

**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**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 2.3 dated March 8, 2018, 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. 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 such retail suppliers' end-use customers. The Port of Oakland ("Port") is a retail supplier within the meaning of Section 398.5.

- b. Section 1394(b)(1), Article 5, Title 20 of the California Code of Regulations requires that retail providers prepare the annual report pursuant to certain specified procedures, but Section 1394(b)(2) of such Regulations allows retail providers that are public agencies to satisfy the procedural requirements for the preparation of the annual report by approving at a public meeting the submission to the California Energy Commission of an attestation of the veracity of the annual report.
- c. Port staff have prepared the Port's Power Source Disclosure Report (the "Report") and submitted the Report to the California Energy Commission in June 2017. However, the Report was not prepared in accordance with all the procedural requirements described in Section 1.b above, and the Board has not approved the submittal of an attestation of the veracity of the Report.
- d. The submittal of an attestation of the veracity of the Report to the California Energy Commission was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), and the Port CEQA Guidelines. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed action will result in a physical change in the environment, and therefore it is not subject to CEQA and no further environmental review is required.

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