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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR OR HIS DESIGNEE TO
SUBMIT TO THE CALIFORNIA ENERGY COMMISSION
AN ATTESTATION OF THE VERACITY OF THE PORT
OF OAKLAND'S POWER SOURCE DISCLOSURE
REPORT AND THE POWER CONTENT LABEL FOR
CALENDAR YEAR 2022.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 2.5 dated November 30, 2023, 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, 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 RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and declares the following:

- a. The submittal of an attestation of the veracity of the Port's Power Source Disclosure Report (the "Report") to the California Energy Commission was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), and the CEQA Guidelines. The proposed action is not subject to CEQA because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.
- b. Section 398.5 of the California Public Utilities Code requires retail suppliers in the State of California to annually report to the California Energy Commission, among other things, the sources of energy or electricity products offered to the retail suppliers' end-use customers. The Port is a retail supplier within the meaning of Section 398.5.

- c. Section 1394(a)(2), Article 5, Title 20 of the California Code of Regulations requires an attestation, signed by an authorized agent of the retail supplier under penalty of perjury, that the electricity claimed by the retail supplier as a specified purchase during the previous calendar year was sold once and only once to retail customers of that retail supplier, and that information included in the report, is true and correct.
- d. Port staff have prepared the Report detailing the sources of generation, fuel type, and quantity of generation purchased from specified facilities in 2022. Also included in the Report is a schedule showing the amount of renewable energy credits used to meet compliancy that is unbundled from the energy the generator produces and the Power Content Label showing the mix of energy generation sources in the Port's power supply. Port staff submitted the Report to the California Energy Commission in June 2023.

Section 2. The Board hereby authorizes the Executive Director or his designee to submit to the California Energy Commission an attestation of the veracity of the Port's Power Source Disclosure Report and Power Content Label.

Section 3. 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 does not approve and authorize the execution of any agreement(s).

Section 4. This resolution shall be effective immediately upon adoption by the Board.