, 4468, and Port Resolution Nos. 02410 and 05181, as set forth in the **Attachments A and B** to this Ordinance, attached hereto and incorporated herein.

C. Amends Section 10.01.010 (Definitions) and Section 10.01.100 (Port Utility Distribution System on Customer Premises) in Chapter 10.01 (Utility Rules and Regulations) of the POAC as set forth in **Attachment C** to this Ordinance, attached hereto and incorporated herein.

D. Authorizes the Executive Director or his designee to take all actions necessary to implement this adoption into the POAC, provided that such actions do not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

Attachment A

Chapter 10.03 Utility Rates and Charges

Section 10.01.010 Definitions

As used in this Chapter and the Master Utility Fee Schedule, the following words and phrases shall be construed and defined as follows, unless it is clearly apparent from the context that a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases elsewhere in this Code.

“Airport Area” means: (1) the portion of the Port Area that is served by the Port’s SS-1 and SS-1A substations or their replacement substations; and (2) the area within the exterior boundaries of the airport layout plan (approved by the Federal Aviation Administration) for the Airport (as such exterior boundaries may be extended, enlarged, or modified) and served by substations owned and operated by the Port that provide wholesale electric service.

“Annual Energy Consumption (kWh)” means the User’s requested new or additional load demand (expressed in terms of kW) multiplied by the Load Factor and the hours of operation in a year.

“Approved Shore Power Vessel” means a vessel approved by the Port, consistent with Section 10.03.060 B.5.

“Average Distribution Cost” means an average expense incurred by the Port in delivering electricity to its customers through its power distribution network under Section 10.03.030 A. or 10.03.030 B. This cost: 1) encompasses various elements, including infrastructure maintenance, operation, and administration expenses associated with maintaining and upgrading the distribution system; and 2) is calculated by dividing the total distribution expenses over a specified period of investment used in the utility business analysis and/or rate setting by the total amount of electricity in kWh delivered to customers during that period, as determined by the Port.

“Capacity (Buy-In) Charge” means those one-time fees established for recovery of a portion of the cost of future improvements to the system based on the peak load required by a new or expanded service under Section 10.03.090.

“Customer Charge” means that portion of the charge for service that is fixed per meter and which shall be expressed as a charge per monthly billing period.

“Cuthbertson Substation” means that substation which is owned and operated by the Port and referred to as such in Federal Energy Regulatory Commission tariff service agreements and is located near the intersection of Seventh and Maritime Streets in Oakland and receives wholesale transmission services, and any substation(s) that replace it.

“Davis Substation” means that substation which is owned and operated by the Port and is referred to as such in Federal Energy Regulatory Commission tariff service agreements and is located near the intersection of Seventh and Maritime Streets in Oakland and receives wholesale transmission service, and any substation(s) that replace it.

Attachment A

“Demand” means the power delivered to the Customer at a defined point in time and measured in kW.

“Demand Charge” means that portion of the charge that applies to the peak demand for the month, which shall be expressed in dollars per kW.

“Direct Assignment Charge” means a charge for infrastructure improvements that are: assigned for the Customer’s use at a point of interconnection; directly benefit that Customer; not needed for the Port’s electric distribution system; and owned, constructed, and/or installed by the Port to interconnect and serve the Customer at the point of interconnection at the Customer’s request.

“Eligible User-Generator” means any commercial and/or industrial User, who uses a solar or a wind turbine electrical generating facility, or a hybrid system of both, with a capacity of not more than one megawatt that is located on such User’s owned, leased, or rented premises, and interconnects and operates in parallel with the Port’s electrical grid, and is intended primarily to offset part or all of such User’s own electrical requirements.

“Energy Charge” means that portion of the charge for service which varies with the quantity of electricity consumed in accordance with the rate that shall be expressed in dollars per kWh.

“Excess Net Metering Compensation Rate” means the rate applicable for a twelve (12)-month period commencing in March, set forth in Section C.3 in the Master Utility Fee Schedule.

“Gross Projected Demand” means the Demand plus the User-owned generation capacity.

“Interconnection Agreement” means the Rule 21 Generating Facility Interconnection Agreement between PG&E and the Port.

“kW” means kilowatt.

“kWh” means kilowatt hour.

“Load Factor” means the ratio of average load to the maximum demand.

“Maritime Area” means: (1) the portion of the Port Area that receives electric service from the Davis and Cuthbertson Substations or their replacement substations; and (2) the portion of the Port Area that is subject to Tariff 2-A (currently contained in Port Ordinance No. 2833, as subsequently amended, and as it may be further amended or codified) and is served by substations owned and operated by the Port that provide wholesale electric service.

“Master Utility Fee Schedule” means the rates and charges set forth in Appendix F, which shall be assessed under this Chapter for the Port’s provision of utility and related services.

“MVA” means megavolt-amps.

“Net Consumption” means an Eligible User-Generator’s net kWh consumption over a twelve (12)-month period.

Attachment A

“New Electricity Users” means Users of electrical utilities in the Maritime Area or Airport Area who seek to obtain new or expanded electricity.

