

**RESOLUTION 2017-xxx**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN ENERGY MANAGEMENT PLAN (EMP) CONTRACT WITH SAN DIEGO GAS AND ELECTRIC (SDG&E) FOR A PRELIMINARY FIVE YEAR EMP PURSUANT TO ASSEMBLY BILL 628 TO BE SUBMITTED BY SDG&E WITH THE DISTRICT'S SUPPORT TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) FOR APPROVAL, CONTINGENT UPON THE CPUC'S APPROVAL OF AN INTERIM SHORE POWER RATE FOR THE DISTRICT'S CRUISE SHIP TERMINAL**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I, (Port Act); and

**WHEREAS**, the State of California, as reflected in California Assembly Bill 628 (as codified in California Public Resources Code §25990) (AB628), has encouraged investor-owned utilities such as San Diego Gas and Electric (SDG&E) to engage in joint projects with port and harbor districts such as the District to provide and administer energy-related service alternatives and programs that may promote economic development and retention in those districts; and

**WHEREAS**, pursuant to AB628, SDG&E and District staff have developed a draft EMP Contract which includes a draft EMP, described in and attached to the corresponding Agenda on file in the Office of the District Clerk; and

**WHEREAS**, the draft EMP includes energy efficiency, clean energy, shore power rate and other related elements to promote energy efficiency and economic development and retention in the District and is structured as a living document with a five year planning cycle that provides flexibility to the District to reevaluate needs and progress in alignment with the District's Climate Action Plan goals; and

**WHEREAS**, in May 2016, SDG&E submitted an interim rate request to the CPUC wherein the current rate applicable to the District's shore power system at its cruise ship terminal would remain in effect as interim rate while the CPUC is reviewing the draft EMP, which provides for a longer term shore power rate structure; and

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**WHEREAS**, a resolution approving SDG&E's interim rate is on the CPUC agenda for August 10, 2017; and

**WHEREAS**, in the event that the CPUC approves SDG&E's interim rate request, and if the Board of Port Commissioners (BPC) authorizes entry into the EMP Contract, SDG&E would submit the EMP to the CPUC pursuant to AB628 for approval; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) and its implementing CEQA Guidelines, the BPC has exercised its independent judgment and analyzed the proposed action or project as described above; and

**WHEREAS**, based on the entire record, the BPC finds that the proposed project is exempt from the provisions of CEQA and a Categorical Exemption is hereby issued pursuant to CEQA Guidelines Sections 15301 (Class 1 – Existing Facilities), 15303 (Class 3- New Construction or Conversion of Small Structures), 15304 (Class 4 – Minor Alterations to Land), and 15306 (Class 6 – Information Collection); and

**WHEREAS**, the BPC further determines that none of the six exceptions to the use of a categorical exemption applies to this project (CEQA Guidelines Section 15300.2); and

**WHEREAS**, the BPC also hereby finds that the proposed action or project complies with Section 87 of the Port Act. Section 87(a)(4) of the Port Act expressly allows for the construction, reconstruction, repair, and maintenance of power, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section; and

**WHEREAS**, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine; accordingly, the BPC also finds the proposed action or project is consistent with the Public Trust doctrine; and

**WHEREAS**, District staff recommend that the BPC authorize entry into the EMP Contract, subject to the CPUC's approval of an interim shore power rate as set forth in SDG&E's May 2016.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or her designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into an

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Energy Management Plan (EMP) contract with San Diego Gas and Electric (SDG&E) for a preliminary five year EMP pursuant to Assembly Bill 628, contingent upon the CPUC's approval of an interim shore power rate for the District's cruise ship terminal.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 8th<sup>th</sup> day of August, 2017, by the following vote: