



# SUMMARY MINUTES

**ABAG Power Executive Committee  
Meeting 2002-05**

July 17, 2002

Metro Center 101 8<sup>th</sup> Street, Oakland CA 94607

## WELCOME AND INTRODUCTIONS

Chairman Jeff Kolin opened the meeting with introductions at 12:05 p.m.

### Committee Representatives Present

Alan Nadritch  
Jeff Kolin  
John Lisenko  
John Schofield  
Karen Stein  
Michael Garvey  
Steve Sprotte  
Terry Mann

### Jurisdictions

City of Benicia  
City of Santa Rosa  
City of Foster City  
City of Richmond  
Town of Moraga  
City of San Carlos  
City of Union City  
County of Contra Costa

### Committee Representatives Absent

Wayne Green

City of Salinas

### Guests Present

Brett Feldman  
Neil Rubenstein  
Richard Averett (Alternate)

Nexant  
Arter & Hadden LLP  
City of San Carlos

### Staff Present

Eugene Leong  
Jerry Lahr  
Joseph Chan  
Ken Moy  
Vina Maharaj

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## PUBLIC COMMENTS/ANNOUNCEMENTS

There were no public comments.

Jerry Lahr made a recommendation to hold monthly Executive Committee meetings for the remainder of 2002 on an every other month schedule unless agenda items requiring prompt action by the committee come up sooner. There were no objections to Lahr's recommendation.



Lahr introduced Brett Feldman, Project Consultant from Nexant who provided the Executive Committee with information on a California Energy Commission sponsored project called "Enhanced Automation."

**APPOINTMENT OF NEW EXECUTIVE COMMITTEE MEMBER**

Motion was made by Mann/S/Lisenko/C to appoint Karen Stein from the Town of Moraga as a new member of the ABAG POWER Executive Committee.

**APPROVAL OF SUMMARY MINUTES OF FEBRUARY 20, 2002 MEETING**

Motion was made by Schofield/S/Mann/C to approve the Summary Minutes of May 23, 2002 Executive Committee Meeting.

**PG&E BANKRUPTCY VOTE ON COMPETING PLANS FOR REORGANIZATION**

Lahr presented some background information on the PG&E Bankruptcy filing and the money that is owed to ABAG POWER due to the unpaid PX energy credits that accumulated while members' accounts were receiving electricity from ABAG POWER. Lahr said that ABAG POWER's entire claim has been classified as a Class 7 ESP Claim.

Neil Rubenstein, bankruptcy counsel for ABAG POWER, discussed the differences between the two competing reorganization plans submitted by PG&E and the CPUC, and presented his views on some of the legal and economic issues.

Motion was made by Nadritch/S/Garvey/C to accept ABAG POWER's recommendation to vote to accept both Plans with a preference for the CPUC Plan.

**STATUS REPORT ON NATURAL GAS PROGRAM**

Jerry Lahr presented the executive committee with a Summary of the Natural Gas Program which included information for the final month of FY 2001-02. Lahr said that ABAG POWER's purchases and overall rate have remained relatively stable.

Lahr said that ABAG POWER's EDI implementation is going relatively well, however, due to a delay by PG&E, the August 1<sup>st</sup> deadline will not be met. He said that the new levelized payments will go into effect starting in August.

**TRANSFER ELECTRIC PROGRAM FUNDS TO LAIF ACCOUNT**

Joseph Chan made a recommendation to transfer Electric Program funds to a Local Agency Investment Fund (LAIF) account and presented Resolution 02-01 which was attached with the agenda packet.

Motion was made by Nadritch/S/Stein/C to adopt the resolution authorizing investment in the LAIF account and for ABAG POWER staff to bring other better investment options as recommendations to the Executive Committee for further consideration. It was mentioned that the third signature on the Resolution will be left blank at this time, however, if needed, a change will be made in the future to add a third signatory.



### **FISCAL YEAR DATE CHANGE**

Lahr said that it had recently come to his attention that the ABAG POWER bylaws still officially recognized a fiscal year date of January through December whereas the actual practice has been a fiscal year date of July through June.

Legal Counsel, Ken Moy requested that the Executive Committee make a recommendation to the full ABAG POWER Board to adopt the date change.

Motion was made by Lisenko/S/Garvey/C to make a recommendation to the ABAG POWER Board to adopt the current practice of recognizing a fiscal year date of July through June as the official fiscal year for ABAG POWER and make the change on Page 14, Section 18.6 of ABAG POWER bylaws.

### **ABAG POWER BUDGET**

Lahr presented the members with ABAG POWER Operating Budget for Fiscal Year ending June 30, 2003 for Electric and Gas Aggregation Programs.

Motion was made by Garvey/S/Lisenko/C to approve the Operating Budget for Fiscal Year ending June 30, 2003 as presented.

The Committee requested staff send out a letter to update members on the status of the Electric Program true-up. In addition, there was a general consensus among members that staff provide financial reviews on a quarterly basis.

### **FINANCIAL REPORT**

Joseph Chan presented the Revised Audited Financial Statements for FY 2000-2001. As requested by the Executive Committee, the Auditors have revised the opinion page to address separately the booked amounts and the final settlement values of the PG&E and PX deposits and their related liabilities.

Motion was made by Nadritch/S/Schofield/C to accept the Audited Financial Statements for FY 2000-2001 as amended.

### **CLOSED SESSION**

Conference with Legal Counsel – Existing Litigation [Govt. C. Sec. 54956.9(a)]

ABAG POWER v PG&E

ABAG POWER Executive Committee members were presented with a report on the above litigation. No action was taken in closed session.

### **ADJOURN**

The meeting adjourned at 2:00 p.m.

**Next Executive Committee Meeting is scheduled for August 21, 2002 (12 p.m. – 2 p.m.), Metro Center, 101 8<sup>th</sup> Street, First Floor, Oakland, CA 94607.**