“PG&E” means the Pacific Gas and Electric Company and any successor entity.

“Port Utility Manager” means the Manager of Utilities Administration of the Port.

“Public Benefits Fee” or “Environmental Surcharge” mean the Port Utility charge to fund the Public Benefits Program.

“Public Benefits Program” means the program established by the Port pursuant to California Public Utilities Code § 385.

“Public Benefits Rebate Program” means the program established under Section 10.03.100.

“Shore Power” means the process of providing electrical power from the shore to a vessel at berth, thereby allowing the auxiliary engines to be turned off.

“Shore Power Maintenance Charge” means the rates and charges for maintenance costs for Shore Power infrastructure, charged at all berths where the Shore Power system is owned by the Port.

“User” or “Customer” mean any Person that is supplied with utility services by the Port of Oakland.

“Utility Department” or “Port Utility” mean the Port division(s), department(s), and/or subdivision(s) that are responsible for providing Electric Service, doing business as Port Public Power.

“Utility Rules and Regulations Administrative Charges” means the administrative fees for Port Utility administration as more specifically set forth in Chapter 10.01.

“Vessel Commissioning” means the process of preparing a unique vessel to plug into Shore Power at the Port.

Section 10.01.020 Purpose

The purpose of this Chapter is to prescribe the rates, charges, and fees for costs of service to be assessed and collected by the Port from Users for the Port’s provision of electric utility services.

Section 10.01.030 Rates and Charges

A. Airport Area

The rates and charges set forth in Section A of the Master Utility Fee Schedule shall apply to the Port’s provision of electrical power to any Person in the Airport Area.

Attachment A

B. Maritime Area

The rates and charges set forth in Section B.1-B.5 of the Master Utility Fee Schedule shall apply to the Port's provision of electric power to any Person in the Maritime Area.

C. Shore Power

The rates and charges set forth in Section B.6 of the Master Utility Fee Schedule shall apply to the Port's provision of Shore Power.

D. Vessel Commissioning

The rates and charges set forth in Section B.7 of the Master Utility Fee Schedule shall apply for vessel commissioning.

E. Shore Power Maintenance

The rates and charges set forth in Section B.8 of the Master Utility Fee Schedule shall apply for shore power maintenance.

F. Energy Charge

The Energy Charge represents the amount of electricity consumed during the billing period. It is measured in kWh and varies over every billing period. The Energy Charge includes the costs the Port incurs in purchasing energy for use at the Airport and Maritime Areas and producing and delivering energy.

G. Written Agreements

The rates and charges set forth in this Section and reflected on the Master Utility Fee Schedule shall apply to the Port's provision of electrical power unless a written agreement between the Board and such Person otherwise provides.

H. Direct Assignment Charge

The rates and charges set forth in Section C.2 of the Master Utility Fee Schedule shall apply for improvements requested by customer as defined therein.

Section 10.01.040 Public Benefits Fee in the Airport Area and Maritime Area

All Persons in the Airport Area and Maritime Area receiving and using electrical power provided by the Port, whether metered or not (including those Persons paying electrical power costs as part of their obligations under Chapter 5.02), shall pay the Public Benefits Fee (Environmental Surcharge).

Attachment A

Section 10.01.050 Net Metering

A. Applicability

The rates set forth in this Section apply to all Eligible User-Generators where the Port must stand ready at all times to supply such User's residual electrical requirements. Service under this rate schedule is available on a first-come-first-served basis until the time that the total rated generating capacity used by all Eligible User-Generators exceeds five percent (5%) of the Port's aggregate Customer peak demand, as set forth in California Public Utilities Code § 2827(c)(1), as such section may be amended or superseded.

B. Service Area

All lands within the Airport and Maritime Areas.

C. Rates

All Users taking service under this Section shall be obligated to pay all of the charges based on the rate schedule to which the same User would be assigned if the User did not use an eligible solar or wind electrical generating facility. The charges for all retail rate components shall be based exclusively on the Eligible User-Generator's Net Consumption. Net Consumption will be measured as the difference between the electricity supplied by the Port and the electricity generated by the Eligible User-Generator and fed back to the Port's electric grid over a twelve (12)-month period. If the Eligible User-Generator generated more electricity than it consumed, then Net Consumption will be negative and will be reflected as a credit to the Eligible User-Generator.

D. Billing

For all commercial or industrial Users taking service under this Section, the net balance of monies owed to the Port by the Eligible User-Generator for net kWh consumption of electricity for each billing period shall be paid in accordance with the Port's normal billing cycle and the credits owed by the Port to the Eligible User-Generator for the net kWh generation of electricity for each billing period, shall be carried over the following billing period as a monetary value, calculated according to this rate schedule and will appear as a credit on the Eligible User-Generator's account until the end of each twelve (12)-month period, or at the time the Eligible User-Generator terminates taking electric service under this Section, or at the time the Eligible User-Generator terminated taking electric service from the Port, whichever come soonest.

E. Compensation

At the end of each twelve (12)-month period or at the time the Eligible User-Generator terminates taking electric service under this Section, or at the time the Eligible User-Generator terminates taking electric service from the Port, whichever comes soonest, the Port shall compensate the Eligible User-Generator, if applicable, at the then-applicable Excess Net Metering Compensation Rate. The twelve (12)-month period shall begin the first day an Eligible User-Generator takes service under this Section and shall begin the first day after the last day of the previous twelve (12)-month period thereafter.

Attachment A

Section 10.01.060 Shore Power for Vessels

A. Vessel Power Exclusion

Rates and charges associated with power provided to vessels berthing at the Port of Oakland shall be as set forth in this Section.

B. Vessel Commissioning

1. Applicability

The rates and charges set forth in this Section shall apply to the first vessel call of all Shore Power ready vessels of each side, port and starboard, and billed to a User at one of the Port's marine terminals at which the vessel berths. If a vessel fails the commissioning process, this rate and charge shall apply to every vessel visit until the vessel becomes an Approved Shore Power Vessel.

Such rates and charges may also apply to a vessel call of an Approved Shore Power Vessel but whose on-board Shore Power system has been modified since becoming an Approved Shore Power Vessel. If a ship fails the commissioning process, this rate and charge shall apply to every vessel visit until the vessel becomes an Approved Shore Power Vessel.

2. Service Area

Shore Power may be provided by the Port in all service areas served by the Port's Davis and Cuthbertson Substations.

3. Rates

The rates and charges set forth in Section 10.03.030 D. shall apply for Vessel Commissioning.

4. Billing

For all Users taking service under this Section, the balance of monies owed to the Port shall be paid in accordance with the Port's customary billing cycle.

5. Operations

A vessel shall become an Approved Shore Power Vessel only if a User seeking power provided to the vessel under this Section completes all of the following actions:

- a. Prior to the initial connection of any vessel to the Port-provided power, the User shall coordinate with its shipping line User to determine whether the shore power-related equipment on-board any vessel and the vessel's control system and protection scheme comply with: (1) Standard IEC/ISO/IEEE 80005-

Attachment A

1:2012 Utility Connections in Port: High Voltage Shore Connection Systems - General Requirements; (2) PG&E Rule 21; and (3) the Interconnection Agreement.

b. The User shall coordinate with its shipping line Users to provide all documents to the Port and/or PG&E, including, without limitation, the settings of protective devices associated with the on-board Shore Power-related equipment, one (1)-line and three (3)-line diagrams of such equipment, specifications on grounding equipment and emergency stop control system, contact information for ship engineers, and any other documentation requested by the Port to establish a safe and effective initial vessel connection.

c. The User shall coordinate with its shipping line, the Port, and/or PG&E to schedule the vessel commissioning.

d. The Port may board the vessel to verify, inspect, and test, without limitation, the settings of protective devices associated with the on-board shore power-related equipment, grounding equipment, and emergency stop control system.

C. Provision of Shore Power

1. Applicability

The rates and charges set forth in this Section shall apply to the Port's provision of Shore Power to all vessels receiving Shore Power at any time, including during the vessel commissioning process, and billed to a User at one of the Port's marine terminals at which the vessel berths.

2. Service Area

Shore Power may be provided by the Port in all service areas served by the Port's Davis and Cuthbertson substations.

3. Rates

The rates and charges set forth in Subsections 10.03.030 C. and 10.03.030 E. shall apply to the Port's provision of Shore Power.

4. Billing

For all Users taking service under this Section, the balance of monies owed to the Port shall be paid in accordance with the Port's customary billing cycle.

5. Operations

Each User that provides power to vessels at berth is responsible for ensuring that such power is provided in a manner that promotes safety and substantially complies with all Laws and other applicable agreements, including, but not limited to, the applicable

Attachment A

Interconnection Agreement, and the Standard IEC/ISO/IEEE 80005-1:2012 Utility Connections in Port - Part 1: High Voltage Shore Connection Systems - General Requirements.

Section 10.01.070 Rate Setting to Cover Costs and Achieve Rate Stability

The rates established in this Chapter for the provision of electrical power to any Person in the Port Area shall be established to recover costs to the Port of providing such electrical power and service, including costs of energy supply, transmission and scheduling, operation and maintenance, administration, legal, capital improvement, capital reserves for future capital investment, overhead expenses, all fees required by Law, and all reasonable costs of providing electrical power. The costs of providing electrical power may reasonably include an appropriate reserve amount to achieve stability in the rate structure that anticipates wholesale power price fluctuations without having to adjust for each such price fluctuation as they may occur.

Section 10.01.080 Non-Payment

Utility and commodity services provided by the Port, including, but not limited to, provision of electric power, natural gas, water, sewer, voice and data communications, and other commodity usage services, may be terminated to any utility or commodity service User, security deposit imposed equal to three (3) times' the highest past due amount, or other remedies imposed as permitted by Law, for non-payment of utility or commodity service rates and charges incurred by said User, including but not limited to any related charges for equipment, maintenance, finance charges or other charges, upon thirty (30)-days' written notice to the User, with the written approval of and determination by the Executive Director or their designee, that it is in the best interest of the Port to take such action(s). The Executive Director is authorized to collect the rates and charges established in the Master Utility Fee Schedule by any legal means.

Section 10.01.090 Capacity (Buy-In) Charge for the Airport and Maritime Areas

A. Purpose

Provision by the Port of new or expanded electrical utility services to New Electricity Users necessarily requires that the Port incur additional capital improvement costs to develop electricity distribution and other infrastructure to service the needs of New Electricity Users. Accordingly, the Port has adopted the Capacity (Buy-In) Charge as a mechanism to balance the burden of paying for new capital improvements between existing and New Electricity Users. The Capacity (Buy-In) Charge serves to: put downward pressure on electric rates for existing Customers who have been paying for the surplus capacity that is available for the new Customer; recover a portion of the costs of future improvements that are driven by new development that are not included in or recoverable through electric rates; and provide an equitable balance between new Customers and existing Customers.

B. The Capacity (Buy-In) Charge for the Airport and Maritime Areas is a one-time fee applicable to all existing and new Port electric power Users who are applying for a new electric service, a distribution line extension from an existing service, or an increase in electric load demand from an existing service.

Attachment A

C. The Capacity (Buy-In) Charge shall be calculated based on the current system replacement value with a limited credit that reflects the contribution of the New Electricity User's electric sale revenue toward distribution costs, as follows:

1. Airport Area Electric Infrastructure

Replacement cost \$50,070,000.00

Capacity 65 MVA

Cost/MVA \$770,308.00

Average Distribution Cost (\$/kWh) \$0.0926

2. Maritime Area Electric Infrastructure

Replacement cost \$97,797,000.00

Capacity 130 MVA

Cost/MVA \$752,285.00

Average Distribution Cost (\$/kWh) \$0.0993

3. User Credit Calculation

Credit = User capacity requirement (MVA) x load factor (average usage divided by peak usage) x 8760 (hours per year) x 1000 (conversion to KWh) x Average Distribution Cost.

4. Examples

Examples of cost calculations under this Section are set forth in Section C of the Master Utility Fee Schedule.

D. Rules and Requirements

1. Payment

Capacity (Buy-In) Charges shall be paid prior to the initiation of electric service or by another financial payment schedule as approved by the Executive Director, not to exceed a twelve- (12)-month period and equivalent to the upfront Capacity (Buy-In) Charge.

2. Electric Load

The User shall submit detailed electric load requirements to the Utility Department and the Utility Department shall evaluate the requirements based on the User submittal.

Attachment A

4. Failure to Meet Electric Forecast

a. The Port may configure the User connection to limit the maximum demand available to the User to the requested maximum demand.

b. The Port shall have the discretion to recalculate the User's Capacity (Buy-In) Charge after a two- (2)-year period from the date of initial service and based on actual usage and demand.

c. The Port shall use the charge calculation formula in effect at the time for any recalculation.

d. In order to ensure the User thoroughly evaluates their future electric needs and provides the Port with an assessment based on a detailed analysis, the Port may take the following actions in the event of a difference between the original Capacity (Buy-In) Charge and any recalculation after the two- (2)-year period:

(1) In the event the recalculated Capacity (Buy-In) Charge is within plus or minus ten percent (10%) of the original charge, the Port shall take no further action.

(2) In the event the recalculated Capacity (Buy-In) Charge is greater than one hundred ten percent (110%) of the original capacity charge, the User shall pay the difference to the Port.

(3) In the event the recalculated Capacity (Buy-In) Charge is less than ninety percent (90%) of the original capacity charge, the Port shall refund to the User the difference up to a maximum of twenty percent (20%) of the original capacity charge.

5. User-Owned Generation

User applicants shall provide known or anticipated information on User-owned generation plans so that the Utility Department may incorporate such information into applicable capacity payment calculations. The Port may impose capacity fees based on the User's Gross Projected Demand to reflect the fact the Port will need to dedicate capacity to back up the User-owned generation in the event User-owned generation is offline or otherwise unable to perform.

Section 10.01.100 Public Benefits Program

A. Purpose

Pursuant to California Public Utilities Code § 385, the Port collects a separate surcharge in utility rates to fund investments in its Public Benefits Program, including: (1) Cost-effective measures to promote energy-efficiency and energy conservation; (2) New investments in renewable energy technology; and (3) Demonstration projects.

Attachment A

B. Renewable Energy

Up to fifty percent (50%) of the Public Benefits Program funds shall be used for renewable energy.

C. Public Benefits Rebate Program

An allocation not exceeding fifty percent (50%) of the Public Benefits Program funds shall be used for the Public Benefits Rebate Program. Under this program, monetary rebates for eligible projects will be promoted in the utility bills sent by the Port and will be administered on a first-come, first-serve basis. If the funds reserved for this program are exhausted, the Port will request projects be postponed until the Port's Public Benefits Program fund regains sufficient funds to provide proper rebates or will deny rebate applications.

D. Guidelines and Procedures

The Executive Director or their designee is authorized to develop guidelines and procedures for the Public Benefits Rebate Program, which may describe management responsibilities, project eligibility, application procedures, methods of determining rebate amounts, and project rebate funding limits.

Section 10.01.110 Administrative Fees

The Utility Rules and Regulations Administrative Charges set forth in Section D of the Master Utility Fee Schedule shall apply to the Port's provision of administrative services.

Attachment B

**Port of Oakland Administrative Code
Appendix F
Master Utility Fee Schedule Established by Chapter 10.03**

A. Rates and Charges for the Airport Area (Section 10.03.030 A.)

1. Airport Area Rate Schedule: A – Small General Services (Single Phase)

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$12.60
Energy Charge (per kWh)	\$0.2642
Environmental Surcharge	2.85% of all charges above

2. Airport Area Rate Schedule: B – General Services (Three Phase)

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$18.90
Energy Charge (per kWh)	\$0.2642
Environmental Surcharge	2.85% of all charges above

3. Airport Area Rate Schedule: C – Demand Metered Rate for Service to Users with Maximum Demand between 100 kW and 500 kW

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$157.50
Demand Charge (per kW)	\$5.83
Energy Charge (per kWh)	\$0.2111
Environmental Surcharge	2.85% of all charges above

Attachment B

4. Airport Area Rate Schedule: D – Demand Metered Rate for Service to Users with Maximum Demand between 500 kW and 1,000 kW

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$756.00
Demand Charge (per kW)	\$17.00
Energy Charge (per kWh)	\$0.1619
Environmental Surcharge	2.85% of all charges above

5. Airport Area Rate Schedule: E – Demand Metered Rate for Service to Users with Maximum Demand of 1,000 kW or More

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$800.00
Demand Charge (per kW)	\$18.00
Energy Charge (per kWh)	\$0.1699
Environmental Surcharge	2.85% of all charges above

B. Rates and Charges for the Maritime Area (Section 10.03.030 B.)

1. Maritime Area Rate Schedule: A – Small General Services (Single Phase)

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$11.30
Energy Charge (per kWh)	\$0.1916
Environmental Surcharge	2.85% of all charges above

Attachment B

2. Maritime Area Rate Schedule: B – General Services (Three Phase) Rates

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$17.40
Energy Charge (per kWh)	\$0.2003
Environmental Surcharge	2.85% of all charges above

3. Maritime Area Rate Schedule: C – Demand Metered Rate for Service to Users with Maximum Demand between 100 kW and 500 kW

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$151.25
Demand Charge (per KW)	\$6.45
Energy Charge (per kWh)	\$0.1671
Environmental Surcharge	2.85% of all charges above

4. Maritime Area Rate Schedule: D – Demand Metered Rate for Service to Users with Maximum Demand between 500 kW and 1,000 kW

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$684.00
Demand Charge (per kW)	\$16.12
Energy Charge (per kWh)	\$0.1003
Environmental Surcharge	2.85% of all charges above

Attachment B

5. Maritime Area Rate Schedule: E – Demand Metered Rate for Service to Users with Maximum Demand of 1,000 kW or More

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$1,240.00
Demand Charge (per kW)	\$17.03
Energy Charge (per kWh)	\$0.1114
Environmental Surcharge	2.85% of all charges above

6. Maritime Area Rate Schedule: F – Shore Power (Section 10.03.030 C.)

Charge	Amount
Energy Charge (per kWh)	\$0.2239
Environmental Surcharge	2.85% of all charges above

7. Maritime Area Rate Schedule: G – Shore Power Vessel Commissioning (Section 10.03.030 D.)

Charge	Amount
Vessel Commissioning Charge (flat rate billed per vessel call)	\$3,600.00

8. Maritime Area Rate Schedule: H – Shore Power Maintenance Charge (Section 10.03.030 E.)

Charge	Amount
Hourly Usage Maintenance Charge	\$31.00

Attachment B

C. Other Fees and Charges

1. Capacity (Buy-In) Charge for Airport and Maritime Areas (Section 10.03.090)

Capacity (Buy-In) Charge	The one-time fee calculated based on current system replacement value with a limited credit that reflects the contribution of the New Electricity User's electric sale revenue toward distribution costs.
Maritime Area Electric Infrastructure: Replacement Cost: \$97,797,000.00 Capacity: 130 MVA Cost/MVA: \$752.285.00 Average Distribution Cost (\$/kWh): \$0.0993	
Airport Area Electric Infrastructure: Replacement Cost: \$50,070,000.00 Capacity: 65 MVA Cost/MVA: \$770,308.00 Average Distribution Cost (\$/kWh): \$0.0926	
Example of Capacity (Buy-In) Charge calculation at Maritime Area: A Customer is planning a new facility in the Maritime Port Service Area. Based on the type and use of the facility, Port Utility establishes a demand estimate of 2 MVA (equivalent of the power needs of approximately 2,000 homes), at 0.6 load factor for a year-round operation. Based on the Port's electric rates for the Maritime Port Service Area, the current average distribution cost is \$0.0993/kWh. $\text{Capacity Cost} = \$752,285/\text{MVA} \times 2 \text{ MVA} = \$1,504,570$ $\text{Credit} = 2\text{MVA} \times 0.6 \times 8760 \times 1000 \times \$0.0993/\text{kWh} = \$1,043,842$ $\text{Capacity (Buy-In) Charge} = \$1,504,570 - \$1,043,842 = \$460,728$	
Example of Capacity (Buy-In) Charge calculation at Airport Area: A Customer is planning a new facility in the Airport Area. Based on the type and use of the facility, Port Utility establishes a demand estimate of 2 MVA (equivalent of the power needs of approximately 2,000 homes), at 0.6 load factor for a year-round operation. Based on the Port's electric rates for the Airport Area, the current average distribution cost is \$0.0926/kWh.	

