Resolution authorizing the Public Utilities Commission’s General Manager to enter into an Electric Service Agreement with the Transbay Joint Powers Authority for the Public Utilities Commission to be the primary provider of electric service to the Transbay Project beginning January 2014 and ending January 2017; and making findings pursuant to the California Environmental Quality Act.

WHEREAS, The Transbay Joint Powers Authority ("TJPA"), a historic collaboration of San Francisco Bay Area governments, including the City and County of San Francisco ("the City"), and public transportation agencies, is constructing a new multi-modal regional transportation center ("Transit Center"), a downtown rail extension, bus ramps, bus storage facility, and related facilities in San Francisco ("Transbay Project"); and

WHEREAS, The Transbay Project will benefit the City and the public by providing construction and other jobs, adding to the gross regional product, increasing property values in the vicinity of the Transit Center, and adding new open space to the area, while making the Bay Area more transit friendly on an energy efficient basis; and

WHEREAS, The TJPA wishes to procure reliable, economic, and clean electric service from the City for the Transbay Project; and

WHEREAS, Pursuant to the California Constitution, City Charter Section 16.101 and Administrative Code Article 99, the City has the authority and has adopted a policy to supply electricity through the Public Utilities Commission (PUC) where feasible to all new City developments; and

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Electric Service Agreement

WHEREAS, On December 10, 2013, in Resolution 13-0193 the PUC authorized the General Manager of the PUC to execute the Electric Service Agreement (ESA) with the Executive Director of TJPA, subject to approval by the Board of Supervisors, and to approve necessary changes to the ESA that do not materially alter the balance of benefits and burdens to the City from the agreement; and

WHEREAS, A copy of the ESA is on file with the Clerk of the Board of Supervisors in File No. 140015, and is hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, The ESA provides that the City, through PUC, will be the primary provider of electric service to specified portions of the Transbay Project; and

WHEREAS, The PUC's estimated cost of providing service under the ESA is approximately $8,168,200, which funds have been approved in the PUC's budget; and

WHEREAS, The PUC expects to recover the costs of providing service to TJPA from the rates paid by TJPA under the ESA; and

WHEREAS, The ESA provides that electricity rates for TJPA and its tenants at the Transit Center generally will be the lower of (1) rates established by the PUC, or (2) PG&E's then-current applicable rates for similar loads, less 10 percent; and

WHEREAS, Preparation for provision of electric service is anticipated to begin in January 2014 and end in January 2017. Permanent electric services are anticipated to begin in January 2017; and

WHEREAS, The Transit Center requires permanent electric service for the commissioning of equipment by early-2017 and its grand opening October 2017; and

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WHEREAS, The ESA will become effective upon execution by the City and TJPA and electric service will continue indefinitely unless terminated as provided in Section 10 of the ESA; and

Environmental Review

WHEREAS, In April 2004, the City and County of San Francisco, the Peninsula Corridor Joint Powers Board, and the San Francisco Redevelopment Agency each certified the Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final Environmental Impact Statement/Environmental Impact Report ("EIS/EIR") (State Clearing House # 95063004), and the TJPA subsequently prepared Addenda 1-6 to the EIS/EIR, all pursuant to the California Environmental Quality Act (CEQA), and the CEQA Guidelines; and

WHEREAS, The EIS/EIR, the Addenda, and related files have been made available for review by the PUC and the public, and are available through the TJPA at 201 Mission Street, Suite 2100, San Francisco, CA 94105, which is the custodian of records; and

WHEREAS, The TJPA Board, by Resolution 04-004 adopted on April 22, 2004, the San Francisco Board of Supervisors, by Resolution No. 612-04 adopted on September 28, 2004, and the San Francisco Redevelopment Agency, by Resolutions Nos. 11-2005 and 19-2005 adopted on January 25, 2005, approved various actions related to the Transbay Project, and adopted findings pursuant to CEQA, including adopting mitigation measures that eliminate or substantially lessen potentially significant effects, a Mitigation Monitoring and Reporting Program (MMRP), and a Statement of Overriding Considerations (together "CEQA Findings"), and those CEQA Findings are incorporated herein by this reference; and

WHEREAS, The TJPA Board, by Resolution adopted on November 14, 2013, found that the ESA is within the scope of the EIS/EIR, including Addenda 1-6 prepared by TJPA. The TJPA also found that since certification of the Final EIS/EIR (including Addenda) in regard to the actions contemplated herein, there have been no new or substantially increased...
significant effects; no substantial changes have occurred with respect to the circumstances under which the project would be undertaken that would require revisions of the Final EIS/EIR due to new or substantially increased significant effects; and there has been no discovery of new information of substantial importance that would trigger or require major revisions of the Final EIS/EIR due to new or substantially increased effects; and

WHEREAS, The PUC, acting as a responsible agency under California Public Resources Code Section 21069 for purposes of this action, has reviewed the environmental determinations of the TJPA and other entities, and affirmed those findings in Resolution 13-0193 on December 10, 2013; now, therefore, be it

RESOLVED, That the Board of Supervisors authorizes the Public Utilities Commission General Manager to enter into the Electric Service Agreement with the Executive Director of the Transbay Joint Powers Authority, substantially in the form of the agreement filed with the Clerk, pursuant to San Francisco Charter section 9.118; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the General Manager, in consultation with the City Attorney, to amend the ESA as necessary to accomplish the objectives of the Electric Service Agreement, to the extent that such amendment or modification does not materially change the balance of benefits and burdens of the Electric Service Agreement to the City; and, be it

FURTHER RESOLVED, That within thirty (30) days of the agreement being fully executed by all parties, the General Manager of the Public Utilities Commission shall provide the Electric Service Agreement to the Clerk of the Board for inclusion in the official file; and, be it

FURTHER RESOLVED, That the Board of Supervisors has reviewed and considered the EIS/EIR, and the Addenda; and adopts and incorporates by reference as though fully set forth herein the Board of Supervisors, TJPA, Redevelopment Agency, and PUC Resolutions
referenced above, including the CEQA Findings, the MMRP and the Statement of Overriding
Considerations, which are a part of the record before the Board of Supervisors; and be it

FURTHER RESOLVED, That the Board of Supervisors finds that this approval of the
Electric Service Agreement is within the scope of the Project and activities evaluated in the
EIS/EIR and Addenda, and with regard to the actions contemplated in the Electric Service
Agreement, the SFPUC has not identified any feasible alternative or additional feasible
mitigation measures within its powers that would substantially lessen or avoid any significant
effect the Project would have on the environment; and be it

FURTHER RESOLVED, That the Board of Supervisors finds that since the EIS/EIR
was finalized, there have been no substantial Project changes and no substantial changes in
Project circumstances that would require major revisions to the EIS/EIR due to the
involvement of new significant environmental effects or an increase in the severity of
previously identified significant impacts, and there is no new information of substantial
importance that would change the conclusions set forth in the EIS/EIR.
Resolution authorizing the Public Utilities Commission's General Manager to enter into an Electric Service Agreement with the Transbay Joint Powers Authority for the Public Utilities Commission to be the primary provider of electric service to the Transbay Project beginning January 2014 and ending January 2017; and making findings pursuant to the California Environmental Quality Act.

January 27, 2014 Land Use and Economic Development Committee - RECOMMENDED.

February 04, 2014 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140015

I hereby certify that the foregoing Resolution was ADOPTED on 2/4/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved