

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

4/24/25
Item No.: 6.4
RS/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONFIRMATION AGREEMENT WITH THE EAST BAY MUNICIPAL UTILITY DISTRICT TO PURCHASE EXCESS FACILITY AS-RUN BUNDLED RENEWABLE ENERGY CERTIFICATES FOR THE DELIVERY TERM OF TEN (10) YEARS FROM JULY 1, 2025 THROUGH JUNE 30, 2035, WITH AN ESTIMATED EXCESS ANNUAL GENERATION OF 11,300 TO 17,700 MEGAWATT-HOURS, AT A PRICE OF \$36 FOR EACH RENEWABLE ENERGY CREDIT; AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated April 24, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port purchases energy and energy-related instruments such as Resource Adequacy Capacity and Renewable Energy Certificates ("RECs") to provide electric service at the Port of Oakland and seeks to increase its renewable and carbon-free portfolio over time, including through long-term contracts for such power; and

WHEREAS, the Port has partnered with the East Bay Municipal Utility District ("EBMUD") since 2012 to purchase renewable energy from EBMUD's main wastewater treatment plant ("MWWTP") power generation station ("PGS"), which generates renewable electricity from biogas and is certified eligible for California's Renewable Portfolio Standard ("RPS"); and

WHEREAS, the Port submitted a bid to purchase excess renewable energy generated at the EBMUD facility at a price of \$36 per REC; and

WHEREAS, that 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 testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby approves and authorizes the Executive Director to:

A. Enter into a confirmation agreement with EBMUD with the following terms, subject to approval as to form and legality by the Port attorney:

1. Term: Delivery term shall be effective July 1, 2025, through June 30, 2035 (not less than a total of ten (10) consecutive calendar years).
2. Contract Price and Product: Contract price shall be \$36 for each REC produced and transferred, as defined in the California Independent System Operator ("CAISO") tariff for Facility As-Run Bundled RECs that meet the RPS compliance requirements and California Public utilities Code Section 399.16(b)(1)(A) requirements.
3. Quantity: The available product generated from EBMUD's generating facilities (PGS-1 and PGS-2) that is in excess of EBMUD's on-site demand, from 11,300 to 17,700 MWh.

Section 3. The Board hereby approves and authorizes the Executive Director to enter into any agreements or make any additions, modifications, or corrections necessary to implement the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 4. This resolution 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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective contract.

Section 5. This resolution shall be effective immediately upon adoption by the Board.

DRAFT