Attachment B

Capacity Cost = $\$770,308/\text{MVA} \times 2 \text{ MVA} = \$1,540,616$
Credit = $2\text{MVA} \times 0.6 \times 8760 \times 1000 \times \$0.0926/\text{kWh} = \$973,411$
Capacity (Buy-In) Charge = $\$1,540,616 - \$973,411 = \$567,205$

2. Direct Assignment Charge (Section 10.03.030 H.)

Direct Assignment Charge	The entire cost of utility improvements requested by Customer prior to installation.
---------------------------------	--

3. Excess Net Metering Compensation Rate (Section 10.03.050 E.)

Excess Net Metering Compensation Rate	\$0.06740/kWh
--	---------------

D. Charges for Utility Rules and Regulations (Chapter 10.01) Administration (Section 10.03.110)

(All capitalized terms not otherwise defined in Chapter 10.03 shall have the meanings ascribed to them in Chapter 10.01)

Charge	Amount	POAC Section(s)	Description
Application for Electric Service Fee	\$150	10.01.030 A.; 10.01.070.	Fee for each submittal of an Application for Electric Service and/or a Supplemental Application.
Appeal Fee	\$150	10.01.040 C.	Fee to file an Appeal of Port Utility denial or discontinuance of Electric Service. A separate fee is required for the Appeal to Port Utility Manager and for a separate Appeal to the Chief Operating Officer or Their Designated Hearing Officer.
Lack of Access to Meter Fee	\$250	10.01.050 A.4.	If access to meter is not provided for any reason, and appointment or arrangement must be made to read meter more than once during any 12-month period, charge for each appointment thereafter.

Attachment B

Reconnection Charge	\$150	10.01.050 C.11.	Charge for reconnection.
Returned Payment Charge	\$50	10.01.050 D.	Charge for returned payment.
Meter Re-read Fee	\$250	10.01.090 B.	Per customer request to re-read meter. Each Customer is entitled to one meter re-read every six months at no charge.
Meter Test Fee	\$250	10.01.090 D.2.	Per Customer request to test meter. Each Customer is entitled to one free meter test per calendar year and no fee will be charged if the meter is found to register more than two percent fast or slow.
Lack of Access to Premises Fee (Third Attempt)	\$250	10.01.110 A.	Access charge when Electric Service is not accessible upon third attempt.
Power Factor Correction Charge	\$250/hour	10.01.130 C.	Charge for power factor correction if the power factor of a Customer's load is found to be less than the value determined by Port Utility needed to correct the power factor in order to lower system losses and stabilize system voltage.

E. Pass Through Utility Charges

The Port may pass through any and all utility charges from non-Port utilities to its users whose services are initially paid by Port, including, but not limited to, those charged by PG&E for gas and electric services and by East Bay Municipal Utility District for sewer and water services, unless a Port agreement or contract specifies otherwise.

Attachment C

Deletions shown in ~~striketrough~~ text and additions in underline.

Chapter 10.01 Utility Rules and Regulations

* * *

Section 10.01.020 Definitions

Unless otherwise noted herein, terms appearing with an initial letter capitalized, are defined terms. As used in this Chapter, the following words and phrases shall be construed and defined as follows.

"Applicant" means a Person requesting Port Utility to furnish Electric Service(s) by submitting an Application for Electric Service.

"Application for Electric Service" means a written request for Electric Service.

"APPM" means the Port Administrative Policies and Procedures Manual, as it may be amended from time to time.

"APPM-509" means the APPM policy regarding collections of delinquent accounts, as it may be amended from time to time.

"Bill" means a written statement of money owed for services provided or fees assessed relating to Electric Service.

"Billing Period" means the period of time for which the charges for Electric Service are computed; meters may not be read on the same day each month due to weekends, holidays, scheduling, access, or inclement weather. Port Utility generally reads uses around the twentieth (20th) of each month and generates invoices approximately three (3) weeks later. For Shore Power, the Billing Period is generally from the first to the last day of the month.

"Building Code" means the California Building Standards Code adopted by the City of Oakland as it may be amended.

"Business Day" means any day that is neither a Saturday, Sunday, observed Port holiday, or non-working day by the Port.

"Capacity (Buy-In) Charge" means the one-time fees established for recovery of a portion of the cost of future improvements to the system based on the peak load required by a new or expanded service under Section 10.03.090.

"CEC" means the California Energy Commission or its successor in interest.

"Chief Operating Officer" means the Chief Operating Officer of the Port.

Attachment C

"Customer" means the Person in whose name service is rendered for a particular account as evidenced by the name on the Application for Electric Service. In the absence of a signed instrument, a customer shall be identified by the receipt of bills regularly issued in the name of the Person or the actual user(s) of the service.

"Customer-owned Generation" means electricity generated and owned by the customer that interconnects with or operates in parallel with Port Utility's facilities.

"Demand" means the power delivered to the Customer at a defined point in time and measured in kilowatts (kW).

"Discontinue" means to stop the delivery of Electric Service to a Customer or physically limit or disconnect the Service Connection in such a way that only Port Utility can make full Restoration.

"Distribution System" means all overhead or underground equipment used to supply electricity to the Utility Connection Point.

"Due Date" means the date when payment of a Bill is due to Port Finance, as reflected on the Bill; the Due Date is normally thirty (30) days from the date of the Bill. If the Due Date falls on a weekend or Port Holiday, Port will accept payment on the next Business Day.

"Electric Service" or "Service" means service, including, but not limited to, the provision of electricity and other related services (e.g., maintaining the system) by Port Utility, for which fees or rates are charged.

"Eligible Customer-Generator" means a small commercial customer as defined in California Public Utilities Code § 331(h) (as it may be amended or superseded), commercial, industrial, or agricultural customer of Port Utility who uses a solar or a wind turbine electrical generating facility, or a hybrid system of both, with a capacity of not more than one megawatt that is located on the Customer's Premises, is interconnected and operates in parallel with the electric grid, and is intended primarily to offset part or all of the customer's own electrical requirements. This is a type of Customer-owned Generation providing Parallel Generation.

"Energy" means the measure of power (kilowatt or kW) over a period of time (hour), referred to as kilowatt-hour or kWh.

"Interconnecting Generation Facilities" means any generation facility that interconnects to the Port's Distribution System.

"Load Estimate" means the Customer's projected monthly peak demand (kW) and monthly load forecast (kWh).

"Master Meter Service" means when multiple Tenants or units receive Electric Service on the same Premises through a single metered Service Connection.

Attachment C

"Net Energy Metering" or "NEM" means the Port's net energy metering program, which permits Customer-Generators who install small (<1 MW) solar, wind, biogas, and fuel cell generation facilities to serve all or a portion of onsite electricity needs to serve their energy needs directly onsite and to receive a financial credit on their electric bills for any surplus energy fed back to the Distribution System. Participation in the NEM does not limit a Customer-Generator's eligibility for any other rebate, incentive, or credit provided by Port Utility.

"Owner" means the legal owner of Premises or Person in legal possession of the Premises receiving or requesting Electric Service, or their authorized agent.

"Parallel Generation" means the production and delivery of electric power electrically connected to the Distribution System by generators not owned or controlled by Port Utility.

"Past Due Amount" means the amount of charges for Electric Services for a Billing Period not paid by the Payment Due Date.

"Past Due Date" means the date which is set forth on the Bill as the Past Due Date; customer shall be responsible for any applicable late payment charges, which begin to accrue the day following the Past Due Date. For most Customers, the Past Due Date is thirty (30) days from the date on the Bill.

"Port Employee" means any Port employee.

"Port Utility" or "Port Public Power" means the Port division(s), department(s), and/or subdivision(s) that are responsible for providing Electric Service, doing business as Port Public Power.

"Port Utility Manager" means the Manager of Utilities Administration of the Port.

"Port-Owned Generation" means electricity generated and owned by the Port that interconnects with, and operates in parallel with, Port Utility's facilities including backup and emergency generation.

"Port Finance" means the Port division or department responsible for the billing and collection of fees and charges for Electric Service.

"Port Utility Equipment" means any property, facility, apparatus, or material associated with providing Electric Service including, but not limited to, ducts, conduits, conductors, transformers, protective devices, wiring, switches, and meters.

"Port Utility's Operating Convenience" means the utilization of facilities or practices that contribute to the overall efficiency, safety, or reliability of Port Utility Electric Service operations. Port Utility's Operating Convenience does not refer to Customer convenience or adoption of practices required to comply with applicable ordinances, rules and regulations, or similar requirements of public authorities.

Attachment C

"Port Utility Rate Schedule" or "Master Utility Rate Schedule" means the rates and charges set forth in Appendix F, which shall be assessed under Chapter 10.03 for the Port's provision of utility and related services.

"Power Theft or Tampering" means Energy Theft, Diversion, Tampering, Unauthorized Connection, and/or Unauthorized Use as follows:

"Energy Theft" means the use or receipt of the direct benefit of all or a portion of Electric Service with knowledge of, or reason to believe that a diversion, tampering, or unauthorized connection existed at the time of the use or that the use or receipt was without the authorization or consent of Port Utility.

"Diversion" means to change the intended course of electricity without the authorization or consent of Port Utility.

"Tampering" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing normal or customary function, any Property owned by Port Utility for the purpose of providing utility services without authorization or consent of Port Utility.

"Unauthorized Connection" means to make, or cause to be made, any connection or reconnection with property owned or used by Port Utility to provide utility service without the written authorization or consent of Port Utility.

"Unauthorized Use" means unauthorized use is defined as the use of electricity in noncompliance with Port Utility's normal billing practices or applicable Law. It includes, but is not limited to meter Tampering, unauthorized connection or reconnection, theft, fraud, and intentional use of electricity whereby Port Utility is denied full compensation for Electric Service provided.

"Premises" means any building, lot, parcel, real estate, land, or portion of land within the Port Area, whether improved or unimproved, occupied or unoccupied, including adjacent streets, sidewalks, pathways, parking strips, all structures, electrical equipment, or portions thereof that are occupied or operated by a Customer (or Customer's tenants, licensees, or agents) and situated on an integral parcel of land undivided by a public highway, street, or railway to which Electric Service is or could be provided. Customer Premises need not be owned by Customer.

"Prudent Utility Practice" means any of the practices, methods, and acts engaged in or approved by a significant portion of the electric utility industry during the relevant time period, or any of the practices, methods, and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with prudent business practices, reliability, safety, and expedition.

"Regular Business Hours" means the normal business hours of Port Utility, which are 9:00 a.m. to 5:00 p.m., Pacific Time, Monday through Friday, excluding Port holidays.

Attachment C

"Renewable Electrical Generation Facility or Distributed Energy Resources" means a Parallel Generation facility consisting only of generation equipment that meets the definition of "renewable electrical generation facility" as defined in California Public Resources Code § 25741, as it may be amended or superseded.

"Resell electricity" means the Customer resale of electricity to a third party with a markup or for profit.

"Restoration" means the reconnection of a Service Connection or other resumption of Electric Service that has been Discontinued.

"Service Connection" means a connection to the Port's Distribution System for the purpose of acquiring electricity from Port Utility as measured by an electric meter or other charge for Electric Service.

"Service Lateral" means the group of conductors, whether overhead or underground, necessary to connect the billing site's Utility Connection Point to Port Utility's Distribution System, regardless of the location of Port Utility's meters or transformers. An overhead Service Connection, sometimes referred to as a "Service Drop," is the group of conductors between the Customer's building or other permanent support and Port Utility's adjacent pole or Utility Connection Point.

"Service Territory" means the Port Area, as defined in Section 725 of the Charter.

"Service Voltage" means the voltage at the point of metering.

"Shore Power" means Electric Service provided to a ship at berth while its main and auxiliary engines are not operating.

"Standby Charge" means that portion of the charge for standby service which is a fixed amount based on the maximum load Port Utility stands ready to supply in accordance with the Port Utility Rate Schedule.

"Sub-meter" means a meter that is located downstream from another meter.

"Supplemental Application for Electric Service" means a written request for the Electric Services that are specified in Section 10.01.070.

"Temporary Electric Service" means the provision of Electric Service for an enterprise or activity that is temporary in character, where it is known in advance that service will be of limited duration (not to exceed three (3) years) or the permanency of which has not been established.

"Tenant" means any Person with a right to occupy or use real property owned by the Port, including any agent, subtenant, or sublicensee of such Person.

"Total Cost" means the sum of all direct and indirect expenses incurred by Port Utility, including labor, material, overhead and use of Port Utility Equipment, necessary to

Attachment C

complete a particular repair or addition to the Distribution System, for which Customer is liable, and the cost of associated resources consumed.

"Utility Connection Point" means the point of delivery of electricity to the Premises as determined by Port Utility.

* * *

Section 10.01.100 Port Utility Distribution System on Customer Premises

A. New Developments

All new developments shall be in accordance with applicable Law. All applicable rates and charges are applied to new developments.

B. Expansion of Existing Developments

1. Permitting

For any changes to an existing development that require changes to existing Electric Service, the Customer shall provide, without cost to Port Utility and in accordance with applicable Law, any required facilities associated with the changes to the existing development, prior to initiating any changes to Electric Service. Additionally, if applicable, the Customers shall pay to Port Utility a Capacity (Buy-In) Charge as listed in the current Port Utility Rate Schedule.

2. Demonstration of Compliance

Port Utility may require demonstration of compliance with all applicable Law as a condition of restoring Electric Service whenever there has been a modification or potential damage to a Customer's electric equipment or wiring on Premises or an Electric Service has been Discontinued for more than thirty (30) days. For 12 kV Electric Service, third-party testing and verification may be required, at Customer's expense, to verify proper operation and protection functions prior to Port Utility re-energizing Electric Service.

C. Relocation of Existing Port Utility Equipment

Any relocation of existing Port Utility Equipment necessitated by changes to an existing development shall be paid for by the requesting Person and subject to prior written approval by Port Utility.

D. Easements

Customers who are provided Electric Service on property that is not owned by the Port shall provide Port Utility with electric easements, at no cost to Port Utility, for all Port Utility Equipment except overhead Service Drops. Port Utility will determine the location

Attachment C

of any necessary easements and prepare document(s) for the Customer's signature, unless such easements are dedicated to Port Utility on a tract or parcel map. Each electric easement must be signed by the property owner and processed to be recorded with the County of Alameda prior to the Electric Service energization. Port Utility's right of access to the electric easement shall be consistent with this Chapter.